



Child sexual abuse material/child sexual exploitation material

Special attention should be paid to how this term is used.

The term “child sexual abuse material” is increasingly being used to replace the term “child pornography”.¹⁶⁵ This switch of terminology is based on the argument that sexualised material that depicts or otherwise represents children is indeed a representation, and a form, of child sexual abuse, and should not be described as “pornography”.¹⁶⁶

Pornography is a term primarily used for adults engaging in consensual sexual acts distributed (often legally)¹⁶⁷ to the general public for their sexual pleasure. Criticism of this term in relation to children comes from the fact that “pornography” is increasingly normalised and may (inadvertently or not) contribute to diminishing the gravity of, trivialising, or even legitimising what is actually sexual abuse and/or sexual exploitation of children.¹⁶⁸ Furthermore, as with the terms discussed above, “child prostitution” and “child prostitute”, the term “child pornography” risks insinuating that the acts are carried out with the consent of the child,¹⁶⁹ and represent legitimate sexual material.

In light of the above, the European Parliament, in its Resolution on Child Sexual Abuse Online of 11 March 2015, explicitly set forth that it *“is essential to use the correct terminology for crimes against children, including the description of images of sexual abuse of children, and to use the appropriate term ‘child sexual abuse material’ rather than ‘child pornography’”*.¹⁷⁰

So called “child pornography” *“involves children who cannot (legally) consent”* to the sexual acts they are being subjected to, *“and who may be victims of a crime”*.¹⁷¹ This has been the general approach of the law enforcement sector in recent years, and it has led the way in characterising “child pornography” as forensic evidence of the sexual abuse or exploitation of children. Law enforcement bodies in many countries, as well as Europol and INTERPOL at the international level, thus tend to reject the term “child pornography” and use either “child sexual abuse material” or “child sexual exploitation material”.¹⁷²

EU Directive 2011/93 refers, in its Preamble, to the fact that *“[c]hild pornography frequently includes images recording the sexual abuse of children by adults”*, but argues that child pornography can also be something broader, by adding *“[i]t may also include images of children involved in sexually explicit conduct, or of their sexual organs, where such images are produced or used for primarily sexual purposes and exploited with or without the child’s knowledge. Furthermore, the concept of child pornography also covers realistic images of a child, where a child is engaged or depicted as being engaged in sexually explicit conduct for primarily sexual purposes”* (Recital Paragraph 8).

Following this description, “child sexual abuse material” would arguably encompass a narrower set of acts than “child pornography”, since the latter could go beyond the representation of an act of sexual abuse against a child. This is precisely where the term “child sexual exploitation material” becomes particularly important, because it encompasses material that sexualises and is exploitative to the child although it is not explicitly depicting the sexual abuse of a child.¹⁷³

Moreover, certain forms of sexual conduct involving children are not covered by current legal definitions of child pornography, but could nevertheless be seen as falling within the ambit of sexual exploitation of children (e.g. sexual posing, “erotica”, see section below). In these cases, the law enforcement sector tends to refer to such material as “child sexual exploitation material” (“CSEM”) as a broader category that encompasses both

material depicting child sexual abuse and other sexualised content depicting children.

Consequently, “child sexual abuse material” is used to describe a subset of “child sexual exploitation material” where there is actual abuse or a concentration on the anal or genital region of the child. Both terms refer to material that depicts and/or that documents acts that are sexually abusive and/or exploitative to a child. Such material can be used in criminal intelligence investigations and/or serve as evidence material in criminal court cases. Today, most child sexual abuse/exploitation material is exchanged, bought, and sold online, making the online dimension of this crime almost omnipresent.

Lastly, the term “child sexual abuse images” has also sometimes been used in this context. However, it is important to note that, by limiting the terminology to “*images*”, the risk exists of excluding other forms of material representing child sexual abuse and exploitation, such as audio files, written story lines, or other potential forms of recording. Therefore, many child protection organisations as well as law enforcement agencies working on these issues today prefer the term “material” to “images”. Moreover, in relation to child sexual abuse and sexual exploitation, it appears important to add the qualifier “*sexual*” to the term “child abuse/exploitation material”, because “child abuse material” may also refer to other forms of violence that is not necessarily of a sexual nature.

Conclusion: The term “child pornography” is still used when addressing legal issues and contexts, in particular when reference is made to international and domestic legal treaties that explicitly include this term. However, for the reasons set forth in the paragraphs above, this term should be avoided to the extent possible, in particular when referring to non-legal contexts. In such contexts, “child sexual abuse material” or “child sexual exploitation material” should be the terms of choice.¹⁷⁴

The term “child sexual abuse material” can be used as an alternative to “child pornography” for material depicting acts of sexual abuse and/or focusing on the genitalia of the child. The term “child sexual exploitation material” can be used in a broader sense to encompass all other sexualised material depicting children.

¹⁶⁵ See, for instance, UNODC, Study on the Effects of New Information Technologies on the Abuse and Exploitation of Children”, p. 10; and INHOPE, “CSAM – A Terminology Note” <http://www.inhope.org/tns/resources/Fact-sheets.aspx>

¹⁶⁶ Interpol, “Appropriate Terminology”, supra 109.

¹⁶⁷ While legal in most of Europe and in North America, pornography is not legal in most other parts of the world.

¹⁶⁸ See for instance D. Frangež et al., “The Importance of Terminology Related to Child Sexual Exploitation” *Journal of Criminal Investigation and Criminology*, vol. 66, no. 4, Ljubljana 2015, pp. 291-299.

¹⁶⁹ “Child Sexual Abuse Material [...] is believed to more accurately reflect the seriousness and the very nature of the content as well as challenge any notion that such acts might be carried out pursuant to the consent of the child” INHOPE, “CSAM – A Terminology Note”.

¹⁷⁰ Doc. 2015/2564(RSP), Paragraph 12.

¹⁷¹ Interpol, “Appropriate Terminology”, supra 109.

¹⁷² See Europol, “Joint Action in 22 European Countries against Online Child Sexual Abuse Material in the Internet”, Press Release 16 December 2011, note 2 to editors, <https://www.europol.europa.eu/content/press/joint-action-22-european-countries-against-online-child-sexual-abuse-material-internet>; see also Virtual Global Taskforce, “Child Sexual Exploitation Environmental Scan”, 2015, p. 32 <https://www.europol.europa.eu/content/2015-vgt-child-sexual-exploitation-environmental-scan>

¹⁷³ See for instance D. Frangež et al., “The Importance of Terminology Related to Child Sexual Exploitation”, supra 168, p. 296.

¹⁷⁴ Ibid. D. Frangež et al. make the same recommendation, based on research carried out in five European countries and Europol.

¹⁶⁸ See for instance D. Frangež et al., “The Importance of Terminology Related to Child Sexual Exploitation” *Journal of Criminal Investigation and Criminology*, vol. 66, no. 4, Ljubljana 2015, pp. 291-299.

¹⁶⁹ “Child Sexual Abuse Material [...] is believed to more accurately reflect the seriousness and the very nature of the content as well as challenge any notion that such acts might be carried out pursuant to the consent of the child” INHOPE, “CSAM – A Terminology Note”.

¹⁷⁰ Doc. 2015/2564(RSP), Paragraph 12.

¹⁷¹ Interpol, “Appropriate Terminology”, supra 109.

¹⁷² See Europol, “Joint Action in 22 European Countries against Online Child Sexual Abuse Material in the Internet”, Press Release 16 December 2011, note 2 to editors, <https://www.europol.europa.eu/content/press/joint-action-22-european-countries-against-online-child-sexual-abuse-material-internet>; see also Virtual Global Taskforce, “Child Sexual Exploitation Environmental Scan”, 2015, p. 32 <https://www.europol.europa.eu/content/2015-vgt-child-sexual-exploitation-environmental-scan>

¹⁷³ See for instance D. Frangež et al., “The Importance of Terminology Related to Child Sexual Exploitation”, supra 168, p. 296.

Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse