

Legal questionnaire completed by Carey Olsen (Guernsey) LLP • October 2025

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Is this jurisdiction a European Union (EU) Member State or otherwise subject to EU laws/regulations (such as an overseas territory or department of an EU Member State)?

No

1. What laws and regulations contain legal definitions of the following terms or corresponding terms in your local jurisdiction (links to existing U.S. legal definitions are included, where relevant, as background for comparison – please include definitions of any corresponding terms in your jurisdiction):

a. **child or minor (18 U.S.C. 2256(1), <https://www.law.cornell.edu/uscode/text/18/2256>)**

According to the Children (Guernsey and Alderney) Law 2008 ("**Children's Law**"), "**child**" means a person under the age of 18 years (section 122, <https://www.guernseylegalresources.gg/CHttpHandler.ashx?documentid=52463>).

The Law Reform (Age of Majority and Guardianship of Minors) (Guernsey) Law, 1978 provides that persons under "full age" (being the age of 18, under section 1 thereof) may be described as minors (sections 1 and 3, <https://www.guernseylegalresources.gg/CHttpHandler.ashx?documentid=54469>).

However, the Sexual Offences (Bailiwick of Guernsey) Law, 2020 (the "**Sexual Offences Law**"), which is the principal legislation that defines and criminalises sexual offences, including those involving children (<https://www.guernseylegalresources.gg/CHttpHandler.ashx?documentid=83205>), outlines offences in respect of children under specific ages, including:

- Part I, Chapter V (*Non-consensual offences against children under 13*), which sets out non-consensual offences against children under the age of 13.
- Part I, Chapter VI (*Child Sex Offences*), which generally criminalises sexual acts with or in relation to persons who are under the age of 16; under the age of 16 and not reasonably believed by the perpetrator to be 16 or over; or under the age of 13.
- Part I, Chapter VII (*Familial Child Sex Offences*), Chapter VIII (*Offences involving an abuse of a position of trust*) and Chapter XIII (*Sexual exploitation of children*) include specific offences in relation to persons under the age of 18 and not reasonably believed by the perpetrator to be 18 or over; or persons under the age of 13.



- Part I, Chapter XIX (*Other Offences, Section 94 – Voyeurism towards a child*) includes specific offences in relation to persons below the age of 16.
- Part II, Chapter 2 (*Indecent Images*) states that, for the purposes of that chapter of the Sexual Offences Law, "child" means a person aged under 16.

b. child sexual exploitation (Missing Children's Assistance Act of 2023, Section 2, (a)(1)(9), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)

The term "child sexual exploitation" is not explicitly defined under Guernsey law, however Chapter XIII (*Sexual Exploitation of Children*) of the Sexual Offences Law outlines the circumstances under which a person (including a child) would be considered to be sexually exploited. Section 66 of the Sexual Offences Law provides that a person is sexually exploited if, on at least one occasion and whether or not compelled to do so, that person offers or provides sexual services in exchange for payment or a promise of payment, either for themselves or a third person, or an indecent image of a person is recorded. The term "payment" in this context includes any financial advantage, e.g. the discharge of a debt or the provision of goods or services (including sexual services) gratuitously or at a discount.

Chapter XIII (*Sexual Exploitation of Children*) of the Sexual Offences Law contains several offences related to the sexual exploitation of children, including paying for sexual services of a child (section 67), causing or inciting sexual exploitation of a child (section 68), controlling a child in relation to sexual exploitation (section 69), and arranging or facilitating sexual exploitation of a child (section 70). Each offence specifies that if the victim is under 18 and the perpetrator does not reasonably believe they are 18 or over, or if the victim is under 13, the perpetrator commits an offence.

c. sexually explicit conduct (18 U.S.C. 2256(2), <https://www.law.cornell.edu/uscode/text/18/2256>)

The term "sexually explicit conduct," is not defined by statute under Guernsey law, however the Sexual Offences Law (section 2 (*Meaning of "sexual"*)), defines the term "sexual" which (except for specific sections specified therein) generally includes any activity if a reasonable person would consider that regardless of its circumstances or any person's purpose in relation to it, it is sexual because of its nature; or because of its nature it may be sexual and because of its circumstances or the purpose of any person in relation to it (or both) it is sexual.

In the context of sexual communication with a child under section 26(2) (*Sexual communication with a child*), a communication is "sexual" if any part of it relates to sexual activity, or a reasonable person would, in all the circumstances (but regardless of any person's purpose), consider any part of the communication to be sexual.

In relation to disclosure of private sexual photographs and films, section 65(7) (*Disclosing private sexual photographs and films with intent to cause distress*) provides that a photograph or film is sexual if it shows all or part of an individual's exposed intimate areas, shows something that a reasonable person would consider to be sexual due to its nature or its content taken as a whole.

For the purposes of sections 26 (*Sexual communication with a child*) and 99(2) (*Sexual*



activity in a public lavatory) an activity is sexual if a reasonable person would, in all circumstances (but regardless of any person's purpose), consider it to be sexual.

d. **child sexual abuse (18 U.S.C. 2243(a), <https://www.law.cornell.edu/uscode/text/18/2243>)**

Section 72(5) of the Sexual Offences Law uses the term "**abusing children sexually**" which is defined as: doing anything that constitutes an offence under Part I (*Sexual Offences*) against a person under 16, or under Part II [*Protection of Children*] involving indecent images (but not pseudo-photographs), or doing anything outside the Bailiwick of Guernsey that would constitute such an offence if done in the Bailiwick of Guernsey. The key offences covered under this definition include:

PART I SEXUAL OFFENCES

- **Chapter IV, Non-Consensual Offences:** (*Rape* (11), *Assault by penetration* (12), *Sexual assault* (13), *Sexual coercion* (14))
- **Chapter V, Non-Consensual Offences Against Children Under 13:** (16) *Rape of a child under 13*; (17) *Assault of a child under 13 by penetration*; (18) *Sexual assault of a child under 13*; (19) *Causing or inciting a child under 13 to engage in sexual activity*
- **Chapter VI – Child Sex Offences:** (21) *Sexual touching of a child*; (22) *Causing or inciting a child to engage in sexual activity*; (23) *Engaging in sexual activity in the presence of a child*; (24) *Causing a child to watch a sexual activity*; (25) *Arranging or facilitating commission of a child sex offence*; (26) *Sexual communication with a child*; (27) *Grooming for sexual conduct with a child under the age of 16*; (28) *Meeting a child following communication etc.*
- **Chapter VII – Familial Child Sex Offences:** (31) *Sexual touching of a child family member*; (32) *Inciting a child family member to engage in sexual touching*
- **Chapter VIII – Abuse of a Position of Trust:** (35): *Sexual touching of a child*; (36) *Causing or inciting a child to engage in sexual activity*; (37) *Engaging in sexual activity in the presence of a child*; (38) *Causing a child to watch a sexual act*
- **Chapter IX – Offences by Careworkers against Persons with a Mental Disorder:** (41) *Careworkers: sexual touching of a person with a mental disorder*; (42) *Careworkers: causing or inciting a person with a mental disorder to engage in sexual activity*; (43) *Careworkers: engaging in sexual activity in the presence of a person with a mental disorder*; (44) *Careworkers: causing a person with a mental disorder to watch a sexual act*
- **Chapter X – Offences against Persons with a Mental Disorder Impeding Choice:** (47) *Sexual touching of a person with a mental disorder impeding choice*; (48) *Causing or inciting of a person with a mental disorder impeding choice to engage in sexual activity*; (49) *Engaging in sexual activity in the presence of a person with a mental disorder impeding choice*; (50) *Causing a person with a mental disorder impeding choice to watch a sexual act*
- **Chapter XI – Using Improper Means in relation to Persons with a Mental Disorder:** (53) *Improper means to procure sexual touching with a person with a mental disorder*; (54) *Causing a person with a mental disorder to engage in or agree to engage in sexual activity by improper means*; (55) *Engaging in sexual activity in the presence of a person with a mental disorder, procured by improper means*; (56) *Causing a person with a mental disorder to watch a sexual act by improper means*
- **Chapter XII – Pornography and Disclosure of Sexual Images:** (59) *Possession of extreme pornographic images*; (65) *Disclosing private sexual photographs and films*



with intent to cause distress

- **Chapter XIII – Sexual Exploitation of Children:** (67) *Paying for sexual services of a child*; (68) *Causing or inciting sexual exploitation*; (69) *Controlling a child in relation to sexual exploitation*; (70) *Arranging or facilitating sexual exploitation*
- **Chapter XIV – Paedophile Materials:** (72) *Possession of prohibited item*; (73) *Possession of child sex doll*
- **Chapter XVI – Trafficking:** 82 (*Trafficking people for sexual exploitation*)
- **Chapter XIX – Other Offences:** (94) *Voyeurism towards a child*

PART II PROTECTION OF CHILDREN

- **Chapter I – Harmful Publications:** (102) *Harmful publications*;
- **Chapter II – Indecent images:** (105) *Taking, making and distributing etc. indecent images of children*; (107) *Possession of indecent images of children*

e. **child pornography or child sexual abuse material (CSAM) (18 U.S.C. 2256(8), <https://www.law.cornell.edu/uscode/text/18/2256>)**

The Sexual Offences Law does not define the terms "child pornography" "child sexual abuse material", however it contains the following pertinent terms, which encompass child pornography or child sexual abuse material are covered:

- **child sex doll:** a doll which fully or partially has the appearance of a child, and has been made or adapted for the purposes of sexual activity of any description (section 73).
- **corrupting publication:** any book, magazine, video or photographic film or other like work which is of a kind likely to fall into the hands of persons under 18 and consists wholly or mainly of stories told in pictures, words or sounds (with or without the addition of written matter) being stories portraying the commission of a crime, an act of violence or cruelty, or an incident of a repulsive or horrible nature, or human sexual activity, in such a way that the work as a whole would tend to corrupt a person under 18 into whose hands it might fall (section 102(3)).
- **extreme image:** an image that is grossly offensive, disgusting, or obscene, and depicts acts like life-threatening situations, serious injury to intimate body parts, sexual interference with a corpse, or bestiality, and appears realistic. An image is considered pornographic if its main purpose is sexual arousal, but context within a series of images can influence this determination (Part I (*Sexual Offences*), Chapter XII (*Pornography and Disclosure of Sexual Images*), section 58(1)(b)).
- **extreme pornographic image:** an image which is an extreme image, or pornographic image (section 59) (excluding certain images as set out in section 60).
- **image:**
 - Part 1 (*Sexual Offences*), Chapter 1 (*Key Definitions*) (except in relation to Chapter XII (pornography and disclosure of sexual images)), refers to a moving or still image (produced by any means), and includes an image produced by any means such as drawing and, where the context permits, a three-dimensional image. References to an image of a person include references to an image of an imaginary person.
 - Part II (*Protection of Children*), Chapter II (*Indecent Images*), includes the positive and negative version of a photograph, a copy of a photograph, a photograph comprised in a film, data stored on a computer disc or by other electronic means which is capable of conversion into a photograph, any form of



video recording, and a pseudo-photograph (section 104(1)).

- **indecent image of a child:** an image which shows a child and is indecent (section 104(2)). As noted above, under Part II (*Protection of Children*), Chapter II (*Indecent Images*) of the Sexual Offences Law, "child" is defined as a person aged under the age of 16 (section 104(5)).
- **pornographic image:** an image whose main purpose is sexual stimulation but context within a series of images can influence this determination (Part I (*Sexual Offences*), Chapter XII (*Pornography and Disclosure of Sexual Images*), section 58(5)).
- **prohibited item:** any item that contains advice or guidance about abusing children sexually (section 72).
- **pseudo-photograph:** an image, whether made by computer graphics or otherwise, which appears to be a photograph, and includes a copy of a pseudo-photograph, and data stored on a computer disc or by other electronic means which is capable of conversion into a pseudo-photograph (section 104(3)).
- **pseudo-photograph showing a child:** a pseudo-photograph which gives the impression that the person shown is a child, or conveying the predominant impression that the person shown is a child despite some of the physical characteristics shown being those of an adult (section 104(4)). As noted above, under Part II (*Protection of Children*), Chapter II (*Indecent Images*) of the Sexual Offences Law, "child" is defined as a person aged under the age of 16 (section 104(5)).

f. **computer-generated images or videos of child pornography or CSAM (created by artificial intelligence or morphed) (18 U.S.C. 2256(8) & (9), <https://www.law.cornell.edu/uscode/text/18/2256>)**

There is no specific definition of such media, however the Sexual Offences Law references the term "pseudo-photograph" which is defined as an image, whether made by computer graphics or otherwise, which appears to be a photograph, and includes a copy of a pseudo-photograph, and data stored on a computer disc or by other electronic means which is capable of conversion into a pseudo-photograph (in section 104(3)). If the impression conveyed by a pseudo-photograph is that the person shown is a child, or the predominant impression conveyed is that the person shown is a child notwithstanding that some of the physical characteristics shown are those of an adult, the pseudo-photograph shall be treated (for all purposes of Chapter II (*Indecent Images*) of the Sexual Offences Law) as showing a child (section 104(4)). As noted above, under Part II (*Protection of Children*), Chapter II (*Indecent Images*) of the Sexual Offences Law, "child" is defined as a person aged under the age of 16 (section 104(5)).

Pertinent aspects of the definition of "image" which may also be broad enough to encompass, "computer-generated images or videos of child pornography or CSAM (created by artificial intelligence or morphed)" include:

- an image (including a moving or still image) which is "*produced by any means*" (Part 1 (*Sexual Offences*), Chapter 1 (*Key Definitions*), section 1(1)(4))
- a moving or still image (produced by any means), or data (stored by any means) which is capable of conversion into an image (Part I (*Sexual Offences*), Chapter XII (*Pornography and disclosure of sexual images*) (section 58(1)(a))
- data stored on a computer disc or by other electronic means which is capable of conversion into a photograph (Part II (*Protection of Children*), Chapter II (*Indecent Images*) (section 104(1)(d)))

- g. enticement or grooming (encouraging, persuading, or coercing a child to engage in sexual activity or to create child pornography or CSAM) (18 U.S.C. 2422(b), <https://www.law.cornell.edu/uscode/text/18/2422>)

The Sexual Offences Law has no prescribed definition of "enticement" or "grooming", however certain conduct is criminalised, including:

- Under Chapter VI (*Child Sex Offences*), if a person ("A"), in respect of a person who is either under 16 and not reasonably believed by A to be 16 or over, or is under 13 ("B"), intentionally:
 - touches B in a sexual manner (s.21, *Sexual touching of a child*)
 - causes or incites B to engage in a sexual activity (s.22, *Causing or inciting a child to engage in sexual activity*)
 - engages in a sexual activity, for the purpose of obtaining sexual gratification when B is present or is in a place from which A can be observed, and A knows or believes that B is aware, or intends that B should be aware, that A is engaging in such sexual activity (s.23, *Engaging in sexual activity in the presence of a child*)
 - for the purpose of obtaining sexual gratification, A causes B to watch a third person, or to look at an image of any person, engaging in a sexual activity (s.24, *Causing a child to watch a sexual activity*)
 - for the purpose of obtaining sexual gratification or humiliating, distressing or alarming any person, intentionally communicates with B in a manner which is sexual or is intended to encourage B to make (whether to A or to another) a communication that is sexual, (for the purposes of this section a communication is "sexual" if any part of it relates to sexual activity (i.e. activity which a reasonable person would, in all the circumstances but regardless of any person's purpose, consider it to be sexual), or a reasonable person would, in all the circumstances but regardless of any person's purpose, consider any part of the communication to be sexual) (s.26, *Sexual communication with a child*).
- Under section 25 it is an offence if a person intentionally arranges or facilitates something that they intend to do, intend another person to do, or believes that another person will do, in any part of the world, involving the commission of an offence under any of sections 16 (*Rape of a child under 13*), 17 (*Assault of a child under 13 by penetration*), 18 (*Sexual assault of a child under 13*) to 19 (*Causing or inciting a child under 13 to engage in sexual activity*) or 21 (*Sexual touching of a child*), 22 (*Causing or inciting a child to engage in sexual activity*), 23 (*Engaging in sexual activity in the presence of a child*) to 24 (*Causing a child to watch a sexual activity*).
- Under section 27 (*Grooming for sexual conduct with a child under the age of 16*) it is an offence if a person aged 18 or over ("A") communicates, by words or otherwise, with a person under 16 ("B"), or another person under whose care, supervision or authority B is, and A intends that the communication facilitates B engaging or being involved in the commission of a relevant sexual offence by A or by another person who is 18 or over.
- Under section 28 (*Meeting a child following communication etc.*) of the Sexual Offences Law, it is an offence if a person aged 18 or over ("A") has met or communicated with a person who is aged under 16 or not reasonably believed by A to be 16 or over or is under 13 ("B") on one or more occasions and subsequently intentionally meets B, travels with the intention of meeting B in any part of the world or arranges to meet B, or B travels with the intention of meeting A, in any part of the



world, and A intends to do anything to or in respect of B, during or after such meeting and in any part of the world, which if done will involve the commission by A of a relevant sexual offence.

- Under section 94 (*Voyeurism towards a child*) of the of the Sexual Offences Law it is an offence for a person ("A") to i) observe a child who has not attained the age of 16 years ("B") doing a private act, for the purpose of obtaining sexual gratification, and humiliating, distressing or alarming B; or ii) operate equipment with the intention of enabling A or another person ("C") to observe a child below the age of 16 years doing a private act, for the purpose of obtaining sexual gratification (whether for A or C), and humiliating, distressing or alarming B.

h. legal age of consent for sexual activity – are there laws and regulations, if so, what ages are specified?

The legal age of consent for sexual activity is not expressly defined, but is established through various provisions in the Sexual Offences Law, as set out under question 1 above. Certain offences distinguish between age ranges, albeit all in relation to victims under the age of 18. These age ranges include:

- in respect of persons under 18;
 - Part II, Chapter 2 (*Indecent Images*) – this states that, for the purposes of that chapter of the Sexual Offences Law, "child" means a person aged under 16.
- in respect of persons under the age of 18 and not reasonably believed by the perpetrator to be 18 or over; or under the age of 13.
 - Part I, Chapter VII (*Familial Child Sex Offences*)
 - Part I, Chapter VIII (*Offences involving an abuse of a position of trust*)
 - Part I, Chapter XIII (*Sexual exploitation of children*)
- in respect of persons under 16:
 - Part I, Chapter VI (*Child Sex Offences*), section 27 (*Grooming for sexual conduct with a child under the age of 16*)
 - Part I, Chapter XIX (*Other Offences*), section 94 (*Voyeurism towards a child*)
- in respect of persons under 16 and not reasonably believed by the perpetrator to be 16 or over, or a child is under 13.
 - Part I, Chapter VI (*Child Sex Offences*) (except for s.27 (*Grooming for sexual conduct with a child under the age of 16*))
- in respect of persons under 13
 - Part I, Chapter V (*Non-consensual offences against children under 13*)

i. Sextortion (extorting money or sexual favors from a child by threatening to share sexually explicit, child pornography or CSAM images of the child) (Missing Children's Assistance Act of 2023, Section 2, (a)(1)(8), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)

There is no statutory definition for the term "sextortion". However, section 65 (*Disclosing or threatening to disclose private sexual photographs and films with intent to cause distress*) of the Offences in the Sexual Offences (Bailiwick of Guernsey) Law, 2020 (as amended by section 20 of the Domestic Abuse and Related Provisions (Bailiwick of Guernsey) Law, 2024 (<https://www.guernseylegalresources.gg/CHttpHandler.ashx?documentid=87471>)), prohibits a person ("A") disclosing, or threatening to disclose, a private sexual photograph or film in which another individual ("B") appears, without B's consent, to a person other than B, with



the intention to cause distress, humiliation or alarm to B or another person.

This is separately addressed by the Domestic Abuse and Related Provisions (Bailiwick of Guernsey) Law, 2024 ([CHttpHandler.ashx](#)) under Part I, Chapter IV "Threatening to disclose private sexual photographs and films", which amends s.65 of the Sexual Offence Law to include the offence of threatening to disclose, as opposed to only actually disclosing, such images or videos.

Resources:

- The Children (Guernsey and Alderney) Law, 2008
<https://www.guernseylegalresources.gg/CHttpHandler.ashx?documentid=52463>
- The Law Reform (Age of Majority and Guardianship of Minors) (Guernsey) Law, 1978
<https://www.guernseylegalresources.gg/CHttpHandler.ashx?documentid=54469>
- Sexual Offences (Bailiwick of Guernsey) Law, 2020
<https://www.guernseylegalresources.gg/CHttpHandler.ashx?documentid=83205>

2. Please explain any legal or regulatory requirement or recommendation for Online Platforms to undertake any of the following activities on their systems to protect children online from sexual exploitation:

a. review, screen, moderate, or detect content to identify child pornography or CSAM content

There is no explicit legal requirement on online platforms to proactively review, screen, moderate, or detect content for child sexual abuse material (CSAM) at this time. However, certain sexual offences in relation to child pornography or CSAM are prohibited, mainly under the Sexual Offences Law. The Sexual Offences Law includes provisions criminalising possessing, printing, publishing, selling, letting on hire etc. in relation to content which would fall within the meaning of child pornography or CSAM content, including, but not limited to Part I (*Sexual Offences*), Chapter XII (*Pornography and Disclosure of Sexual Images*), Chapter XIII – *Sexual Exploitation of Children* Chapter XIV (*Paedophile Materials*) (also see provisions and definitions referenced under question 1(e) above). If online platform service provider allows such activity to occur via their service (including, for example, by aiding and abetting a sexual offence), they can incur criminal liability.

b. review, screen, moderate, or detect content to identify enticement, grooming, or sextortion of a child

There is no legal requirement for online platforms to actively review, screen, moderate, or detect content for grooming, enticement, or sextortion. However, certain sexual offences which would fall within the scope of enticement, grooming, or sextortion are prohibited and if an online platform service provider allows such activity to occur via their service they may incur criminal liability.

c. report child pornography, CSAM, enticement, grooming, or sextortion that they become aware of or are notified about on their systems to a law enforcement or government agency or nongovernmental organization

There is no statutory mandatory reporting obligation on online platforms to proactively report



such content or incidents to authorities. However, failure to report child pornography, CSAM, enticement, grooming, or sextortion that they become aware of or are notified about on their systems to a law enforcement or government agency or nongovernmental organisation is potentially caught by other criminal provisions (e.g. aiding, abetting etc. offences under the Sexual Offences Law).

d. remove or take down any child pornography, CSAM, enticement, grooming, or sextortion that they identify, become aware of, or are notified about

There is no general requirement to remove or take down any child pornography, CSAM, enticement, grooming, or sextortion that they identify, become aware of, or are notified about. However, failure to do so would be caught by other criminal provisions such as sections 102 (*Harmful publications*), 105 (*Taking, making and distributing etc. indecent images of children*) and 107 (*Possession of indecent images of children*), and aiding, abetting etc. offences under the Sexual Offences Law. Section 109 of the Sexual Offences Law provides for the liability of a company's officers in relation to offences by the company concerning harmful publications (s.102), taking, making and distributing etc. indecent images of children (s.105) and possession of indecent images of children (s.107).

e. review content by human moderators to screen or moderate for child pornography or CSAM

There is no requirement to use human moderators to screen or moderate content for child pornography or CSAM. See 2(b) above.

f. remove child pornography, CSAM, enticement, grooming, or sextortion from their systems when notified of its presence by a victim, nongovernmental organization, law enforcement, or government agency

There is no legal requirement for online platforms to remove or take down any child pornography, CSAM, enticement, grooming, or sextortion that they identify, become aware of, or are notified about. However, failure to do so would be expected to be caught by provisions under Guernsey law which criminalise the same, such as sections 102 (*Harmful publications*), 105 (*Taking, making and distributing etc. indecent images of children*) and 107 (*Possession of indecent images of children*), and aiding, abetting etc. offences under the Sexual Offences Law. Section 109 of the Sexual Offences Law specifically provides for the liability of company officers for offences by company in relation to harmful publications (s.102), taking, making and distributing etc. indecent images of children (s.105) and possession of indecent images of children (s.107)).

Further, section 21 (*Right to erasure*) of the Data Protection (Bailiwick of Guernsey) Law, 2017 (the "**Data Protection Law**")

(<https://www.guernseylegalresources.gg/CHttpHandler.ashx?documentid=80494>) may be relevant, which applies *where* personal data was collected in the context of an offer of information society services (being a service as defined in point (b) of Article 1(1) of [Directive \(EU\) 2015/1535 of the European Parliament and of the Council of 9 September 2015](#) laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services) directly to a child under 13 years of age, provides that the data subject has a right to require the controller to erase the personal data in accordance with subsections (3) to (6) of section 21.

- g. use any specific technology to detect, remove, block, or take down any child pornography, CSAM, enticement, grooming, or sextortion, including:
- i. “Hashing technology” (<https://www.thorn.org/blog/hashing-detect-child-sex-abuse-imagery/>). Many Online Platforms hash and tag images and videos of child pornography or CSAM and then use hashing technology to scan content on their systems to detect the distribution of child pornography or CSAM online so it can be removed.
 - ii. Artificial intelligence or machine learning tools to detect the presence of child pornography, CSAM, enticement, grooming, or sextortion.

There is no legal obligation for online platforms to use hashing technology, artificial intelligence or machine learning to detect, remove, block or take down any child pornography, CSAM, enticement, grooming or sextortion.

- h. if the applicable laws or regulations require some, but not all, Online Platforms to perform any of the above activities, describe how the differing requirements apply. For example, are differences based on the number of online users, types of services offered, etc.?

Not applicable.

Resources:

- Sexual Offences (Bailiwick of Guernsey) Law, 2020
<https://www.guernseylegalresources.gg/CHttpHandler.ashx?documentid=83205>
- Data Protection (Bailiwick of Guernsey) Law, 2017
<https://www.guernseylegalresources.gg/CHttpHandler.ashx?documentid=80494>
- Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015
<https://eur-lex.europa.eu/eli/dir/2015/1535/oj/eng>

3. Are Online Platforms legally required or recommended to implement any method to verify the age of a user before allowing access to an online platform?

There is no general law mandating age verification for general online platform access. However, under the Data Protection Law, if an online service is offering an information society service, directly to a child under 13 and relies on consent to process personal data, the service must obtain parental consent and make reasonable efforts to verify that the person giving consent is the person they claim to be and is duly authorised to do so. The law does not prescribe a specific technical method for age verification, however online platforms are expected to have a mechanism to verify a child’s age (or obtain confirmation of or verify parental authority) when a child attempts to sign up and the platform. The Data Protection Law is administered and enforced by the Data Protection Authority established under that law. Save for the verification requirements in relation to children under the age of 13 pursuant to the Data Protection Law referenced above, Guernsey does not require universal age verification for accessing online platforms.

Resources:

- Data Protection (Bailiwick of Guernsey) Law, 2017
<https://www.guernseylegalresources.gg/CHttpHandler.ashx?documentid=80494>

4. Are Online Platforms legally required or recommended to implement any method to obtain parental consent before a child uses the services of such Online Platforms?

There is no general statutory requirement to obtain parental consent for general online platform access. However, under the Data Protection Law if an online service is offering an information society directly to a child aged under 13 relying on consent to process personal data, the service must obtain parental consent. The law sets out comprehensive requirements regarding consent in section 10. These include, in brief, that consent given by a data subject must be specific, informed, unambiguous, clearly demonstrable, freely given, and revocable at any time. Consent for processing personal data in the context of other matters must be distinguishable and clear.

For children under 13 years of age, consent must be given or authorised by a person who has parental responsibility for the child and reasonable efforts must be made to verify that the person giving consent is who they claim to be and is duly authorised to do so, and the data subject has a right to require the controller to erase their personal data (see sections S10 (6)(b), 21(1)(f)), and 74(a)). False or misleading information invalidates consent, there must be a simple procedure for withdrawal, and consent for processing certain sensitive types of information must meet specific requirements under the Data Protection Law. Otherwise there is no general legal requirement for parental consent for a child simply to use an online service.

Resources:

- Data Protection (Bailiwick of Guernsey) Law, 2017
<https://www.guernseylegalresources.gg/CHttpHandler.ashx?documentid=80494>

5. Are there legal remedies for children who have been victimized by online child sexual exploitation? This may include children who are victimized by the distribution of child pornography or CSAM imagery in which they are depicted, or children victimized by enticement, grooming or sextortion. If such legal remedies exist, do they include:

a. The ability to stop the publication of the pornography or CSAM imagery by the Online Platform?

There is no direct, proactive statutory mechanism that allows victims or their representatives to prevent the publication of CSAM or child pornography by an online platform before it occurs. However, the Sexual Offences Law criminalises a range of preparatory and inchoate offences (e.g. possessing, taking, permitting to be taken, distributing or showing indecent images of children; see list of offences above under 1(d) of this questionnaire) which would allow law enforcement and prosecutorial authorities to intervene before publication.

b. An obligation on the part of the Online Platform to take active steps to remove the pornography or other imagery from their servers?

Online platforms are not generally required to take active steps to remove CSAM, child pornography from their servers. However, there are relevant legal mechanisms through which the issue can be addressed, such as the Sexual Offences Law which criminalises, among other things, the possession, creation and distribution of CSAM and related content. Criminal prosecution and court orders or injunctions could therefore be pursued within the existing framework to procure removal of such content by an online platform.

- c. An ability to get an injunction or other court order against the Online Platform to stop them from publishing the pornography or imagery?**

There is no specific provision for injunctions or court orders against online platforms to prevent the publication or continued distribution of child sexual abuse material (CSAM) or imagery involving children. However, there are general legal remedies and protections for children who are victims of online sexual exploitation, including via criminalisation of relevant offences under the Sexual Offences Law, enabling prosecution and recourse for victims support through the criminal justice system. Injunctive relief may also be sought through the Royal Court of Guernsey, protective orders and other court orders are available and can be used to prohibit a person from reposting CSAM or related imagery on the same or other online platforms under the Children's Law and The Domestic Abuse and Related Provisions (Bailiwick of Guernsey) Law, 2024.

- d. A protective order or other court order that prohibits the person who posts the pornography or imagery from doing so in the future on the same or other Online Platform?**

The Royal Court of Guernsey has broad powers to issue injunctions which prevent further harm, which can include prohibitory injunctions, protective orders and other court orders are available and can be used to prohibit a person from reposting CSAM or related imagery on the same or other online platforms under the Sexual Offences Law and the Domestic Abuse and Related Provisions (Bailiwick of Guernsey) Law, 2024 (<https://www.guernseylegalresources.gg/CHttpHandler.ashx?documentid=87471>).

- e. the ability to seek financial damages or any sort of monetary recovery from an offender who has shared the child's image or video, either in a civil or a criminal proceeding?**

Financial recovery is possible. The Criminal Justice (Compensation) (Bailiwick of Guernsey) Law, 1990 (<https://www.guernseylegalresources.gg/CHttpHandler.ashx?documentid=56110>) provides for criminal compensation orders (under general criminal justice framework and not specific to child sexual exploitation, but it can apply in such cases where appropriate). Civil claims in tort may also be pursued which could result in monetary damages.

- f. the ability to seek any other forms of victim compensation/recovery/services provided for under the law and/or by a government-funded source?**

Child sexual exploitation victims are supported through a multi-agency framework coordinated by the Islands Safeguarding Children Partnership (ISCP) which is established under and operates under the children's law (s.29) and is guided by the Multi-Agency Child Exploitation (MACE) Framework (<http://iscp.gg/CHttpHandler.ashx?id=165706&p=0>). This framework involves various government-funded and community-based services aimed at prevention, intervention, and recovery. These include:

- *The Multi-Agency Support Hub ("MASH")*, which is a multi-agency partnership between a number of agencies, including (without limitation) Guernsey Police, and the Committee for Health and Social Care which was introduced to support the principles underpinning the Children's Law and provide various support services including in relation to welfare and protection of children.
- *Reparative Care Team* (<https://www.gov.gg/RCT>), is overseen by the States of Guernsey Committee for Health & Social Care and supports delivery of services to



meet the requirements of the Children's Law, including via provision of, *inter alia*, access to child sexual abuse therapies, which focus on emotional recovery and psychological support.

- *Youth Commission* (<https://youthcommission.gg/>), is a charity which operates in partnership with the States of Guernsey and it offers, *inter alia*, support and advice to children and young people who are at risk of or are experiencing child sexual exploitation.
- *Guernsey Police Public Protection Unit* (*Public Protection Unit - Guernsey Police*), which works closely with social workers and other agencies and provides ongoing support from a policing perspective on various issues, including issues relating to child protection, abuse investigations, rape and sexual assault including historical sex offences etc. and helps develop long-term safeguarding plans.

g. notification to a victim when an offender is arrested for distributing child pornography or CSAM in which the child is depicted?

There is no statutory provision mandating notification to victims (or their guardians) where an offender is arrested for distributing child sexual abuse material (CSAM) in which the victim is depicted.

Resources:

- Sexual Offences (Bailiwick of Guernsey) Law, 2020
<https://www.guernseylegalresources.gg/CHttpHandler.ashx?documentid=83205>
- Domestic Abuse and Related Provisions (Bailiwick of Guernsey) Law, 2024
<https://www.guernseylegalresources.gg/CHttpHandler.ashx?documentid=87471>
- The Criminal Justice (Compensation) (Bailiwick of Guernsey) Law, 1990
<https://www.guernseylegalresources.gg/CHttpHandler.ashx?documentid=56110>
- The Children (Guernsey and Alderney) Law 2008
<https://www.guernseylegalresources.gg/CHttpHandler.ashx?documentid=52463>

6. "Safety by Design" is defined as tools or processes that are built into an Online Platform to protect children by making it easier for the relevant Online Platform to detect or prevent the distribution of child pornography or CSAM.

a. Are Online Platforms legally required to incorporate "Safety by Design" into their systems?

There is no law mandating online platforms to adopt "Safety by Design" principles.

- i. If so, must these steps be taken before the launch of an Online Platform?
- ii. If so, if an Online Platform has already been in public use, when must they have incorporated "Safety by Design" measures?
- iii. For each of 6(a)(i) or (ii) above, please describe the legal requirement or recommendation.

b. Please include information about the parameters for monitoring, management, and enforcement of any legal or regulatory requirements for the Online Platform's incorporation of "Safety by Design"?

Not applicable.