

LIVE STREAMING OF CHILD SEXUAL ABUSE AS A 21ST-CENTURY CHALLENGE

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Abstract: This article focuses on some selected aspects of live streaming of child sexual abuse as this phenomenon has generated significant financial profits for perpetrators throughout the years. The paper defines the basic terminology, analyses the current situation worldwide, identifies groups of children most at risk, and discusses the currently effective criminal legislation in the Czech Republic. Last but not least, the article describes some measures for combating this phenomenon that have been introduced in the Republic of the Philippines in this issue. Key areas for further study are then indicated in the conclusion.

Keywords: child pornography, child sexual abuse, cryptocurrency, live streaming, protection of children, statistics

Introduction

The fact that child sexual abuse has become a worldwide pandemic is undisputable at present. With the development of digital technologies and the expansion of the global market, perpetrators now have unprecedented access to children, whereas cyberspace makes the production and dissemination of materials depicting child sexual abuse easier. The enormously escalated demand for new materials causes deepening of the problem.

In child sexual abuse, live streaming represents a phenomenon of these days. Unfortunately, the available statistics, as presented in Chapter 2, show the sad truth as this phenomenon affects a significant part of the child population. Live streaming of child sexual abuse makes it possible for perpetrators to cash huge amounts from customers. From the perspective of technology, the only ‘superstructure’ prerequisite for the facilitation or participation in such streaming is the need for a stable and fast connection to the global Internet.

The situation in live streaming of child sexual abuse is alarming also because it involves a highly latent (concealed, hidden) criminal activity, as all the persons involved (customer, facilitator) commit a crime. Of course, except for the abused child. Last but not least, it is a very serious crime activity with a long-term, in many cases even life-long negative impact on the most vulnerable victims – the children.

1 Basic terms and their definitions

Before tackling the definition of live streaming, it is necessary to define the term ‘child’. Under Article 1 of the United Nations Convention on the Rights of the Child, a child means every human being below the age of eighteen. Directive 2011/93/EU of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child pornography and Section 126 of the Czech Criminal Code both use the same definition.

Concerning the concept of live streaming of child sexual abuse, there is still no globally accepted definition at the moment. A historical excursion can search for some existing definitions such as, ‘Live streaming of child sexual abuse (CSA) involves broadcasting acts of sexual abuse of children live via webcam to people anywhere in the world’.¹ Another available definition reads, ‘Live child abuse anywhere across the world, and in some of these sites and some of these facilities enables them to direct individuals who are abusing children to abuse them in a way to which they gain some form of satisfaction’.² The latest definition from y. 2024 reads, ‘It involves transmitting the sexual abuse of

children in ‘real time’ via a webcam to individuals in any geographical location’.³

The scholarly literature also offers the following definition, ‘Child sexual abuse (CSA) features the procurement and viewing of sexual abuse of children across the internet in real time, in exchange for money’.⁴ This definition was deliberately included in the paper because it is the only one that uses the defining feature of ‘in exchange for money’. As explained in detail in Chapter 4, there are more reasons for children to take part in live streaming than just money.

Based on the above, only the first three definitions presented here will be analysed in the next part of the paper. Three basic features can be derived from the definitions, namely the existence of a platform on which live streaming will take place, the webcam as a transmission tool for the streaming, the recipient (at least one), and the child. As regards the first feature, i.e. the existence of a platform, it is vital to distinguish between streaming platforms (TikTok, Twitch, YouTube) and platforms allowing a video call (WhatsApp, Webex, Facebook Messenger). Live streaming platforms allow one-way streaming and the possibility for an unspecified number of users to connect. A video call is defined as real-time communication between two or more parties and is usually limited by the number of connected users. For example, the WhatsApp platform currently allows only 32 users to join a video call.⁵ Both types of platforms allow users to make requests for the content of the streaming in real time. In live streaming platforms, a chat line will be the means of how to communicate requests, while in video calls, verbal requests will predominate. It should be noted that under the legislation in force in the United States of America, namely 18 U.S. Code § 2258A, the platforms send reports of suspected sexually explicit live streaming involving children to the National Center for Missing and Exploited Children, abbreviated as NCMEC.⁶

Child abuse for live streaming can be divided into three categories as follows:

- Voluntary, self-generated
- Coercive (under threat)
- Organised

The first category of live streaming includes cases in which the child creates the live streaming him-/herself quite voluntarily, i.e. without coercion from another person. The request for voluntariness is quite obligatory; otherwise, the material would fall into the second category. Voluntary live streaming usually takes place in the environment of social media, especially on various social networking sites, such as Instagram Messenger, Webex, TikTok, Snapchat, and others. There are several reasons for this behaviour, e.g. obtaining a higher number of followers, love of life, financial gain, or the child’s sexual satisfaction.

Coercive live streaming includes cases where the child is coerced under various threats to create sex-related live streaming, which has several features in common. The perpetrator’s web camera is usually switched off during the live streaming, so their real appearance is neither known to the victim nor the police authorities. The perpetrator already has sensitive

¹ ECPAT. ECPAT International Annual Report 2017-2018. Online. 2019. Available from: <https://ecpat.org/annual-report/>. [quoted 2025-05-29].

² CHRISTENSEN, L.S., WOODS, J. “It’s Like POOF and It’s Gone”: The Live-Streaming of Child Sexual Abuse. *Sexuality & Culture* 28, 1467–1481 (2024). <https://doi.org/10.1007/s12119-023-10186-9>

³ CHRISTENSEN, L.S., WOODS, J. “It’s Like POOF and It’s Gone”: The Live-Streaming of Child Sexual Abuse. *Sexuality & Culture* 28, 1467–1481 (2024). <https://doi.org/10.1007/s12119-023-10186-9>

⁴ Cubitt TIC, Napier S, Brown R. Understanding the Offline Criminal Behavior of Individuals Who Live Stream Child Sexual Abuse. *J Interpers Violence*. 2023 May;38(9-10):6624-6649. DOI: 10.1177/08862605221137712. Epub 2022 Nov 19. PMID: 36404751.

⁵ WHATSAPP. Help center: How to make a group video call. Online. 2025. Available from: https://faq.whatsapp.com/694650704942053/?locale=en_US&cms_platform=android. [quoted 2025-05-31].

⁶ NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN. CyberTipline 2024 Report. Online. 2025. Available from: <https://www.ncmec.org/content/dam/mis-singkids/pdfs/cybertipline2024/2024-CyberTipline-Report.pdf> [quoted 2025-06-01].

sex-related material (photographs, video file) at this stage, obtained from the victim during the previous communication. Live streams no longer take place on standard social media, as e.g. TikTok declares in its rules that, 'TikTok shall sanction any content or account which displays a material containing child sexual abuse or juvenile sexual exploitation'⁷, or YouTube says that, 'We shall search for any sexually explicit content depicting juveniles and any content that abuses minors sexually. We shall report any content depicting child sexual abuse to the NCMEC (National Center for Missing and Exploited Children), which cooperates with police and security agencies worldwide'.⁸ The guidelines of these online service providers indicate that such content is detected, blocked, and reported to the NCMEC. In other words, these platforms are not a favourable environment for perpetrators to commit this type of crime.

Live streaming organised by groups is the gravest and most dangerous ever. These organised groups of perpetrators receive huge amounts of money from all over the world from people who prefer children. Each organised group has its hierarchical structure. Moreover, the crimes committed by them are highly sophisticated, using all available so-called protective elements to make it as difficult as possible for the police to detect the groups. Such elements include organising live streaming especially on the darknet and on end-to-end encrypted platforms (Signal, WhatsApp), and strong verification of the identity of members of the organised group or of the consumers in order to prevent infiltration in live streaming by undercover agents. The term undercover agent can mean 'an individual who is placed in a specific setting, such as a warehouse, to gather information covertly. They typically work for a contract service firm and receive a salary from them while maintaining a cover as an employee of the target organizations'.⁹

2 Analysis of the current situation

The following chapter does not aim to describe the origin and development of the issues of sexually explicit live streaming involving children but to focus on a detailed analysis of the current situation in this area. For this purpose, partial research was carried out by combining a search of publicly accessible websites, periodic annual reports on activities, or press statements of selected organizations working in the field of protection of children from sexual abuse, with subsequent quantitative analyses of the data obtained.

The selected organisations were classified into three groups: law enforcement agencies, international police organisations, organisations that have their database or portal for receiving notifications.

The most important law enforcement agencies undoubtedly include the Federal Bureau of Investigations (FBI) and Homeland Security Investigations (HSI), whose activities influence other law enforcement agencies globally. FBI places violent and sexually motivated acts among its long-term priorities, which include, in particular, an international network of perpetrators organising live streams. FBI regularly shares in the media part of their successful arrests or convictions of life-streaming perpetrators, e.g. 'West Columbia Man Indicted for Directing the Sex Abuse of Children in Brazil by Livestream, Producing Child Sexual Abuse Material'.¹⁰

HSI merely makes the general statement in its publicly available annual report that child sexual abuse has been on the rise in the

sphere of financial sextortion (especially in connection with male juveniles), cyber grooming, live streaming, and the creation of materials depicting sexual abuse of children by using the artificial intelligence.¹¹ These authorities have not shared any specific statistical data on live streaming by the research carried out.

The international organisation *Europol* detects an increasing threat in the form of live streaming of sexual performances involving children, known as 'online distant sexual abuse', and refers to e.g. Operation Sprint, carried out in June 2024 and aimed at perpetrators who consume live child abuse streams in exchange for money. Special investigators from ten countries were working on the case. Operation Sprint resulted in creating information packages that pointed to nearly 197 perpetrators paying for live child abuse streams.¹² The issue of live streaming is hugely latent, and infiltrating such groups is proving to be very challenging from all perspectives. For logical reasons, it is difficult to have any valid statistical data for a subsequent detailed analysis. *Interpol* has 19 available global databases in total.¹³ An analysis of periodic reports from 2022, and 2023 and follow-up documents available was conducted but the relevant data is only available to police forces, not to the public.¹⁴

The non-profit organisation called *Internet Watch Foundation* (IWF) represents an international foundation headquartered in Great Britain, engaged in combating child sexual abuse and removing such materials from cyberspace.¹⁵ The research conducted in 2018 collected worrying data about the involvement of children between the ages of 11 and 13 in live streaming. The research, however, indicated the involvement of even younger children at the age of 7 to 10.¹⁶ Since the research, the age of the children involved has remained relatively constant. Another organisation called *WeProtect* considers sexually explicit live streaming involving children to be the most significant threat in this field, as described in their document titled 'Global Threat Assessment 2023'. The primary reason is the considerable difficulty for police forces to locate and obtain evidence of such streams, especially if no video footage or photographs are taken.¹⁷

As part of the partial research, the author further analysed the content of important documents with the following titles, 'Organised Crime Threat Assessment', 'EMPACT 2023 Results Factsheets', 'EU Serious and Organised Crime Threat Assessment', 'Consolidated Annual Activity Report 2023', and 'INHOPE Annual Report 2024'. However, no relevant data applicable to the purpose of the paper was found.

As mentioned in the introduction of this paper, the issue of live streaming is hugely latent, and infiltrating such groups is proving to be quite challenging from all perspectives. The partial research carried out by the author to analyse the current condition of this area, especially backed up by 'hard' data, was not successful as originally intended, especially due to the absence of statistical data. In conclusion, it is necessary to reiterate that, from an objective point of view, it is almost

⁷ TIKTOK. Youth Safety and Well-Being. Online. 2024, updated on 17.5.2024. Available from: <https://www.tiktok.com/community-guidelines/en/youth-safety>. [quoted 2025-06-09].

⁸ YOUTUBE.COM. How YouTube uses technology to detect violative content: Child Safety. Online. 2025. Available from: <https://transparencyreport.google.com/youtube-policy/featured-policies/child-safety?hl=en>. [quoted 2025-06-08].

⁹ SENNEWALD, Charles A. Effective security management. 5th ed. Amsterdam: Elsevier, c2011. ISBN 978-0-12-382012-9.

¹⁰ JUSTICE.GOV. West Columbia Man Indicted for Directing the Sex Abuse of Children in Brazil by Livestream, Producing Child Sexual Abuse Material. Online. 2025, last modified 25 May 2025. Available from: <https://www.justice.gov/usao-sc/pr/west-columbia-man-indicted-directing-sex-abuse-children-brazil-livestream-producing>. [quoted 2025-06-07].

¹¹ THE DEPARTMENT OF HOMELAND SECURITY. Know the threat: online child sexual exploitation & abuse. Online. 2024. Available from: https://www.dhs.gov/sites/default/files/2024-09/24_0920_k2p_csea-onepager.pdf. [quoted 2025-05-27].

¹² EUROPOL. Operational sprint generates 197 new leads on buyers of 'live distant child abuse'. Online. 2024, update 2.7.2024. Available from: <https://www.europol.europa.eu/media-press/newsroom/news/operational-sprint-generates-197-new-leads-buyers-of-live-distant-child-abuse>. [quoted 2025-05-30].

¹³ INTERPOL. What is INTERPOL?. Online. c2025. Available from: <https://www.interpol.int/Who-we-are/What-is-INTERPOL>. [quoted 2025-05-30].

¹⁴ INTERPOL. Documents: Annual reports. Online. 2023. Available from: <https://www.interpol.int/Resources/Documents#Annual-Reports>. [quoted 2025-06-08].

¹⁵ INTERNET WATCH FOUNDATION. Our history. Online. 2025. Available from: <https://www.iwf.org.uk/about-us/why-we-exist/our-history/>. [quoted 2025-05-29].

¹⁶ INTERNET WATCH FOUNDATION. Trends in Online Child Sexual Exploitation: Examining the Distribution of Captures of Live-streamed Child Sexual Abuse. Online. 2018. Available from: <https://www.iwf.org.uk/media/23j3nc2/distribution-of-capture-s-of-live-streamed-child-sexual-abuse-final.pdf>. [quoted 2025-05-29].

¹⁷ WEPROTECT. Global threat assessment 2023: Analysis of the sexual threats children face online. Online. 2024. Available from: <https://www.weprotect.org/global-threat-assessment-23/analysis-sexual-threats-children-face-online/>. [quoted 2025-05-31].

unattainable to have meaningful statistics in this area for subsequent research.

3 Payment methods for participation in live streaming

As mentioned in the introduction of this paper, the digital world moves fast forward on a daily basis, and the same applies when it comes to consumers paying money to join live streaming. Perpetrators become more sophisticated, and therefore also police forces must focus intensively on the area of payments for illegal content. If police forces gave up on investigating the payments, they would lose quite a sufficient quantity of information that is capable of helping to identify specific perpetrators. From a historical perspective, the following four payment methods for sexually explicit live streaming involving children can be identified:

- Cash payments
- Credit card – bank transfer
- Email payments
- Cryptocurrencies

The first two methods can now be considered outdated. Cash payments were common at a time when current options were not available. Nowadays they are virtually excluded, as the connected consumers are from all over the world, given the nature of cyberspace. Sending cash in envelopes is hard to imagine. From the perpetrators' point of view, it does not seem appropriate to accept payments for live streaming via standard bank accounts. This method was widely spread in y. 2000.¹⁸ By sharing a person's bank account number there is a risk, among others, that some of the customers may, for any reason, disclose the bank account to police forces. Nowadays, investigation of this payment method does not cause any significant problems in practice.

E-mail payments represent a method that even nowadays provides perpetrators with room to cover their illegal activities. To use this method, it is 'only' obligatory to register the email address with the payment service provider.¹⁹ For a higher level of anonymity, perpetrators mostly use encrypted services, such as Tutanota, or Protonmail.

The last alternative is currently cryptocurrencies (virtual currencies), considered the future of the world and technologies.²⁰ Cryptocurrencies are characterised as 'virtual money'. These are digital assets that operate on the principle of decentralised technology of blockchain²¹, which means that no central entity (such as a bank or government) can control the network. This competence is replaced by transaction management and authentication, which is distributed among a number of independent nodes (computers).²² In the context of cryptocurrencies, perpetrators take advantage of the possibility of private transactions, i.e. payments are anonymous, which can be used to obtain funds from their criminal activities. Coin mixers (such as Tumbler, Blender, or others) are also an issue, which means 'a service that improves the privacy of cryptocurrency transactions. It hides the connection between sending and receiving addresses by mixing the user's coins with

others, breaking the trace on the blockchain. This makes it difficult to track the flow of funds'.²³

Foreign partner units of the Czech Financial Analytical Office are active in the field of prevention and detection of illegal payments and provide information about payments for child sexual abuse, including live streaming.²⁴ Payments for live streaming are frequently made via so-called FinTech companies. The abbreviation defines companies engaged in providing cashless payment processing technology and related services. These companies include Revolut, WesternUnion, PayPal, and others.²⁵

The cryptocurrency service Coinbase conducted research in 2022 using data collected from the IWF (this organisation was briefly introduced in Chapter 2). The research resulted in the identification of more than 6,500 individuals suspected of abusing the platform for alleged illegal purposes. This information also helped the platform to identify service providers believed to be selling and distributing child sexual abuse material, with the parallel shutdown of the traders who were accepting sums of money for illegal services.²⁶

These financial transactions alone are not sufficient to convict the perpetrator but are nevertheless crucial to linking the consumer to the seller. Perpetrators usually do not plead guilty to this type of crime. Therefore, additional means of evidence must be secured to form an interconnected, unbroken, or closed chain that admits no alternative other than the guilt of the perpetrator.²⁷

The situation in the cryptocurrency sector is addressed by the European Union. An agreement was reached between the Parliament and the Council on the Markets in Crypto-Assets Regulation (MiCA) in June 2022. It was formally approved by the Parliament in April 2023. Approval by the EU Member States was given in May 2023, which represented the final step of the legislative process. The new measures are designed to promote the development and use of these technologies, provide legal certainty, encourage innovation, protect consumers and investors, and ensure financial stability.²⁸

4 Vulnerable groups of children

Based on research conducted within the project 'Comprehensive Approach to Preventing and Combating Child Trafficking', funded by the 'Security Research Programme for the Needs of the State 2022-2027',²⁹ and taking regard of the author's expertise, four groups that need to be addressed can currently be identified as regards children engaged in live streaming:

1. Children who come from socially and economically disadvantaged families or low-income areas. These cases involve the so-called 'intra-family' abuse of a child.³⁰ The primary motive will be financial benefit to cover the basic living needs of the family. However, it is also possible to detect cases in which the financial resources obtained serve to suppress the need for work activity of the parents themselves. In these cases, funds are hardly ever invested in the development of the abused child.

²³ BITCOIN.COM. What is coin mixer? Online. 2025. Available from: <https://www.bitcoin.com/cs/get-started/what-is-coin-mixer/>. [quoted 2025-06-04].

²⁴ FINANCIAL ANALYTICAL OFFICE. Mezinárodní agenda: Evropské instituce. [International agenda: European institutions.] Online. 2022. Available from: <https://fau.gov.cz/evropske-institute>. [cit. 2025-06-02].

²⁵ PLAID.COM. What is fintech? 6 main types of fintech and how they work. Online. 2025, last modified 24 April 2025. Available from: <https://plaid.com/resources/fintech/what-is-fintech/>. [quoted 2025-06-07].

²⁶ INTERNET WATCH FOUNDATION. Websites offering cryptocurrency payment for child sexual abuse images 'doubling every year'. Online. 2022. Available from: <https://www.iwf.org.uk/news-media/news/websites-offering-cryptocurrency-payment-for-child-sexual-abuse-images-doubling-every-year/>. [quoted 2025-06-02].

²⁷ FENYK, Jaroslav; ČISÁŘOVÁ, Dagmar and Tomáš GRÍVNA. Trestní právo procesní [Criminal Procedural Law]. 8th edition. Prague: Wolters Kluwer, 2024. ISBN 978-80-7676-898-7. p. 317.

²⁸ EUROPEAN PARLIAMENT. Cryptocurrency dangers and the benefits of EU legislation. Online. 2022, update 28.9.2023. Available from: <https://www.europarl.europa.eu/topics/en/article/20220324STO26154/cryptocurrency-dangers-and-the-benefits-of-eu-legislation>. [quoted 2025-06-03].

²⁹ Information on this project available at <https://obchodsdetmi.cz/>

³⁰ WEISS, Petr. Sexuální zneužívání - pachatelé a oběti [Sexual abuse – offenders and victims]. Pšyché. Prague: Grada, 2000. ISBN 80-716-9795-8. p.10.

¹⁸ UNIVERSITY OF NOTTINGHAM. Payment methods and investigation of financial transactions in online sexual exploitation of children cases. Online. 2023. Available from: <https://www.nottingham.ac.uk/research/beacons-of-excellence/rights-lab/resources/reports-and-briefings/2023/october/payment-methods-and-investigation-of-financial-transactions-in-online-sexual-exploitation-of-children-cases.pdf>. [quoted 2025-06-03].

¹⁹ Ibid.

²⁰ PATRICK, Zandl. Mýty a naděje digitálního světa: Vše, co potřebujete vědět o kryptoměnach, umělé inteligenci a dalších převratných technologiích [Myths and Hopes of the Digital World: Everything You Need to Know About Cryptocurrencies, Artificial Intelligence, and Other Disruptive Technologies]. Jan Melvil Publishing, 2022. ISBN 978-80-7555-176-4. p. 17.

²¹ SMEJKAL, Vladimír. Kybernetická kriminalita [Cybercrime]. 2nd expanded and updated edition. Pilsen: Publishing and printing house Aleš Čeněk, 2018. ISBN 978-80-7380-720-7. p. 790.

²² DOSTUPNÝ ADVOKÁT. Kryptoměny: Jak fungují a co na ně české právo? [Cryptocurrencies: How do they work? What does the Czech law say?] Online. 2025. Available from: <https://dostupnyadvokat.cz/blog/kryptomeny>. [quoted 2025-06-01].

A related aspect is the pattern of behaviour that a child from such a family environment 'carries' to their life. Even from the point of view of value hierarchy, such children are oriented quite differently from children from the stratum described under Paragraph 2 of this chapter, often leading to their delinquent behaviour in adolescence or adulthood.³¹

2. Children who come from socially and economically average or even well-off families and explain the above from two perspectives. The first perspective is the possibility of additional earnings (for example, secondary school students can be included in this group). The trigger for the behaviour is the pressure of society that is currently extremely focused on material values. For children, expensive items are important for the sake of self-esteem or to meet peer group standards.³² The second view is stepping out of the boredom zone to diversify the existing way of life or as part of a recruitment strategy for variously oriented groups.

3. Children living in or escaping from juvenile rehabilitation institutions or other facilities adapted for this purpose. Such children often look for ways to 'survive' outside these institutions, at whatever cost. They then find shelter and a certain service from persons who, in return, demand, often not entirely voluntarily, favours that fall into the category of sexual exploitation, especially by showing off in front of a web camera for paying customers. However, it is usually not an organised group, but an individual initiative. There are often situations in which a person provides shelter to several children (for example, if there are three female friends on the run). Both girls and boys are at risk from these perpetrators' activities. It can be noted that consumers have been lately increasingly interested in live streaming engaging young boys.

4. Last but not least, children from other countries, especially from Ukraine, represent a challenge. In the absence of other opportunities to earn a living, coercion to the creation of sexually explicit content, even inside the families, cannot be excluded. A warning from our Slovak partners can be quoted as, '*At the beginning of y. 2025, more than 4,000 children from Ukraine were living in Slovakia, so to speak, outside the system, receiving no social benefits or attending school. These are in many cases unaccompanied minors and this can be seen as a ticking bomb for the future*'.³³ Even Europol has been working extensively on this issue, with the digital sprint to disrupt the sexual exploitation of Ukrainian nationals, including children, with a focus on detecting and disrupting trafficking networks that use online platforms to facilitate their criminal activities.³⁴ In terms of the proportion of persons who have been granted temporary protection about the war in Ukraine in the total population, the Czech Republic ranks second behind the Republic of Moldova with 3.51 percent.³⁵

5 Criminal legislation currently valid in the Czech Republic

The strongest and most effective tool to combat behaviour harmful to society is the law and in the case of live streaming, criminal law. In the field of criminal law, live streaming represents two quite different levels. The first includes perpetrators who, by various means, for example, induce, procure, recruit, seduce, or deliver a child to appear on such a live stream for financial gain. Such acts can be legally qualified

as an offence of trafficking in human beings under Section 168(1)(a) of the Criminal Code.

In cases when perpetrators act as members of an organised group or commit such offences with the intent to gain for themselves or others at least CZK 1,000,000, they are at risk of being sentenced for up to 12 years. Currently, perpetrators demand approximately between 50 and 100 EUR or USD for making such performances available. It is important to note that the amount will depend on what kind of performance it is. It will differ if the subject of the performance is 'merely' to show exposed genitals without any further sexual activity or if the sexual activities to be streamed emphasize violence or disrespect towards the child (humiliation, pissing, sexual slavery, and similar). To fulfil the element of financial benefit which is a prerequisite for the imposition of a longer sentence, it will not be necessary to carry out a large number of partial performances, since, based on the premise that one performance is attended by 100 spectators, each of whom paying EUR 100 (CZK 250,000), it will ultimately be necessary to organise four such performances.

As for the offence of trafficking in human beings, a joinder with the offence of exploitation of a child for the production of pornography under Section 193 of the Criminal Code is excluded due to the special nature of the offence.³⁶

For the next part of the paper, especially about the detection of groups of children at risk of trafficking, it is necessary to look closely at the obligatory element of the merits of the crime of trafficking in human beings, namely concealment. Concealment is defined as '*placing a child in a hidden place where (s)he is out of reach of his/her legal guardians or public authorities or other authorised entities*'.³⁷ These will include cases of escape of male/female juveniles from juvenile rehabilitation centres, followed by hiding from a return to such institutions, as described in more detail in Chapter 4.

Another element is the consumers of such content. The provisions of Section 193a of the Criminal Code establish criminal liability for those 'who participate in a pornographic performance or another similar show in which a child performs'. The merits of the crime described above were incorporated into the Criminal Code in 2014 by the implementation of Directive 2011/93/EU of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography. It declares the social harmfulness of watching a live performance of a child via the Internet or other means of communication that has sexual overtones and is intended for a specific audience.³⁸

In order to determine the relevant legal qualification, a pornographic performance that runs in real time, without an option of replay or other repetitive displays, is a significant element.³⁹ Unfortunately, even nowadays it is possible to encounter cases of subsumption of such conduct under the second paragraph of Section 192 which reads, '*Whoever, by employing information or communication technology, gains access to child pornography*'. The provision, however, presumes access to child pornography (pornographic work) and therefore does not apply to pornographic performances. This was also the reason for the introduction of the separate Section 193a of the Criminal Code, as mentioned above.

As for finances, it is most beneficial for perpetrators when the highest possible number of customers joins the performance. However, criminal liability can also be deduced about a single viewer, provided the performance was originally intended for an

³¹ MATOUŠEK, Oldřich and MATOUŠKOVÁ, Andrea. *Mládež a delikvence: možné příčiny, struktura, programy prevence kriminality mládeže* [Youth and delinquency: possible causes, structure, juvenile crime prevention programmes]. 3rd edition, updated. Prague: Portál, 2011. ISBN 978-80-7367-825-8, p. 99.

³² GRIVNA, Tomáš, Miroslav SCHEINOST and Ivana ZOUBKOVÁ. *Kriminologie* [Criminology]. 5th updated ed. Prague: Wolters Kluwer, 2019. ISBN 978-80-7598-554-5.

³³ Information on this project available at <https://obchodsdetmi.cz/>

³⁴ EUROPOL. Digital sprint to disrupt sexual exploitation of Ukrainian nationals. Online. 2025. Available from: <https://www.europol.europa.eu/mediapress/newsroom/news/digital-sprint-to-disrupt-sexual-exploitation-of-ukrainian-nationals>. [quoted 2025-05-24].

³⁵ CONSORTIUM OF MIGRANT ASSISTING NGOS IN THE CZECH REPUBLIC. Refugees from Ukraine in Data and Analyses. Online. 2024. Available from: <https://mi-gracnikonsorcium.cz/cs/data-statistiky-a-analzy/uprchlici-z-ukrajiny-v-datech/>. [quoted 2025-05-24].

³⁶ ŠÁMAL, Pavel. *Trestní zákoník: komentář. III* [Criminal Code: Comments], 3rd edition. Velké komentáře. Prague: C.H. Beck, 2023. ISBN 978-80-7400-893-1, p. 2214.

³⁷ ŠČERBA, Filip a kolektiv. *Trestní zákoník. Komentář* [Criminal Code. Comment], 1st edition (3rd update). Prague: C. H. Beck, 2024. ISBN: p. 41.

³⁸ Ibid.

³⁹ ŠÁMAL, Pavel. *Trestní zákoník: komentář. III* [Criminal Code: Comments], 3rd edition. Velké komentáře. Prague: C.H. Beck, 2023. ISBN 978-80-7400-893-1, p. 2214.

audience.⁴⁰ It is a different situation if a perpetrator agrees with a child bilaterally on a video chat for his/her pleasure. From the viewpoint of legal qualification, there is also another significant circumstance in whether a recording of such a video chat is made. If the video chat is not recorded, in other words, if no recording is available, in whatever format, the case will be a suspected crime of trafficking in human beings under Section 168(1)(a) of the Criminal Code.

In the event a recording is made as a sexually motivated pornographic work with child abuse, the provisions of Section 193, which read, '*Whoever induces, procures, recruits, entices, seduces or exploits a child to produce a pornographic work or to profit from the participation of a child in such a pornographic work*' are applied. With a view to the above, the provisions of Section 193a are not applied in these cases. The aforementioned offences are excluded from a joinder on the ground of subsidiarity.⁴¹

6 Options and tools to combat live streaming

With regard to the defined scope of the article, the Republic of the Philippines has been chosen as it is globally considered a '*hotspot*' of child live streaming. The local police forces have the most experience with the detection and investigation of this crime. The legal and technological aspects of this issue must be compatible. Otherwise, the fight against this phenomenon will not be effective.

From the perspective of law enforcement bodies and justice, the effective detection of such live streaming represents a cornerstone.⁴² As mentioned in the introduction of this paper, this type of criminal activity is highly latent, primarily because all the parties involved (customer, facilitator) commit a criminal offence, except for the abused child.

According to Sharon Pursey, co-founder of safety tech firm SafeToNet, '*Technology exists that can detect and block child sexual abuse from being digitally created or consumed via images, video or live stream. Artificial intelligence and machine learning tools can detect new abusive content and be dropped onto applications, networks, or Operating Systems (OS) of smart devices, preventing devices from rendering illegal sexual images of children*'.⁴³

The Philippine government adopted Act No. 11930, also known as 'Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act' in July 2022, which has brought effective elements of combating sexual abuse of children online. Among other things, it requires service providers to install in their services such advanced technologies, mechanisms, or measures that are designed to prevent, detect, or report materials relating to sexual abuse and exploitation of children and simultaneously ensure that distribution and streaming are removed or blocked.⁴⁴ The success rate of detection is directly proportional to the quality of cooperation between law enforcement authorities and Internet service providers. In a significant number of cases, the service providers are the only ones who can detect abuse and make a report to law enforcement authorities, as the child him/herself is afraid or too young to report the incident, and the parents or custodians know nothing about the abuse.

From this point of view, the Czech Republic is lagging, as the legislation establishes that a Czech provider of a service that entails storing information provided by the user (e.g. web hosting or social networks) does not have an obligation to monitor the content of its network or to actively search for illegal content, according to the provisions of Section 6(a), (b) of Act No. 480/2004 Coll., on certain information company services.⁴⁵

As another measure, the Republic of the Philippines Act introduces a '*register of perpetrators*', which includes both Philippine citizens and foreigners. The register is further connected with the competent government bodies and international police agencies.⁴⁶ Similar registers already exist in the United States and the United Kingdom. In the Czech Republic, however, such a register has not been created yet.

Last but not least, effective combat requires strong and rapid international cooperation between law enforcement agencies, technology companies, and NGOs. Even *Europol*⁴⁷ and *Interpol*⁴⁸ agree with this statement in their documents.

Conclusion

The article describes the issues of live streaming of child sexual abuse. Its goal is to provide the reader with sufficient information about the phenomenon, namely about the basic terminology, to present the current situation worldwide, and the relevant criminal law in the Czech Republic. The analysis conducted shows that even though the current criminal legislation in the Czech Republic allows for sentencing these offences, due to the dynamics and technical complexity of this type of crime, it is, however, necessary to continue to improve it - especially in the area of international cooperation, early detection, and sufficient deterrence of perpetrators from committing this crime.

The article identifies key areas for further review. They specifically include:

- The absence of a legal definition of the term '*sexually explicit live streaming involving children*', preferably accepted globally.
- Live streams operated on encrypted platforms and in the darknet environment, and the possibilities of detection also on ClearWeb from the technological point of view.⁴⁹
- Payments for participation in live streaming in cryptocurrency, including the identification of metadata to support more effective detection of payments related to live streaming.
- '*False positive*' designation of live streaming or video calls in which children are depicted, but which are not of a harmful (sexual) nature.
- The absence of relevant legislation about live streaming at the level of the European Union.

It must be stated here that the author intends to explore these topics more, either in the form of further papers for the following years of the QUAERE conference or as part of the author's

⁴⁰ ŠÁMAL, Pavel. Trestní zákoník: komentář. III [Criminal Code: Comments], 3rd edition. Velké komentáře. Prague: C.H. Beck, 2023. ISBN 978-80-7400-893-1. p. 2214.

⁴¹ ŠÁMAL, Pavel; GRÍVNA, Tomáš; BOHUSLAV, Lukáš; NOVOTNÝ, Oto; HERCZEG, Jiří et al. Trestní právo hmotné [Substantive Criminal Law], 9th revised edition. Praha: Wolters Kluwer, 2022. ISBN 978-80-7598-764-8. p. 403

⁴² PHILSTAR.COM. Protect children from live-streamed sexual abuse – now. Online. 2025, last modified 22 February 2025. Available from: <https://www.philstar.com/opinion/2025/02/22/2423251/protect-children-livestreamed-sexual-abuse-now>. [quoted 2025-06-06].

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ PAČMAG, Marek. Právní možnosti odstranění sexuálně explicitního obsahu z prostředí Internetu [Legal options for removing sexually explicit content from the Internet]. In: QUAERE 2023 - Peer-reviewed journal of the interdisciplinary international scientific conference of doctoral students and assistant professors. QUAERE 2023 - International Interdisciplinary Scientific Conference of Doctoral Students and Assistant Professors, Hradec Králové, 2023-06-26/2023-06-29. Hradec Králové: MAGNANIMITAS, 2023. p. 1127-1133. Vol. 13. ISBN 978-80-87952-38-2. DOI 10.33543/q.2023.13

⁴⁶ PHILSTAR.COM. Protect children from live-streamed sexual abuse – now. Online. 2025, last modified 22 February 2025. Available from: <https://www.philstar.com/opinion/2025/02/22/2423251/protect-children-livestreamed-sexual-abuse-now>. [quoted 2025-06-06].

⁴⁷ EUROPOL. Child Sexual Exploitation. Online. 2025. Available from: <https://www.europol.europa.eu/crime-areas/child-sexual-exploitation>. [cit. 2025-06-06].

⁴⁸ INTERPOL. Our response to crimes against children. Online. 2025. Available from: <https://www.interpol.int/Crimes/Crimes-against-children/Our-response-to-crimes-against-children>. [quoted 2025-06-06].

⁴⁹ WEPROTECT. Global threat assessment 2023: Analysis of the sexual threats children face online. Online. 2024. Available from: <https://www.weprotect.org/global-threat-assessment-23/analysis-sexual-threats-children-face-online/>. [quoted 2025-05-31].

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