

Freedom of Access to Virtual Pornographic Images as an Example of Real Human Rights Violations: Attention and Reflections

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Abstract. Pornography is a social phenomenon. Erotic images have appeared in the past, are visible today and – probably – will appear in the decades to come. Man decided to archive such images for various reasons. For some people, erotic images had an artistic value. Human sexuality has always aroused interest. Therefore, it has become a product that was more and more often (and still is) sold in the following media. For some people, watching erotic or pornographic productions is an important substitute. In this way, they experience emotions and states that they cannot receive while being single. However, pornography is also a medical phenomenon. The World Health Organization points out in the last classification that there are dangerous addictive behaviors. I am talking about compulsive viewing of pornographic images. This leads, experts say, to irreparable damage. The occurrence of harm raises the question of the need to restrict access to such content. This limitation also applies to the need to prevent children from accessing images that can cause long-term harm.

This is where we see a paradoxical situation. On the one hand, more experts point to the harmful nature of pornography. On the other hand, it is becoming more and more accessible. On the one hand, it is argued that pornography is a form of violence. On the other hand, pornography is not called that in international legal documents. It is known that such images harm children. There are no global restrictions on access to pornography.

The presented article aims to develop the contradictions presented here from the perspective of the necessary protection of children's rights. The author's reflections and analyzes will be based on the observation of social and legal discussions regarding this phenomenon, which he observed in Poland.

Keywords: children's rights, crime, pornography, health protection, international law

Introduction

At the beginning of 2022, a new classification of diseases, ICD 11, came into force. After many years of work, this document began to be introduced in other countries around the world. The World Health Organization decided to modify the tenth version of the International Classification of Diseases and Disorders (ICD 10). As pointed out by experts, it was necessary to verify the current approach to numerous disorders. New disease entities also appeared. A few years ago, it was emphasized that within the framework of the changes indicated here, the new classification will focus on a specific and specific behavioral addiction. We are talking about porn addiction (Sarżala, 2019). Porn addiction has become a significant component of the debate. From a clinical perspective, it was pointed out that we were talking about a "compulsive sexual behavior disorder". Specialists pointed out that the diagnosis of such a disease requires the fulfillment of several criteria.

Access to pornography:

- becomes the focal point in a person's life. This action dominates his life, which results, among others, in neglecting e.g. one's own health, personal hygiene, professional duties, etc.

- Repeated attempts to reduce the number of such behaviors have not been successful.

- Despite the visible negative consequences, the dissatisfaction with these behaviors is still being undertaken (experiencing only moral discomfort, does not indicate addiction) (ICD 11, 2022).

The social perspective was also crucial in the discussed issue. Access to pornography has become completely free in recent years. It is indicated that every second websites containing Internet pornography start to be viewed by about 28,000 people. Experts add that one of the pornographic websites (it presents its statistics) is watched by 100 million people per month. An analysis of the content of one of the portals suggests that there is a huge amount of film material there. Their uninterrupted watching would take about 70 years.

The general statistics listed here raise even more concern when we realize that:

- pornographic content has become faster and faster (it is difficult to see strong barriers at present).

- increasingly younger people have access to them,

- sexual scenes are often accompanied by violence (Gola, online).

At this point, attention should be paid to the third, important area. We are talking here about the area of human rights, including the rights of the child. When analyzing the issue of pornography, researchers pay attention to the phenomenon of violating the rights of women participating in similar productions. It is emphasized that in many cases we are talking about situations in which women are humiliated, harmed or even forced to have sex. The WHO's distraction of the phenomenon of pornography addiction also indicates the existence of a correlation between the promotion of pornography and human suffering. It comes to a kind of enslavement. Man, at some point becomes a slave of his own memories and images noticed in the past. It must also be concluded that the promotion of pornography violates the rights of the child. The child is exposed to harm caused by accessing content that causes objective harm. This is where a few key questions arise. Why is access to pornography still so free? Why is the argument still dominating in the discussion on this phenomenon that you cannot limit the economic activity of companies that produce materials viewed by people of their own free will? Why - being aware of the harm that children experience - these materials are not posted more effectively on the web?

"Everyday" Pornography

Referring to the discussed issue, further reflections will focus on the reality observed in Poland. access to pornography comes up regularly in social discussions.

When we ask Poles the need to limit unrestricted access to pornography, Poles present an ambiguous position.

Over the past decades, erotic content has become a permanent feature of our reality. Industrial products, food or cars are often advertised by people, e.g. incompletely dressed. Also on the radio, the topic of sex became a frequent element. When we go by taxi and in a short time, we can hear two advertisements about products that help men to maintain sexual performance. The question here arises: Does restricting access to pornography on the Internet make a difference? Similar questions become part of the research poll (Piechna, 2009).

In discussions about limiting access to increasingly powerful erotic content, it is emphasized that the biggest victims of social sexualization of life are children. This thesis seems to be true. As the research results show, over 60 percent children from the age of 13 encounter and encounter pornographic content on the Internet. However, such conclusions from the analyzes are problematic. The scale of this phenomenon may turn out to be much greater. When we ask about such topics, we touch intimate and embarrassing issues. Some people will not want to honestly answer the question about viewing pornography.

Guaranteeing anonymity will not help. We see another problem here as well. On the one hand, adults point out that pornography must be restricted. At the same time, however,

they recognize that if it does not harm anyone, access to it can be guaranteed. We see an interesting paradox here. With a view to respecting human rights and freedoms, attention is drawn to the need to protect the freedom of content transmission. This content violates the dignity of this person (Makaruk, Włodarczyk, & Michalski, 2017).*

Poles' opinions about pornography are surprising. The above-mentioned contradiction can be seen in them. What is a cause of it? It must be concluded that such an attitude unfortunately results from downplaying the problem. Pornography is harmless and common to many people. Sometimes you can say that a good erotic movie is an excellent aphrodisiac for a couple who have problems in sexual relations. A well-known Polish sexologist, Prof. Zbigniew Lew Starowicz stated in one of the interviews that once such a claim was justified. Today, content in pornographic films very often focuses on aggressive behavior. Viewing such content can destroy the relationship between two people (Gola, online).

Unfortunately, the generation of people born in the last decades of communist rule in Poland experienced a kind of "being forced into porn" for several years. It sounds surprising and dramatic. It is worth noting that to have access to images presenting nudity, young people tried to see the covers of rare erotic magazines in Poland. Later - in the 1990s - more and more adult newspapers appeared. The television channels then provided the children with Japanese animated film productions. In the pictures about the adventures of brave players, for example footballers, quite unexpectedly, fragments of the main characters' bodies were suddenly revealed. It was presented in a dynamic and at the same time comical way. Małgorzata Więczkowska points out that such productions have made the viewer desensitized (Więczkowska, 2005; Wieteska, 2019).

International Anti-violence Proposals

On April 13, 2015. Polish President Bronisław Komorowski announced the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Convention, 2011). It was emphasized then that we should all agree on the subject of limiting violence. These statements were made in the presence of many representatives of organizations dealing in the protection of women's rights in Poland. Police statistics indicate that women are the most frequent victims of acts of violence. The aforementioned Convention has been, and continues to be, met with enthusiasm and criticism. It is noted that it is based on an arbitrarily adopted ideology that draws attention to the source of violence. According to the Council of Europe, the source of violence is primarily discrimination against women and the dominant role of men, whose power is supported by cultured arrangements. As noted by the former head of the Polish parliament, Marek Jurek, Bulgaria declared that it would not accept this document. It was emphasized that the Convention introduces disturbing mechanisms enabling international institutions to interfere in the relations between family members, which are crucial for a given country. The convention indicates in several places that it is mainly women who are victims of violence. It is also noted that gender-based violence is currently the main social problem. It is interesting and surprising, however, that such a strong and emphatic international anti-violence document allows for the existence in the media space containing scenes of violence and content that degrades women (Banasiuk, 2014).

By following the content of the Convention, you can come across a very interesting provision. We are talking about art. 17, according to which: "The Parties shall encourage the

* See in this context the information on children's access to pornography: "As many as 43% of children and adolescents aged 11-18 had contact with pornographic material and sexualizing⁵. They were more often boys than girls (50% vs. 36%) and adolescents (15-16 years old - 55%, 17-18 years old - 63%) than younger children (11-12 years old - 21%, 13-14 years old - 36%). It is worth noting that as many as 20% of the respondents did not answer this question (they underlined Don't know / Don't know or Don't want to answer), which may indicate that the scale contact is even greater. "

private sector, the ICT sector and the media, with due respect for freedom of expression and their independence, to participate in the development and implementation of policies and the setting of guidelines and self-regulatory standards to prevent violence against women; and strengthening respect for their dignity." The following section states that: "In collaboration with private sector activists, the Parties shall develop and promote among children, parents and educators the ability to navigate properly in an information and communication environment that provides degrading content on sex or violence that may be harmful."

When reading the Convention of the Council of Europe, which has been in force in Poland for several years, one can see its specific language. Here we come across phrases such as "gender roles" and "non-stereotypical" behavior. There are also phrases with a strong and firm pronunciation. The examples are "to eliminate all forms of discrimination", "Parties condemn all forms of discrimination against women.", "Provisions (...) must be implemented", "parties abstain" and "Parties undertake to take into account gender issues in implementation and impact assessment. The provisions of this Convention." Reading the content of the above-mentioned Art. 17 you cannot see a similar, firm and unambiguous tone. In this part of the Convention, we come across such phrases as: "The parties encourage" and "with due respect for the freedom of expression and their independence," However, there is no criticism of similar pornographic content here. It is difficult to understand. It is in the case of pornography that we are dealing with materials in which the dignity of a woman is unquestionably violated. Importantly, in the Convention under discussion, attention was paid to it. It is emphasized that the media can trade material with "degrading content about sex or violence that may be harmful". Why, however, this document, which for many is an "anti-violence constitution", does not clearly criticize such materials? (Report, 2017) The way in which the authors of this convention assessed pornography is surprising. The more that the discussed document rightly, unequivocally and firmly criticizes taking actions in the form of mutilation of female genital organs. Such activities very often have a socio-cultural background and are associated with enormous physical and mental suffering of young girls. This suffering lasts a lifetime. The convention strongly suggests that such practices should be punished (Socha, 2020).

Porn Industry

When examining the discussed issue, the Polish "Stowarzyszenie Twój Sprawa" emphasizes in its materials that most of the pornographic materials currently available on the Internet may contain elements of violence directed directly at women. The Convention (known as the Anti-Violence Convention) highlights the "independence of the private sector", which profits from sharing as well as promoting pornographic material. Some studies indicate that the value of the pornographic market on the Internet is close to 5 billion. dollars. In Polish research studies it is noted that 65% of Polish teenagers (over 16) have come into contact with pornographic material. this is certainly the effect of broad access to smartphones. According to the research results, about 11,000 jobs are created in Hollywood each year. pornographic films. There are also more and more websites with pedophile content. Portal dyzurnet.pl, - a Polish center monitoring the network in terms of sharing illegal content - warns that in our country only in the first half of 2013. the number of websites with pedophile content increased by 25%.

Pornography is becoming a more and more interesting phenomenon from the perspective of clinical and social reflection. The wide access to pornographic materials means that cases of addiction to such productions are a fact that is more and more often found in psychotherapeutic offices. the law of weariness. We are talking about a specific path: from viewing soft porn websites to searching for materials containing violent threads. Norman Doidge, author of the best-selling book "The Brain That Changes", points out in this context:

"By offering an endless harem of sexual objects, pornography hyperactivates the appetite system. Porn viewers develop new maps in their brains based on the photos and videos they view. [...] when we create such maps, we try to keep them active. Just as our muscles crave exercise, if we've been sitting all day, our senses feel hungry for stimulation." But what does this have to do with the Convention, which by definition fights violence against women? How broadly understood consent to access similar content can at the same time take into account the respect for children's rights? (Kmieciak, 2019)

A Question about the Law

Certainly, the appearance of the ban in some people may lead to greater curiosity. Using the biblical phrase it can be said that "the forbidden fruit tastes best." at the same time, however, following this path, it must be concluded that it is necessary to cancel all legal prohibitions. Theft is forbidden, and it is forbidden to kill another person. For some people, this may be a temptation to act in breach of the penal code. However, this cannot in any way be the basis for a change in the law.

Pornography - from the perspective of current scientific reports - is, in the first place, a harmful phenomenon. its addictive activity is unquestionable today. It can be said that a specific drug is created in the human body. Access to pornography creates a simultaneous desire to intensify the sensation. Content has to be delivered more often. They also need to be stronger. Here we see the emergence of the "law of weariness" in some users. Stronger content is necessary, as indicated, which may lead to the emergence of criminal behavior. In the international discussion, attention is drawn to the need to limit access to pornography. In most cases, the focus is on pornographic content involving children. In all certainty, it should be a criminal offense to possess such material. At the same time, however, the lack of criticism and the desire to limit pornography with the participation of adults is a significant error. Children from an early age can and often have access to similar pornographic content involving children. This content causes significant psychological damage to children (Dziergawka, 2018).

When we analyze the violent nature of pornography, we see that its promotion may lead to a violation of the rights of the child. The child's sense of security is particularly violated. Suddenly, unexpectedly, they are introduced to materials that may cause shock, and then may disrupt the normal emotional development (Report, Author's private archive).

When we examine the topic of pornography, we see that women are more likely to be victims of violence than men. Data from the Polish Police (e.g. from 2014) indicate that men are 14 times more likely to be suspected of such actions. Interestingly, the above-mentioned Convention on Preventing and Combating Violence Against Women and Domestic Violence is inconsistent. On the one hand, it emphasizes that domestic violence particularly affects women. It draws attention to the social and cultural origins of violence. The stereotypes in this sphere are criticized. From the other perspective, however, the important nature of the freedom of expression and economic freedom of media circles is emphasized. The convention only indicates that these circles should be encouraged to portray women in a dignified manner. Unfortunately, in this way, it is accepted that there is a space where women are humiliated. The "anti-violence" convention does not combat this phenomenon. The document merely encourages learning to deal with similar content. Unfortunately, it must be concluded that the Council of Europe has constructed an internally incoherent legal act. Ultimately, the purpose of its operation leaves a lot to be desired. Is it possible to fight violence against women while allowing the existence of production that degrades women? Is it possible to combat the psychological damage of children presented in the media by sexual violence only by encouraging the training of coping skills with such content? How to show children that violence and abuse of another person are bad at a time when there is social

consent to access pornographic content? In the name of protecting human rights, are we not reaching a paradoxical situation where, while fighting for economic freedom, we allow the existence of elements that enslave man? (Kmieciak, 2014)

When analyzing the phenomenon of pornography from the perspective of legal, social and medical contexts, it is necessary to pay attention to several issues that also summarize the above considerations:

- Humanity has long seen erotic content as a source of strong interest. Archaeologists pay attention to discoveries in which erotic content was an important part of the life of individual cultures. In recent decades, eroticism has become an important cultural and social element. For some people, the presentation of erotic content has become a source of financial income. (Material, online)

- At the end of the 20th century and the beginning of the 21st century, we observe the emergence of a difference between erotic content and pornographic material. The first elements still refer to issues associated with art (artistry). Nudity is presented in them as an element of beauty, which is supposed to arouse admiration and interest. The second element (pornography) is aimed primarily at making the viewer feel excited.

- We have been seeing changes in pornographic content for a long time. On the one hand, we see more and more bold productions, e.g. showing sexual intercourse more and more accurately. On the other hand, these productions are more and more often combined with other behaviors. I am talking about a combination of sexual behavior with aggressive behavior.

- At the beginning, eroticism was used by sexologists as an element of, for example, supporting couples in a crisis of sexual relations. Today, pornographic content prevents this from happening (it is filled with threads containing violence) (Osiewicz, online).

- Pornography has become an element of economic activity. The porn industry has become a source of quick income. Most pornography these days is in virtual reality. At first, many commercial productions appeared. The second decade of the 21st century shows more and more productions sent to the Internet by private individuals. Unfortunately, more and more often we are also talking about materials sent (also for money) by minors, used in this way by adults.

- Pornography has become a real source of further problems: social, ethical, legal and medical. It is described as the most surprising behavioral addiction. The drug is "in the memory" of the patient. The images are getting stronger and faster and they become addictive faster and faster. This phenomenon often leads to the breakdown of families. Pornography can also trigger criminal behavior. Pornographic content creates a false image of sexuality in your head. This action can be disrupted by right-handed psychosexual development. It can also lead to future difficulties in intimate life, which will be far from the images that the person saw in the movies (Dines, 2012).

- The harmfulness of regular viewing of pornography is noticed by many representatives of the scientific community. At the same time, the laws of most countries do not yet provide effective tools to limit the free access to pornographic material. This phenomenon - in times of loud calls by many circles for the protection of women's rights and children's rights - should be considered paradoxical and, unfortunately, tragic in consequences.

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In the article below, the author used the collected materials previously published on the Internet (magazines, "Rzeczpospolita" and "Gość Niedzielny"). These materials have been supplemented, edited and enriched with new threads.