



Live online child sexual abuse

This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.

Definitions in legally binding instruments

- i. 1989: The CRC refers, in its Article 34, to “the exploitative use of children in pornographic performances”, without specifying whether such performances are carried out online or offline.
- ii. 1999: The ACRWC refers, in its Article 27(c), to the “use of children in pornographic activities, performances and materials”. Like the CRC, this instrument does not specify how (online or offline) such activities or performances are carried out.
- iii. 1999: ILO C182 contains, in Article 3(b), a prohibition of “the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances”.
- iv. 2007: The Lanzarote Convention details different types of “use” of a child and requires State Parties to criminalise a series of offences concerning the participation of a child in pornographic performances, such as recruiting a child into participating in pornographic performances or causing a child to participate in such performances; coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes; and knowingly attending pornographic performances involving the participation of children.
- v. 2011: EU Directive 2011/93, in its definition of “pornographic performance” (Article 2(e)) includes a “*live exhibition aimed at an audience, including by means of information and communication technology, of (i) a child engaged in real or simulated sexually explicit conduct; or (ii) the sexual organs of a child for primarily sexual purposes*”.

Terminology considerations

Live online child sexual abuse is a practice on the rise, related both to the sexual exploitation of children through prostitution and sexual performances and to the production of child sexual abuse material. Given the absence of a clear definition of these practices as an offence, this field has seen an absence of adequate criminalisation.²⁰⁷ However, while not explicitly included in major international legal instruments on child protection, it is crucial to note that live online child sexual abuse would fall under many existing legal provisions related to child sexual exploitation and sexual abuse. Thus, the recruitment and use of a child for participation in any type of pornographic performances,²⁰⁸ whether online or offline, must be criminalised in accordance with the CRC (Article 34(c)), the ACRWC (Article 27(c)), ILO C182 (Article 3(b)), and the Lanzarote Convention (Article 21). Moreover, it could fall under the OPSC definition of “child prostitution”: “*the use of a child in sexual activities for remuneration or any other form of consideration*” (Article 2(b)). When the live performance by the child is recorded or registered, this can amount to the production of child sexual abuse material, also covered by all major legal instruments under child pornography provisions.

Nevertheless, live online child sexual abuse often represents a dual abuse of the child. She/he is coerced to participate in sexual activities, alone or with other persons—an act that already constitutes sexual abuse. The sexual activity is, at the same time, transmitted live through ICT and watched by others remotely. Often, the persons watching remotely are the persons who have requested and/or ordered the sexual abuse of the child, dictating how the act should be carried out (see Section G.3.II below), and those persons may be paying for the abuse to take place. Live online child sexual abuse has been observed to take on both commercial and non-commercial forms,²⁰⁹ and there are cases where it has been set up as a proper business with the only apparent objective being to make money out of the sexual exploitation of the children involved.

Conclusion: It is important to note that live child sexual abuse has been prohibited under international law since the adoption of the CRC, through provisions related to “the use of children for pornographic performances” (see Section E.4.VII). The fact that live child sexual abuse can now occur online through the use of ICTs does not mean the phenomenon as such is new. What is new, however, is the fact that such sexual abuse can now be carried out “remotely” with the perpetrator viewing the abuse possibly in a different country than that of the victim.

²⁰⁷ Often, existing child pornography laws are insufficient for trends such as live streaming of sexual abuse, sexual abuse “to order”, etc. See, for instance, International Centre for Missing and Exploited Children, “Child Pornography: Model Legislation and Global Review”, 8th Edition, 2016.

²⁰⁸ For more details on the use of children for pornographic performances, see *supra*, section E.4.VII.

²⁰⁹ For instance, in the case of the Queen vs. Ian Watkins and others, it was observed how the accused encouraged a mother to sexually abuse her daughter in front of a webcam. There was no apparent commercial aspect to the crime (Case No: 62CA1726112, The Law Courts, Cathays Park, Cardiff CF10 3PG, 18 December 2013). In other known cases, young girls have performed sexual acts on themselves while collecting payments. Yet other cases have appeared purely commercial, with adults acting as facilitators and offering live online child sexual abuse on demand and in exchange for money transfers.

