

FALLING SHORT: DEMAND-SIDE SENTENCING FOR ONLINE SEXUAL EXPLOITATION OF CHILDREN

Summary Paper of the Composite Case Review,
Analysis, and Recommendations
for the United Kingdom

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IJM

Summary

The livestreaming of child sexual abuse for payment is devastating the lives of children, and according to INTERPOL, the crime is growing globally. In fact, the UK's National Crime Agency considers livestreamed sexual exploitation "one of the emerging threats" to children.¹

The reality is that "demand-side" sex offenders, including from the UK, who direct and pay for livestreamed child sexual abuse are proliferating a criminal industry by **commissioning, directing, and producing** new child sexual exploitation materials (CSEM) from the comfort of their homes. Despite the UK's robust law enforcement efforts, International Justice Mission's review and analysis of 15 cases reveals that sentences for UK sex offenders who livestream sexual abuse of Filipino children fail to reflect the gravity of their crimes, leaving survivors empty handed in their pursuit of justice. Sentencing can be strengthened to better reflect the nature of livestreamed abuse; provide justice for survivors; and sufficiently disrupt and restrain current and future offending.

This UK trend of lower sentencing for demand-side offenders is part of a wider observed trend reported in the 2019 Threat Assessment of the WePROTECT Global Alliance² that appears to:

Undermine the gravity of the serious, repeated, and sometimes violent child sexual abuse and exploitation offenses.

Fail to provide justice for vulnerable victims, including from poor developing world nations.

Fail to sufficiently restrain these offenders.

Be less likely to disrupt or deter the offender population.

Sentences that fit the crime will:

End impunity for demand-side sex offenders

Provide justice for survivors

Protect children globally from online sexual exploitation by disrupting and restraining offenders

Change societal norms by reflecting the gravity of online sexual exploitation of children and severe harm done to victims

To end online sexual exploitation of children (OSEC), **impunity** must end globally by restraining and bringing to justice child sex offenders in demand countries and traffickers in source countries. The growing threat of livestreamed child sexual abuse during the COVID-19 pandemic highlights the urgency to ensure that offenders driving this demand—by paying for and directing specific sexual abuse acts—are appropriately punished, disrupted, restrained, and deterred.



WORDS OF THE JUDICIARY

It's plain that offenders like these, obsessed with the opportunity, so easily on payment, to obtain their own sexual gratification at the cost of the terrible abuse of these children, need to be deterred...

The fact [the children] were on the other side of the world was no mitigation. It is indeed an aggravation. No doubt the offender thought he could more easily escape detection by committing the offences by a payment on a credit card than if he had dared to be present and commit these offences within this country. There would be a public outcry if the children had come from the United Kingdom and a sentence of no more than five years' imprisonment had been passed.

- Lord Justice Moses, in the landmark case of *UK vs Charnley* [2011]

Key Findings

1. UK offenders who directed and paid for livestreamed sexual abuse of Filipino children will serve on average **only two years, four months in prison** (pre-parole period).
2. Scotland, Canada, Australia, and Sweden punish sex offenders who direct livestreamed child sexual abuse on par with contact offending; the UK should do likewise.
3. While UK laws against livestreaming child sexual abuse have maximum penalties of 10 to 14 years in prison, offenders convicted of multiple counts received sentences well below the maximum for one count.
4. UK sentencing guidelines have limited culpability and aggravating factors that reflect livestreaming child sexual abuse crimes, contributing to low starting point considerations.
5. UK offender sentences for livestreaming sexual abuse of children overseas are substantially lower than sentences for victimizing UK children.
6. UK offenders reviewed in this report who possessed or distributed large amounts of child sexual exploitation materials (CSEM) will serve on average only ten and a half months in prison (pre-parole period).
7. Half of UK offenders reviewed in IJM's report who possessed or distributed large amounts of CSEM served no time in prison.

Recommendations

1. Amend Sentencing Guidelines and Legislation to Better Reflect the Exploitative Nature of OSEC Crimes and the Severe Harm Caused to Victims.
2. Prosecute and Convict OSEC Offenders under Child Sexual Exploitation Offences within the Sexual Offences Act 2003.
3. Amplify the Experience of Survivors at Sentencing.
4. Judiciary and Prosecution Utilize Mechanisms for Victim Financial Compensation.
5. Institute Mandatory Parole Review for All UK OSEC and CSEM Sex Offenders.
6. Develop Non-Justice System Forms of Prevention and Improve Rehabilitation.
7. Further Evaluate the Extent of the Low Sentencing Trend.
8. Promote the Unduly Lenient Sentencing Scheme.
9. Scotland and Northern Ireland Proactively Assess OSEC, CSEM Legislation and Sentencing.



STATEMENTS FROM SURVIVORS OF LIVESTREAMED CHILD SEXUAL ABUSE

I will not accept two years imprisonment for OSEC offenders because they abused and took us away from our families, and this should not be taken lightly. They destroyed our innocence. It's not possible to let go of the things they did to us.

- A*, a 12-year-old survivor of OSEC

I felt disgusted by every action I was forced to do just to satisfy customers online. I lost my self-esteem and I felt very weak.

- R*, 23-year-old survivor of OSEC

The effects for such acts are severely painful for victims like me. I hope that UK would implement longer prison time.

- L*, 16-year-old survivor of OSEC

OSEC Demand-Side Offender Case Study Example

ANDREW W. 70 years old³



QUOTES FROM LAW ENFORCEMENT AND POLICYMAKERS

[The livestreaming offender] may as well have been in the room with the kids. The fact that he was seeing it in the virtual world is irrelevant... what happened to those kids happened because of him.

- Detective Inspector Jon Rouse, stated about an Australian offender
(The Sydney Morning Herald, 3 June 2017)

Andrew [W.] was directly responsible for the soul-destroying abuse of children thousands of miles away from him. He thought he could get away with abusing Filipino children from the comfort of his own home.

- NCA Senior Investigating Officer Gary Fennelly, stated about a UK offender
(BBC UK, 22 May 2019)

Let's be really clear: somebody going online and using their credit card to direct the abuse of a child in the Philippines should be locked up, categorically.

- Chief Constable Simon Bailey QPM
(The Guardian, 28 February 2017)

Developed countries, from which the demand for online sexual exploitation of children usually originates, must do their part... This [crime] calls for amending lenient sentences that their laws mete upon those who prey on Filipino children... raise the penalties to lower the demand and reflect the true nature of the crime in your respective countries. Truly, this [is] one of the worst forms of violence against women and children...

- Former Philippine Senator, now Congresswoman Loren Legarda

Conclusion

The livestreamed sexual abuse of children is a global crime of supply and demand. Ending it requires ending impunity for offenders through a global response from source and demand-side governments. As the third largest consumer of livestreamed child sexual abuse, the UK should do everything in its power to ensure demand-side offenders are held accountable through sentences that fit the crime—sentences that adequately reflect the gravity of their crimes against young children around the world, that disrupt and restrain offending, and that provide true justice for survivors.

END NOTES

¹ INTERPOL, *Threats and Trends Child Sexual Exploitation and Abuse COVID-19 Impact*, (Report, September 2020) 13. Access here:

<<https://www.interpol.int/en/News-and-Events/News/2020/INTERPOL-report-highlights-impact-of-COVID-19-on-child-sexual-abuse>>. See also Independent Inquiry Child Sexual Abuse, 'The Internet', (Investigation Report, March 2020), 74. <IICSA. (2020). Retrieved 2020, from <https://www.iicsa.org.uk/key-documents/17805/view/internet-investigation-report-march-2020.pdf>>.

² WeProtect Global Alliance, *Threat Assessment 2019*, (Report, WePROTECT Global Alliance) 36-37.

<<https://static1.squarespace.com/static/5630f48de4b00a75476ecf0a/t/5deecb0fc4c5ef23016423cf/1575930642519/FINAL+-+Global+Threat+Assessment.pdf>>.

³ Jon Sharman, 'Andrew W.: Disgraced army colonel jailed after instructing women on how to abuse their children over webcam', Independent, (online), 22 May 2019; See also BBC UK, 'Andrew W. jailed for Philippines child abuse', (online), 22 May 2019. <<https://www.bbc.com/news/uk-england-hampshire-48367917>>.

<<https://www.independent.co.uk/news/uk/crime/andrew-whiddett-jailed-army-colonel-child-sexual-abuse-webcam-a8925086.html>>.

About International Justice Mission

International Justice Mission (IJM) is a global organization that protects people in poverty from violence. IJM and our partners are helping local authorities protect more than 400 million people from violence. As the largest anti-slavery organization in the world, IJM partners with local authorities in 21 program offices in 13 countries to combat slavery, violence against women and children, and other forms of abuse against people who are poor. Our model works side-by-side with local authorities and governments to rescue and restore survivors, hold perpetrators accountable in local courts, and strengthen the public justice system so it can better protect people from violence. This model is replicable and has worked to reduce modern day slavery and violence in programs against commercial sexual exploitation of children, among others.

Learn more at [IJM.org](https://www.ijm.org).

About IJM's Center to End Online Sexual Exploitation of Children

IJM's Center to End Online Sexual Exploitation of Children partners with governments, industries, NGOs, and other stakeholders to expose, neutralize, and deter the online sexual exploitation of children around the world. Leveraging practices proven effective in IJM's ongoing program against OSEC in the Philippines, the Center helps (1) improve technology and financial sector platforms detection and reporting of livestreamed sexual abuse, (2) strengthen international collaboration in law enforcement and prosecution, and (3) support effective justice system (law enforcement, prosecution, and aftercare) responses in source and demand-side countries, resulting in sustainable protection for children and accountability for perpetrators.



**Center to End Online Sexual
Exploitation of Children**