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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Maud de Boer-Buquicchio**

#### *Summary*

The present report provides an overview of the activities carried out by the Special Rapporteur since her appointment in June 2014 and outlines how she intends to approach her mandate. It furthermore contains a thematic study on the issue of information and communication technologies and the sale and sexual exploitation of children.

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## **I. Introduction**

1. The present report is submitted pursuant to Human Rights Council resolutions 7/13 and 25/6. It describes the activities carried out by the Special Rapporteur since her effective appointment on 2 June 2014 and provides an outline of the direction that she intends to give to her work during her tenure. The second part of the report provides a thematic update on the issue of information and communication technologies and the sale and sexual exploitation of children.

## **II. Activities**

### **A. Country visits**

2. The outgoing Special Rapporteur conducted a follow-up visit to Honduras from 21 to 25 April 2014. The report of that visit is presented as an addendum (A/HRC/28/56/Add.1) to this report.

3. The new Special Rapporteur sent requests for visits to Armenia, Bulgaria, the Dominican Republic, Georgia, Japan and Mozambique. She highly appreciates the positive responses received from Armenia and Georgia, and looks forward to agreeing on official dates for visits. In addition, as part of her commitment to continuing the work of her predecessors, the Special Rapporteur proposed new dates for a visit to India in 2015, and renewed requests for visits to Gambia, Thailand and Viet Nam. The Special Rapporteur recalls that the Human Right Council resolution 7/13 encourages States to respond favourably to these requests in order to enable her to fulfil her mandate effectively. The Special Rapporteur appreciates the invitations extended by the Governments of Belarus and Egypt to undertake an official visit to those countries, and will take them into consideration in the planning of future country visits.

### **B. Other activities**

#### **1. Conferences, meetings and engagement with stakeholders**

4. The Special Rapporteur participated in numerous conferences and expert meetings related to her mandate, which allowed her to exchange information on developments, share good practices and raise awareness of issues of concern in relation to her mandate. On 9 and 10 June, she attended an expert consultation on information and communication technologies and violence against children organized in San José by the Special Representative of the Secretary-General on Violence against Children. On 9 and 10 September, she participated at the Third Expert Meeting on Returns and Transfers in Practice: Case examples of children exposed to exploitation, trafficking and children at risk, organized in Vilnius by the Council of the Baltic Sea States. On 12 September, she participated at the day of general discussion on digital media and children's rights organized in Geneva by the Committee on the Rights of the Child. On 10 October, she participated in the Annual Conference on the Rights of the Girl Child: A World without Child Marriage: How do we get there?, organized in Oslo by Plan Norway.

5. On 15 October, the Special Rapporteur presented her annual report (A/69/262) to the General Assembly. On 16 October, she participated at a high-level panel on information and communication technologies, the Internet and violence against children organized by the Special Representative of the Secretary-General on Violence against Children. On 21

October, the Special Rapporteur participated at a session on cybercrime and children during the Law, Justice and Development Week of the World Bank in Washington, D.C. On 30 October, she gave a keynote speech in London at the Seventh International Consultation of Child Helplines. On 4 November, she attended the event on the thirtieth anniversary of the adoption of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, organized in Geneva by the Committee against Torture.

6. On 20 November, the Special Rapporteur addressed the General Assembly high-level meeting on the twenty-fifth anniversary of the adoption of the Convention on the Rights of the Child and participated in a high-level panel discussion on the Convention on the Rights of the Child organized by the Special Representative of the Secretary-General on Violence against Children. On 24 November, the Special Rapporteur participated at the event on children on the move and information and communication technologies organized in Stockholm by Save the Children. On 2 December, she participated at the International Assembly of End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT International) in Paris. On 10 December, she participated at the opening of the Children Online Global Summit to tackle online child sexual exploitation organized in London by the Home Office of the United Kingdom of Great Britain and Northern Ireland.

7. Since her appointment, the Special Rapporteur has conducted four working visits to Geneva and two working visits to New York, where she held initial consultations with many stakeholders relevant to her mandate, including the Special Representative of the Secretary-General for Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Representative of the Secretary-General on Sexual Violence in Conflict, the United Nations Children's Fund (UNICEF), the United Nations High Commissioner for Refugees, the United Nations Population Fund, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the International Telecommunication Union, the Committee on the Rights of the Child, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, the Special Rapporteur on trafficking in persons, especially women and children, the Trustee of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and various non-governmental organizations.<sup>1</sup>

## **2. Communications**

8. Summaries of communications sent and replies received during the period covered by the present report appear in the communications reports of special procedures (A/HRC/25/74 and A/HRC/26/21).

# **III. Mandate on the sale of children, child prostitution and child pornography**

## **A. Approach and scope**

9. As reported to the General Assembly (A/69/262, paras. 8–20), the Special Rapporteur intends to ensure the continuity of the work of her predecessors. At the same

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<sup>1</sup> International Catholic Child Bureau, Caritas Internationalis, Casa Alianza Suisse, Child Rights Connect, Child Rights Information Network, Defence for Children International, ECPAT, International Dalit Solidarity Network, Oak Foundation, Plan International, Save the Children, Terre des Hommes Federation Internationale, Under the Same Sun Fund and World Vision International.

time, she will explore new directions in which to develop the mandate based on her vision and interaction with stakeholders concerned. She will take a consultative and participatory approach in the implementation of her mandate, and will engage in constructive dialogue with Member States and relevant partners. Her intention is to act as a facilitator of action-oriented dialogue among key stakeholders.

10. The Special Rapporteur will adopt a child-centred approach in the implementation of her mandate. All activities will be developed incorporating the principles and rights enshrined in the Convention on the Rights of the Child. Children will be treated as rights holders, and not as passive recipients, victims or dependants. The Special Rapporteur will use child participation mechanisms to establish a direct relationship with children to take into account their suggestions in an effective and meaningful way. She will integrate a gender perspective into her work, taking into account the different needs and opportunities of boys and girls through, *inter alia*, the collection and analysis of disaggregated data and the proposal of gender-specific recommendations.

11. The Special Rapporteur intends to work in close coordination with various United Nations partners who deal with violations affecting children, in particular, the Committee on the Rights of the Child and the Special Representative of the Secretary-General on Violence against Children. She also intends to ensure complementarity with the special procedures mandate holders who address cross-cutting issues of concern. She will deploy efforts to mainstream the protection of children's rights within the special procedures system. The Special Rapporteur also aims at strengthening cooperation with regional mechanisms, such as the Special Rapporteur on Child Marriage of the African Union and the Rapporteur on the Rights of the Child of the Inter-American Commission on Human Rights. In addition, she will advocate the establishment of a permanent regional mechanism for the protection of children's rights in Asia and the Pacific.

12. The scope of the mandate of the Special Rapporteur is determined by the resolutions on the establishment and renewal of the mandate, in particular Commission on Human Rights resolution 1990/68 and Human Rights Council resolution 7/13. The Special Rapporteur will continue to analyse the root causes of the sale and sexual exploitation of children; address all the contributing factors, including demand; make recommendations on preventing and combating new patterns of the phenomena; identify and promote good practices on measures to combat them; promote comprehensive prevention strategies; and make recommendations on aspects relating to the rehabilitation of child victims.

## **B. Methods of work**

13. For the strategic implementation of her mandate, the Special Rapporteur intends to maximize the potential of established methods of work of the special procedures system (see A/69/262, paras. 21–37). She will continue to take a holistic approach towards effectively combating the sale and sexual exploitation of children. That involves promoting the implementation of comprehensive strategies aimed at the establishment of rights-based national child protection systems. She will aim to propose specific and action-oriented recommendations, and promote good practices.

14. The Special Rapporteur will determine her thematic priorities based on the gaps and needs identified in relation to issues of concern covered by her mandate. Through her country visits, the Special Rapporteur intends to assist States in better preventing and combating the sale and sexual exploitation of children, and to enhance the preventive role of the special procedures system by highlighting situations that have the potential to degenerate into gross human rights violations. The Special Rapporteur intends to react to information on allegations of individual violations and human rights concerns regarding legislation, policies and practices that fall within the scope of her mandate through

communications sent to the Governments and other stakeholders concerned with preventing violations and protecting children's rights.

15. The Special Rapporteur intends to maximize awareness-raising opportunities offered by two commemorative dates in 2015, namely the twenty-fifth anniversary of the creation of her mandate and the fifteenth anniversary of the adoption of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. In addition, 2016 will mark the twentieth anniversary of the first World Congress against Sexual Exploitation of Children, and she intends to support advocacy activities calling for the implementation of the political commitments adopted at relevant world congresses.

16. The Special Rapporteur will closely follow negotiations on the post-2015 development agenda in order to ensure that putting an end to sexual abuse, violence and exploitation of children becomes a reality by 2030.

## **IV. Information and communication technologies and the sale and sexual exploitation of children**

### **A. Objective and methodology**

17. Building upon the work of her predecessors, the Special Rapporteur submits her first thematic report on the issue of information and communication technologies and the sale and sexual exploitation of children. In the present section, she updates the studies presented on the topic by her predecessors in 2005 (E/CN.4/2005/78, Corr.1 and Corr.2) and 2009 (A/HRC/12/23), and aims to reflect new trends, forms, challenges, threats and responses to the phenomenon, available legal instruments and good practices that assist in preventing and combating the scourge.

18. The present report was prepared on the basis of a comprehensive literature review focused on the issue of online child sexual exploitation. Specific studies on the different regions of the world were sought. Consultations were held with stakeholders that are conducting research and informing policy on the topic. The expert meetings attended by the Special Rapporteur allowed the gathering of additional up-to-date elements.

19. The Special Rapporteur would like to thank the following stakeholders for the information provided: ECPAT International, the International Centre for Missing and Exploited Children, Save the Children, the INHOPE network, the Virtual Global Taskforce, the Global Alliance against Child Sexual Abuse Online, the International Telecommunication Union, UNICEF and the United Nations Office on Drugs and Crime (UNODC).

### **B. Background**

20. Children are among those who are most familiar with new technologies. They use them to facilitate their social lives, seek access to information and express their identity.<sup>2</sup> However, technology also poses risks to children. The thematic report seeks to identify those harms and how they occur and trace responses developed to tackle them.

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<sup>2</sup> Amanda Bird et al., *Children's rights in the digital age* (Young and Well Research Centre, 2014), p. 8.

21. Information and communication technologies allow users to communicate with each other and, in particular, to access the Internet. The most significant advance in the Internet is the growth of mobile technologies, which include laptops, tablets and mobile telephones. The latter have gone through major developmental changes since 2.5G phones, which introduced access to the Internet. The advent of 3G and 4G mobile phones has meant that the speed of access to the Internet is almost as fast as traditional Internet technologies.

22. By 2013, the number of Internet users worldwide had risen to 2.8 billion, meaning that nearly 40 per cent of the world's population had access to the Internet. However, there are significant regional variations in Internet penetration. Europe has a penetration rate of nearly 70 per cent and North America of nearly 85 per cent. Africa has a penetration rate of 21 per cent and Asia of 32 per cent.<sup>3</sup> Those figures reflect trends at regional levels but they mask penetration differences within each region.

23. It is estimated that on average one third of children have had access to the Internet in the past five years,<sup>4</sup> although that figure masks those countries where child use of Internet is almost universal. In Europe, 70 per cent of children aged 6–17 used the Internet regularly, with some variations among countries.<sup>5</sup> In Africa, for the vast majority of children, access is not at home or school but through a cybercafé,<sup>6</sup> although mobile technologies are leading to a change in African use of the Internet.<sup>7</sup> Estimates from the Asian region show a wider discrepancy among countries, with Malaysia as an example of a developing economy where the use of new technologies is increasing and China having one of the highest growth rates of technology in the world.<sup>8</sup> In Latin America, there is similar discrepancy, which replicates the different economic development of the countries. In general, the youth are leading the emergence of the use of new technologies in developing economies; therefore they are more likely to be leading the way to Internet usage.<sup>9</sup>

24. The growth in mobile technology has meant that more children have access to personal use of Internet, and that the average time that children are spending on the Internet continues to grow.<sup>10</sup> The actual use made of the Internet seems to differ between children. Younger children are less likely to use the social aspect of the Internet and are more likely to use it to access information.<sup>11</sup> Older children (aged 14–18) primarily use it as a communication tool and will regularly use social media.

<sup>3</sup> Internet World Stats, "Internet Usage Statistics: the Internet big picture". Available from [www.internetworldstats.com/stats.htm](http://www.internetworldstats.com/stats.htm).

<sup>4</sup> International Telecommunication Union, *Measuring the Information Society* (Geneva, 2013), p. 127. Available from [www.itu.int/en/ITU-D/Statistics/Documents/publications/mis2013/MIS2013\\_without\\_Annex\\_4.pdf](http://www.itu.int/en/ITU-D/Statistics/Documents/publications/mis2013/MIS2013_without_Annex_4.pdf).

<sup>5</sup> Sonia Livingstone and Leslie Haddon, *EU Kids Online: final report 2009* (London School of Economics and Political Science (LSE)), p. 5. Available from [www.lse.ac.uk/media@lse/research/EUKidsOnline/Home.aspx](http://www.lse.ac.uk/media@lse/research/EUKidsOnline/Home.aspx).

<sup>6</sup> ECPAT International, *Understanding African Children's Use of Information and Communication Technologies (ICTs)* (2013), p. 13.

<sup>7</sup> Centre for Justice and Crime Prevention and UNICEF, *Connected Dot Com: Young People's Navigation of Online Risks* (2013). Available from [www.unicef.org/southafrica/SAF\\_resources\\_connecteddotcom.pdf](http://www.unicef.org/southafrica/SAF_resources_connecteddotcom.pdf).

<sup>8</sup> International Telecommunication Union, *Measuring the Information Society*, p. 143.

<sup>9</sup> *Ibid.*, p. 152.

<sup>10</sup> See Uwe Hasebrink, "Children's changing online experiences in a longitudinal perspective" (LSE, 2014). Available from <http://www.lse.ac.uk/media@lse/research/EUKidsOnline/EUKidsOnlinereports.aspx>.

<sup>11</sup> Bird et al., *Children's rights in the digital age*, p. 32.

## C. Overview of the issues and trends relating to the mandate

25. While new technologies offer a myriad of opportunities for children, they can also facilitate harm against them, including the commission of criminal activities such as the sale and sexual exploitation of children. Moreover, information and communication technologies have also created new threats or forms of abuse, such as the solicitation of children and the live streaming of child abuse.

### 1. Child pornography

26. Child pornography can be considered as the exploitative behaviour committed or facilitated through new technologies which captures most attention. Article 2 (c) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography defines child pornography as “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes”. It is a wide definition which may include non-visual depictions, such as text and sound. Some regional instruments, such as the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (art. 20, para. 2) and the Draft African Union Convention on the Establishment of a Legal Framework Conducive to Cyber Security in Africa (art. III-1), apply only to visual depictions, usually photographs, but increasingly such instruments also refer to “virtual child pornography”. Likewise, few domestic countries define child pornography as including expressly non-visual depictions.<sup>12</sup>

27. Article 3, paragraph 1 (c), of the Optional Protocol requires States to criminalize producing, distributing, disseminating, importing, exporting, offering, selling or possessing child pornography. A previous mandate holder called for the criminalization of all steps in the child pornography process (E/CN.4/2005/78, para. 123), including simple possession, as done by the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (art. 20, para. 1). However, new technologies have transformed what is meant by possession, since the growth in Internet speeds means that it is no longer necessary to download images because they can be viewed online. Some regional instruments require the intentional accessing of child pornography,<sup>13</sup> and that model has been followed by some countries.<sup>14</sup>

28. New technologies have revolutionized the way child pornography is created and traded. On the Internet, collections of child abuse material can contain millions of images.<sup>15</sup> In addition, there has been a shift in the way material is traded, moving away from the web to peer-to-peer networks, which facilitates evading filtering and other detection software, therefore reducing risk to those seeking and distributing child pornography. Online virtual currencies also allow measures taken by the financial industry to combat commercial online child sexual exploitation to be evaded, as they are often subject to less transparency. The Internet also allows for anonymous payment methods which render even more difficult to trace the purchaser of exploitative material.

29. The overwhelming majority of those seeking child pornography are male,<sup>16</sup> and the vast majority of victims are female.<sup>17</sup> The age of child victims is becoming ever younger

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<sup>12</sup> An exception is the Irish Child Trafficking and Pornography Act, 1998.

<sup>13</sup> Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, art. 20, para. 1.

<sup>14</sup> See the Anti-Child Pornography Act of the Philippines.

<sup>15</sup> Max Taylor and Ethel Quayle, *Child Pornography: An Internet Crime* (2003, Routledge).

<sup>16</sup> *Ibid.*

and the content more graphic.<sup>18</sup> It should be noted that many stakeholders prefer to use the term “child abuse material” instead of “child pornography”, since the latter trivializes the abuse suffered by children, and can be misleading as to its illegal nature, as the term “pornography” covers largely consensual activities among adults. The Special Rapporteur endorses using a more child rights-compliant term, such as “child abuse material”.

## 2. Child prostitution

30. Article 2 (b) of the Optional Protocol on the sale of children, child prostitution and child pornography defines child prostitution as the use of a child in sexual activities for remuneration or any other form of consideration. The consideration need not be financial but could include other forms of payment, such as benefits in kind, including accommodation or drugs. The definition covers payment given to the child and the controlling adult. Article 3, paragraph 1 (b), of the Optional Protocol requires that States criminalize the offering, obtaining, procuring or providing a child for child prostitution, which covers most of the supply aspects of child prostitution.

31. Child prostitution is facilitated by the Internet in a number of ways, including mobile telephone applications and websites which offer children for prostitution on online classified advertising sites. Technology has also led to changes by those who control prostitution. Traffickers use technology to advertise their services widely and develop new methods to recruit, manipulate and lure potential victims.<sup>19</sup> The Internet allows for these clandestine illegal activities to be more shrouded in secrecy, with advertisements being restricted to niche sites to hide their activities from law enforcement.<sup>20</sup> As a result, identifying the number of children who are trafficked over the Internet for prostitution is very difficult.<sup>21</sup>

32. The Internet presents new challenges to the international protection framework, in particular, in relation to those who control some of the activities of a child who is prostituted. For instance, when someone creates a website that advertises a child for prostitution, he or she is facilitating the offering of a child. Some States have adopted legislation to criminalize these acts,<sup>22</sup> which is welcome. Another aspect not covered by international instruments is the criminalization of those who knowingly seek and pay to have sex with a child who is prostituted, the so-called demand factor. It is important that those who seek to sexually abuse or exploit a child are the subject of criminal sanctions.

33. As in the case of child pornography, many stakeholders consider more appropriate the term “children who are prostituted” because it reflects more truthfully the lack of choice of child victims and the control exercised over them by adults. In addition, child prostitution can be misleading to the extent that prostitution of adults is lawful in certain countries. As in the previous case, the Special Rapporteur endorses using a child rights-compliant term.

<sup>17</sup> Quayle and Terry Jones, “Sexualized images of children on the Internet”, *Sexual Abuse: A Journal of Research and Treatment*, No. 22 (2011), p. 14.

<sup>18</sup> See Insafe-INHOPE, *Annual Report 2013* (2014).

<sup>19</sup> United States of America, Department of State, *Trafficking in Persons Report* (2013), p. 14. Available from [www.state.gov/documents/organization/210737.pdf](http://www.state.gov/documents/organization/210737.pdf).

<sup>20</sup> See Kimberly Mitchell and Lisa Jones, “Internet-facilitated commercial exploitation of children” (University of New Hampshire, 2013). Available from [www.unh.edu/ccrc/pdf/Final\\_IFCSEC\\_Bulletin\\_Nov\\_2013\\_CV262.pdf](http://www.unh.edu/ccrc/pdf/Final_IFCSEC_Bulletin_Nov_2013_CV262.pdf).

<sup>21</sup> See Crimes against Children Research Center, “The Role of Technology in Child Sex Trafficking”. Available from [www.unh.edu/ccrc/projects/technology\\_in\\_child\\_sex\\_traffic.html](http://www.unh.edu/ccrc/projects/technology_in_child_sex_traffic.html).

<sup>22</sup> See for example the Sexual Offences Act 2003 of the United Kingdom.

### 3. Sale of children

34. Article 3, paragraph 1 (a), of the Optional Protocol requires that States criminalize the sale of children, in particular, the offering, delivering or accepting of a child for the purpose of sexual exploitation, transfer of organs or the engagement of a child in forced labour, and improperly inducing consent for the illegal adoption of a child. New technologies have a significant impact on the different forms of the sale of children. It is estimated that up to 10 million children are victims of child sexual exploitation. Forty-three per cent of victims of trafficking are trafficked for the purposes of sexual exploitation, which is an illegal activity estimated to be worth between US\$7 and US\$19 billion a year.<sup>23</sup>

35. The Internet has led the expansion of the sale and trafficking of children for the purposes of illegal adoption, partly because it allows the creation of websites which offer children as commodities across borders. People in one country may seek to give a child a better life without knowing the truth about the origin of the child.<sup>24</sup> With prospective parents being prepared to pay up to \$70,000 per child in adoption fees, illegal activities around adoption can be a lucrative business.

36. The Internet facilitates the sale of children in numerous ways. The trade in organs is a global phenomenon<sup>25</sup> worth US\$75 million per year.<sup>26</sup> New technologies facilitate the secrecy in that illegal trade, making it difficult to identify the number of cases, including cases of sale of children for the purpose of transfer of organs. In cases of sale for the purposes of child labour, the Internet may be used to identify job opportunities or facilitate communication between traffickers. Deceit through advertising jobs is also a concern in cases of sale for sexual exploitation, where job opportunities in hospitality or domestic service may constitute covers for forced servitude, including sexual servitude.<sup>27</sup>

37. Trafficking and sale of children are gendered crimes which generate significantly more female than male victims.<sup>28</sup> Statistically, there is a significant number of female perpetrators, but there continues to be more male perpetrators than female.<sup>29</sup>

### 4. Solicitation of children or “grooming”

38. A form of exploitation and abuse that is not expressly mentioned by the Optional Protocol on the sale of children, child prostitution and child pornography is the solicitation of children, also known as “grooming”. That is not a new form of exploitation since the grooming of a child — which involves conditioning the child to ensure he or she acquiesces to sexual contact — is an inherent part of the process of abusing a child. The Internet allows for that process to be quickened, partly because offenders can pretend to be children initially.<sup>30</sup> The grooming is the “wooing” of a child and persuading them that they are in a

<sup>23</sup> See World Vision, “Factsheet: Trafficking for the purpose of sexual exploitation”. Available from [www.worldvision.com.au/Libraries/DTL\\_fact\\_sheets/Factsheet\\_Sexual\\_exploitation.pdf](http://www.worldvision.com.au/Libraries/DTL_fact_sheets/Factsheet_Sexual_exploitation.pdf).

<sup>24</sup> See United Nations Regional Information Centre for Western Europe, “Illegal adoption”. Available from [www.unric.org/en/human-trafficking/27450-illegal-adoption](http://www.unric.org/en/human-trafficking/27450-illegal-adoption).

<sup>25</sup> Organization for Security and Co-operation in Europe, *Trafficking in human beings for the purpose of organ removal in the OSCE region* (2013), p. 18.

<sup>26</sup> Havocscope, “Organ Trafficking”. Available from [www.havocscope.com/tag/organ-trafficking/](http://www.havocscope.com/tag/organ-trafficking/) (accessed on 15 December 2014).

<sup>27</sup> See World Vision, “Factsheet”.

<sup>28</sup> See *ibid.*

<sup>29</sup> In Europe, a higher proportion of female perpetrators are convicted of trafficking offences than for other crimes. UNODC, *Global Report on Trafficking in Persons 2014* (New York), p. 10.

<sup>30</sup> Anne-Marie McAilinden, *“Grooming” and the Sexual Abuse of Children* (Oxford, Clarendon Press, 2012).

relationship. While initial concern was in respect of offenders who sought to meet the child offline and sexually assault them, the behaviour has changed. It is common now for the solicitation to consist of persuading the child to engage in sexual activity in front of a webcam, the footage of which will then be recorded, or to send sexualized photographs to the offender. Once the footage or photographs have been gathered they will either be distributed or used by an offender for “sextortion”, namely the sexual blackmailing of a child or his or her family.

39. Identifying how often grooming occurs is problematic because many victims will not report the abuse. Almost one in three children in Europe aged 9–16 communicated with someone they did not know online.<sup>31</sup> In Latin America a slightly higher percentage (some 40 per cent) did so.<sup>32</sup> Not all of those contacts may be harmful but it has been estimated that between 13 and 19 per cent of children have experienced unwanted sexual solicitation.<sup>33</sup> However if countries become aware of the problem and adopt measures to tackle grooming, such as awareness-raising and the establishment of specialist training programmes, a reduction of harm can be achieved.<sup>34</sup>

40. It seems that girls are more likely to be at risk of grooming than boys.<sup>35</sup> Most victims of grooming tend to be post-pubescent, partly because groomers play on the fact that children who are going through puberty are interested in sex. Group-localized grooming can lead to trafficking in children by offenders within the locality of child victims. Such trafficking is often facilitated through new technologies, particularly mobile telephones.<sup>36</sup>

41. Grooming is featured in the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (art. 23). A number of countries have also developed specific legislation designed to tackle that behaviour,<sup>37</sup> which can have an important deterrent effect, especially by raising awareness that this type of behaviour is explicitly criminalized.

## 5. Online streaming of child abuse

42. The growth of Internet speed has meant that live streaming — which can be broadly equated to broadcasting over the Internet — becomes technically feasible. There have been reported instances of people having a child in a room while a number of users log onto the video feed to interact with those in the room and suggest ways that a child can be abused.<sup>38</sup> The online streaming of child abuse is an emerging threat with the potential to involve large numbers of offenders. For instance, in 2014, the Child Exploitation and Online Protection Centre of the United Kingdom conducted three investigations into that type of abuse which identified over 733 suspects.<sup>39</sup> Those operations have shown that child victims are often in

<sup>31</sup> Stephen Webster et al., *European Online Grooming Project: Final Report* (2012), pp. 24–25.

<sup>32</sup> ECPAT International, *Understanding the use of ICTs by children and young people: a youth-led study in Latin America* (2012), p. 38.

<sup>33</sup> Helen Whittle et al., “A review of young people’s vulnerabilities to online grooming: Characteristics and concerns”, *Aggression and Violent Behaviour*, No. 18 (2013), p. 65.

<sup>34</sup> For example, the United States reported a 53 per cent decrease in incidences of unwanted sexual solicitation, after adopting such measures. Mitchell et al., “Key Trends in Unwanted Sexual Solicitations” (University of New Hampshire, 2014).

<sup>35</sup> Webster et al., *European Online Grooming Project*, p. 25, and Mitchell and Jones “Internet-facilitated commercial sexual exploitation of children”, p. 6.

<sup>36</sup> McAlinden, “*Grooming*”.

<sup>37</sup> For example, the Philippines, the United Kingdom and the United States.

<sup>38</sup> See, for example, “Operation Endeavour” undertaken by the Virtual Global Taskforce.

<sup>39</sup> National Crime Agency, “Live online child abuse – 29 international arrests made”. Available from [www.nationalcrimeagency.gov.uk/news/312-live-online-child-abuse-29-international-arrests-made](http://www.nationalcrimeagency.gov.uk/news/312-live-online-child-abuse-29-international-arrests-made).

developing countries. Online child streaming appears to be a form of child sex tourism in that it allows offenders to abuse children across national boundaries without the need to travel.

43. Few international instruments specifically tackle that form of abuse. Classifying it as child pornography does not fully recognize the nature of the harm because offenders are not simply viewing abusive images; they are participating in their real-time abuse and therefore facilitating it. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse allows for the prosecution of those who aid or abet the abuse of a child (art. 24), which constitutes a more comprehensive approach towards tackling the online streaming of child abuse.

## **D. Comprehensive strategies to prevent and combat the sale and sexual exploitation of children facilitated through new technologies**

44. While it has been noted that there are numerous ways in which new technologies can facilitate the commission of the crimes of sale and sexual exploitation of children and other harms, there have been many instances of good practices in trying to combat that exploitative behaviour. The Special Rapporteur advocates a holistic approach towards effectively combating the sale and sexual exploitation of children facilitated through new technologies. That involves promoting the design and implementation of comprehensive child protection strategies which encompass adequate legislation, detection and reporting, prosecution of offenders (including their treatment to avoid recidivism), rehabilitation and reintegration of victims, prevention and protection programmes with the involvement and empowerment of children, international cooperation and engagement of the business sector.

### **1. Adequate legislation**

45. States need to adopt adequate national legislation to effectively combat the sale and sexual exploitation of children which is committed or facilitated through new technologies. States should criminalize those activities through the ratification and domestication of relevant international instruments, in particular the Optional Protocol on the sale of children, child prostitution and child pornography;<sup>40</sup> the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing it; the International Labour Organization Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; and the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

46. At the regional level, some instruments, such as the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, offer additional protection through the criminalization of activities not specifically covered by international instruments. National laws should ensure the protection of children from new threats and criminalize new forms facilitated by new technologies. In that context, States should criminalize child pornography, including its visual and non-visual depiction, possession, offering, facilitation and accessing. Unfortunately, there are still national and regional gaps and differences in legislation which make it difficult to effectively combat, including through transnational cooperation, the sale and sexual exploitation of children online. Similarly, national laws should ensure that a person who either uploads or

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<sup>40</sup> 169 States are party to the Optional Protocol, 9 are signatories only, while 19 States have taken no action.

downloads child abuse material from another jurisdiction, or who makes it available to those within a jurisdiction, can be prosecuted for an appropriate offence.

## 2. Detection and reporting

47. As noted above, owing to its criminal and clandestine nature, the sale and sexual exploitation of children facilitated through new technologies is difficult to quantify. However, it is important that stakeholders identify opportunities to detect that type of exploitation of children in order to assist and protect victims.

### (a) Helplines

48. Helplines are invaluable in detecting and reporting abuse but also helping meet the right of the child to be heard and express his or her concerns. Child Helpline International is a global network of 179 child helplines in 143 countries covering all regions of the world. It is contacted approximately 14 million times by children each year.<sup>41</sup> Europe accounted for most calls, which reflects knowledge of the helplines, the ability of children to easily access technology and the readiness of society to discuss those issues publicly. The Childline service developed by Childline India Foundation is another good example of child helplines.<sup>42</sup> Globally, most calls came from girls, which shows that girls are more likely to be victims of exploitation.

### (b) Hotlines

49. Hotlines allow the reporting of exploitative practices, often starting the law enforcement process. Two particular good examples are the INHOPE network and the Virtual Global Taskforce. INHOPE is a network of 51 hotlines covering 45 countries, principally in Europe and North America but it also includes hotlines in South America, Australia, New Zealand and South Africa. Its sister organization, the INHOPE Foundation, provides assistance to countries to develop hotlines and comply with INHOPE standards. Four hotlines have so far been established by the Foundation in Colombia, Kazakhstan, Peru and Thailand.

50. The INHOPE network is dedicated to the eradication of child pornography. Each hotline receives reports of child pornography being hosted on the Internet. The hotline determines whether the pornography is hosted within the territory which it covers and, if so, the case is passed to law enforcement and Internet companies for them to remove the material from the web. If the case is not within the territory of the hotline, it is logged in the INHOPE Report Management System. The report is analysed to determine the likely host of the material and sent to the relevant authorities of the country concerned.

51. In 2013, INHOPE received over 1.2 million reports of illegal content and it identified nearly 40,000 unique images hosted on the Internet.<sup>43</sup> The INHOPE network allows for fast results. In Europe, 98 per cent of reported content was passed to law enforcement within one day of being reported, and 91 per cent of material was removed from the Internet within three days.<sup>44</sup>

<sup>41</sup> See Child Helpline International, *Violence against Children: Child Helpline Data on Abuse and Violence from 2012 and 2013*. Available from [www.childhelplineinternational.org/media/125077/vac\\_report\\_web\\_final.pdf](http://www.childhelplineinternational.org/media/125077/vac_report_web_final.pdf).

<sup>42</sup> More information available from [www.childlineindia.org.in/1098/1098.htm](http://www.childlineindia.org.in/1098/1098.htm).

<sup>43</sup> INHOPE, *Annual Report 2013 2014: anticipate, adapt and take action*, p. 4.

<sup>44</sup> INHOPE, "Facts, Figures and Trends: the fight against online child sexual abuse in perspective". Available from [www.inhope.org/tns/resources/statistics-and-infographics.aspx](http://www.inhope.org/tns/resources/statistics-and-infographics.aspx).

52. The Virtual Global Taskforce is an alliance of law enforcement agencies, non-governmental organizations and the private sector, which has developed a reporting button.<sup>45</sup> That button is common to all its members, and Internet platforms are encouraged to include it. Upon the reception of a report, the location of the reported material is identified and the case is referred to the relevant partner to follow up with investigation. If the user of the material does come under the jurisdiction of a member of the Taskforce, the International Criminal Police Organization (INTERPOL) helps refer the information to the national authority concerned.

**(c) Image analysis**

53. In recent years, considerable work has been undertaken on image analysis, in particular on analysing child pornography collections to identify victims or perpetrators. Law enforcement has stepped up efforts to engage in victim identification, as identification allows children to be rescued from abusive situations. Several national police forces developed image databases which amalgamated into a single international database operated by INTERPOL. Known as the International Child Sexual Exploitation image database, police in over 40 countries can access it and upload images to it. By cross-referencing, it can identify duplicates and provide comparable images. INTERPOL has also established the Victim Identification Laboratory, a mobile platform that allows images to be displayed at conferences to identify children or information that can lead to their identification. The success of victim identification is difficult to quantify. INTERPOL has identified in excess of 3,000 victims, which is believed to be a small fraction of the total number of victims.

54. Similar systems have also begun to be used for identification of offenders. Identification can include computer analysis to remove masking placed on the images used to hide an identity.

**3. Investigation and prosecution of offenders**

55. As noted above, much of the exploitative behaviour identified in the present report should be criminalized through adequate national legislation in order to combat impunity. While many countries have done so, it is also important that specialist police force units are created to investigate those offences and that they work closely with specialist agencies that are specifically trained to work with child victims of exploitation. Investigations of those offences involve dealing with particularly vulnerable children and therefore investigators need specialized training to deal with them in a child-sensitive manner. In addition, those investigations require highly technical techniques, such as forensic computer analysis, to gather the appropriate electronic evidence. Only by building up a framework of dedicated officers can those offences be properly tackled. INTERPOL and the Virtual Global Taskforce undertake specialist global training courses to ensure that national officers have the technical abilities to investigate those crimes and identify child victims.<sup>46</sup>

56. Countries must also take appropriate steps to tackle criminal behaviour that transcends borders thanks to the Internet. Article 4 of the Optional Protocol on the sale of children, child prostitution and child pornography requires States to consider adopting the principle of extraterritoriality to combat the sale and sexual exploitation of children. That is particularly important to combating criminal activities such as the trade in organs and child sex tourism, where the offender is likely to travel to another country for a relatively short

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<sup>45</sup> More information available from [www.virtualglobaltaskforce.com/what-we-do/](http://www.virtualglobaltaskforce.com/what-we-do/).

<sup>46</sup> INTERPOL, "Crimes against Children". Available from [www.interpol.int/Crime-areas/Crimes-against-children/Crimes-against-children](http://www.interpol.int/Crime-areas/Crimes-against-children/Crimes-against-children) (accessed on 15 December 2014).

time. As the abuse may not be detected until the offender has returned to his country of origin, it is essential that countries have the capability to prosecute them. However, the Internet poses new challenges to territoriality. An offender can be in one country watching the live streaming of a child who is being abused in another country. National laws should prohibit those who watch the abuse of children wherever in the world it occurs.

57. In addition, to ensure the prosecution of offenders, should there be statute of limitations in respect of those offences, they should be adjusted to the particular nature of the crime, since it can take many years before victims are willing or able to disclose the abuse.<sup>47</sup> Similarly, part of any appropriate criminalization policy must be the imposition of appropriate penalties. While the Optional Protocol on the sale of children, child prostitution and child pornography does not mandate minimum penalties, other instruments have done so.<sup>48</sup> Lastly, there must be political will and a proactive strategy to prosecute those offences, since few countries with adequate legislation report effective prosecutions.<sup>49</sup>

#### **4. Reparation and rehabilitation of victims**

58. Article 8 of the Optional Protocol on the sale of children, child prostitution and child pornography requires the rights and interests of child victims to be secured throughout the legal process. The criminal prosecution of a perpetrator should not adversely affect the health and recovery of the child victim. The Optional Protocol requires special measures to be adopted to assist child victims in testifying and to protect their privacy. Article 14 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse provides additional procedural rights to victims, such as short and long-term physical and psychosocial recovery. Recovery and non-re-victimization of the child should be given due consideration when deciding whether and when to prosecute an offender. In the best interest of the child, that may entail allowing the victim a period of recovery to receive the necessary support, as well as assistance in cases where the child victims will interact with the justice system, which assistance should be child-sensitive and respect the rights of children.

59. While the majority of international law is focused on criminalization of the activities and the punishment of offenders, there should also be recognition of the need to provide redress to child victims and to compensate them for the harm suffered. Compensation and restitution measures can ensure that child victims have the means to seek rehabilitation, recovery and reintegration. The ability to bring a civil action should be provided regardless of the economic status of the victim, including through the provision of legal aid or through the establishment of a State-operated compensation system. For instance, certain pieces of legislation recognize that those who download child pornography are contributing to the harm suffered by the victim and are thus liable for reparation to him or her.<sup>50</sup>

#### **5. Prevention and protection programmes**

60. Adequate legislation, detection and reporting, and effective investigations and prosecution can only be a partial solution without prevention and protection programmes

<sup>47</sup> See art. 33 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

<sup>48</sup> See *ibid.*, art. 27.

<sup>49</sup> UNODC, *Global Report*, p. 54.

<sup>50</sup> In the United States, the requirement that those who download child pornography should be obliged to compensate the child has been ruled constitutional provided that the proximity of damage can be shown (see 1977 Mandatory Restitution, 18 USC § 2259).

aimed at empowering children to respond to exploitative situations and to report abuse to the appropriate authorities.

**(a) Safer Internet Day**

61. Safer Internet Day is a day of the year when all countries across Europe concentrate on raising awareness about online safety. It is organized by the Safer Internet Programme and, in particular, Insafe, a network of safer Internet centres throughout Europe. Safer Internet Day also offers an opportunity for safer Internet centres to release good practice guides and statistics. Schools normally get involved in the awareness-raising activity to ensure that the message gets out among different stakeholders, including children, parents and teachers.

62. The success of Safer Internet Day has led to it being replicated in other parts of the world. The Asia Internet Coalition has begun to hold a safer Internet day. That type of cross-regional awareness-raising initiative should be further encouraged. Moreover, an international safer Internet day could be badged as a day of action against the abuse and exploitation of children through new technologies, to raise awareness and call for the adoption of necessary measures to ensure a safe Internet for children.

**(b) Empowering children**

63. Various organizations have begun to develop empowerment programmes for children. A good example is the New Jersey Child Assault Prevention organization,<sup>51</sup> which developed their initial programmes to empower children to be protected against (offline) child sexual exploitation into an empowerment programme for online abuse. The programme is a series of tailored training activity workshops that seek to help children understand how to keep safe online, including by providing case studies and role play. Safe Internet usage is at the heart of many programmes of non-governmental organizations, most notably ECPAT International<sup>52</sup> and RedNATIC.<sup>53</sup> There is recognition that there must be a multi-faceted approach. Key professionals such as the police, social workers, teachers and health-care workers must be aware of the types of exploitation that occur and how to detect them and assist child victims. Parents also need to be supported and encouraged to discuss such issues with their children. More importantly, resources specifically for children allow them to understand the behaviour, and identify and report when perpetrators are trying to abuse or exploit them.

64. A good example of this approach is the 2014 ECPAT International guide “Stay Safe from Online Sexual Exploitation”, specifically aimed at children and young persons and written in child-friendly language. Crucially, it also presents case studies from across the world, with a series of questions to children to help them to work out the solutions.

65. The most successful empowerment programmes work on the regional and community levels, as they ensure that people in neighbouring countries and locations are able to identify the same behaviour. RedNATIC is a grouping of charities from 10 Latin American countries dedicated to offering resources to children to safeguard them from abuse and exploitation. Such regional groupings are better placed to work with schools and communities to ensure the message gets through at the local level and that the message is seen by children.

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<sup>51</sup> See [www.njcap.org](http://www.njcap.org).

<sup>52</sup> See [www.ecpat.net/resources#category-child-and-youth-resources](http://www.ecpat.net/resources#category-child-and-youth-resources).

<sup>53</sup> See <http://rednatic.org/publicaciones/publicaciones-de-red-natic/>.

66. Technology offers new opportunities to empower children. They are advanced users of the Internet and they actively participate in social media. Initiatives must be adopted which harness the energy that accompanies the use of social media networks by children and encourages them to discuss those issues online and support each other in reporting exploitative behaviour to the authorities. Young persons supporting other young persons can only be a positive experience, especially when some children believe that “adults don’t get technology” and therefore may be sceptical about messages produced by adults.

**(c) Filtering**

67. Filtering technologies are another example of the opportunities offered by the Internet to combat child sexual abuse and exploitation. Their purpose is to prevent child abuse content from being accessed. A popular method is the use of the INTERPOL “worst-of” list, a directory of known sites that host child sexual abuse content.<sup>54</sup> The Internet Watch Foundation uses the “gold-standard” approach<sup>55</sup> and operates a list that is updated twice daily.<sup>56</sup> Many companies across the globe use the list.

68. Filtering to prevent child sexual abuse and exploitation does not constitute censorship or a violation of the right to freedom of opinion and expression. As noted by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, child protection concerns have been used as a cover for inappropriate or disproportionate blocking and filtering.<sup>57</sup> However, the right to freedom of opinion and expression can be restricted on the basis of the right of children to be protected from harm. Children who are the subject of child pornography are harmed in its production, distribution, download and visualization. It is legitimate therefore to restrict access to those images, and States must prohibit them as a criminal act.<sup>58</sup> States should establish clear rules governing filtering, including judicial scrutiny, to prevent filtering and blocking systems being used to include material other than child pornography.

**6. International cooperation**

69. Article 10 of the Optional Protocol on the sale of children, child prostitution and child pornography requires States to strengthen cooperation by multilateral, regional and bilateral arrangements. Article 6 further requires States to cooperate in the investigation, extradition or criminal proceedings brought in respect of the abuse or exploitation of children. The issue of mutual legal assistance is crucial in combating child exploitation. Extraterritorial jurisdiction for those crimes could have a deterrent effect, but requires effective international cooperation.

70. As noted above, the role of INTERPOL in the field of combating child exploitation has become prominent. The European Police Office (Europol) also has established expertise in that field, including through the provision of training and advice. North American law enforcement — most notably the Federal Bureau of Investigation, the United States Postal Inspection Service and the Royal Canadian Mounted Police — have also

<sup>54</sup> For more information, see [www.interpol.int/Crime-areas/Crimes-against-children/Access-blocking](http://www.interpol.int/Crime-areas/Crimes-against-children/Access-blocking).

<sup>55</sup> For more information, see [www.iwf.org.uk](http://www.iwf.org.uk).

<sup>56</sup> The list is available from <https://www.iwf.org.uk/members/member-policies/url-list/iwf-list-recipients>.

<sup>57</sup> Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/69/335, paras. 48–53.

<sup>58</sup> Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/66/290, paras. 20–22.

adopted the approach of facilitating the investigation of those crimes through the provision of mutual legal assistance and training.

**(a) Virtual Global Taskforce**

71. The Virtual Global Taskforce is a key example of international cooperation. It consists of 12 law enforcement partners<sup>59</sup> and a number of private sector partners, including Blackberry, Microsoft and PayPal, and a variety of child protection agencies. The Taskforce helps to share intelligence and coordinate law enforcement, which has resulted in successful investigations. For instance, “Operation Endeavour” led to the arrest of 29 persons in January 2014 for the live streaming of child sexual abuse committed in the Philippines on demand. Another good initiative is “Operation Pin”, which has been successful in seeking to identify those who try to access child pornography. Pin is a site that purports to offer child pornography, but when a person seeks access to the material, his or her communication details are transmitted to a local law enforcement agency.

**(b) Global Alliance**

72. A recent important initiative is the creation in 2012 of the Global Alliance against Child Sexual Abuse Online, an alliance of 52 countries from across the world<sup>60</sup> with the objective of tackling online abuse through inter alia enhancing efforts to identify victims, investigate child sexual abuse online, prosecute offenders, increase awareness about the risks and reduce the availability of child pornography online.<sup>61</sup>

73. The alliance marks a significant step for countries to work closely together, particularly in the investigation and prosecution of offenders and the criminal networks. The alliance could play a useful role in assisting other States who are trying to combat online child sexual exploitation, through specialized training and the development of investigative processes. It is important that the alliance grows to encompass members in all geographic areas.

74. In any case, there appears to be further room for international cooperation among governments in that regard, for instance, through the establishment of a permanent global task force to combat sexual exploitation of children, including online. The task force would be in charge of conducting peer review of policies, legislation and practices (which would allow good practices and gaps to be identified), and mentoring other countries developing legislation, policy and strategies to combat online sexual exploitation of children.

**7. Corporate social responsibility**

75. Initiatives seeking to strengthen corporate social responsibility have developed considerably, building concurrently on the private sector’s voluntary efforts to take action. Industry has a long tradition of working with key child protection partners.<sup>62</sup> Those partners make considerable financial contributions to combating child exploitation and provide technical expertise to supplement law enforcement. In coming years, efforts should focus

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<sup>59</sup> Europol, INTERPOL and law enforcement agencies from Australia, Canada, Italy, the Netherlands, New Zealand, the Republic of Korea, Switzerland, the United Arab Emirates, the United Kingdom and the United States.

<sup>60</sup> The majority of the countries are European or North American: Asia is represented by Cambodia, the Philippines and Thailand, and Africa is represented by Ghana and Nigeria.

<sup>61</sup> *Report of the Global Alliance against Child Sexual Abuse Online* (European Commission, 2013).

<sup>62</sup> See for instance, the Child Exploitation and Online Protection Centre and the Internet Watch Foundation of the United Kingdom, and the National Center for Missing and Exploited Children of the United States.

on the consolidation of successful initiatives and good practices which are compliant with international standards, including the Guiding Principles on Business and Human Rights (contained in A/HRC/17/31, annex).

**(a) Financial Coalition against Child Pornography**

76. Credit card companies such as Visa and MasterCard have long adopted the approach of not profiting from child sexual exploitation, which reflects a degree of social responsibility. They have developed technology to detect transactions that are related to child sexual abuse and exploitation, to either block them or alert the authorities.

77. Financial institutions have adopted more coordinated approaches. In 2006, the Financial Coalition against Child Pornography was established in the United States, which is a coalition of the major banks and financial clearing houses. They were brought together by the National Center for Missing and Exploited Children and the International Centre for Missing and Exploited Children with a shared commitment to fight child pornography by blocking the commercial element. It currently covers 90 per cent of the United States financial industry.<sup>63</sup> Since its inception there has been a 50 per cent reduction in commercial websites reported to the National Center,<sup>64</sup> demonstrating significant impact.

78. The success of the Financial Coalition led to Europe creating its own financial coalition. The European Financial Coalition against Commercial Sexual Exploitation of Children Online was established in 2009 and consists of some of the major online payment providers but with fewer banks. Other regions have also developed their own versions, the latest being the Asia Pacific Financial Coalition. Each region should establish a coalition to make it increasingly difficult for people to exploit children for financial benefit.

**(b) Guidelines for industry**

79. The guidelines for industry on child online protection created by the International Telecommunication Union and UNICEF<sup>65</sup> assist industry in understanding how to act in a corporately responsible way. They develop five key areas for protecting and promoting human rights: (a) integrating child rights considerations into all corporate policies and management processes; (b) developing standard processes to handle child sexual abuse material; (c) creating a safer and age-appropriate online environment; (d) educating children, parents and teachers about children's safety and their responsible use of information and communication technologies; and (e) promoting digital technology as a mode for increasing civic engagement. The guidelines are important in that they recognize the power that industry has over the consumer, both adult and child. The Internet industry is uniquely placed to get messages across to children and parents, but also to act as a conduit for reporting suspicions and blocking inappropriate material.

80. Industry has the potential to reinforce key Internet safety messages but also to develop new methods of keeping children safe. Good examples of this include Netclean,<sup>66</sup> a Swedish company that has developed new ways of filtering and blocking harmful content, including within offices and hotels.<sup>67</sup> Those means could be used not only to prevent the downloading of child pornography but also to detect those who are seeking to solicit child

<sup>63</sup> Financial Coalition against Child Pornography, "Backgrounder". Available from [www.icmec.org/en\\_X1/pdf/FCACPBackgrounder1-13.pdf](http://www.icmec.org/en_X1/pdf/FCACPBackgrounder1-13.pdf).

<sup>64</sup> Ibid.

<sup>65</sup> Available from [www.itu.int/en/cop/Documents/bD\\_Broch\\_INDUSTRY\\_0909.pdf](http://www.itu.int/en/cop/Documents/bD_Broch_INDUSTRY_0909.pdf).

<sup>66</sup> For more information, see <https://www.netclean.com/>.

<sup>67</sup> See <https://www.netclean.com/en/proactive/hotel-wi-fi/overview/>.

victims of prostitution within tourist areas. Netclean has also developed sophisticated forensic tools for police to identify abusive behaviour and those who perpetrate them.

81. Initiatives aimed at enhancing engagement with industry in its wider form, including not only Internet service providers and Internet content providers, but also application developers, should be encouraged. As mobile devices become increasingly popular the development of applications offer real opportunities but also threats. Applications can be used to facilitate the reporting of abuse, the understanding of exploitation and awareness-raising. However, applications can also pose harms and allow, for example, the swapping of illegal contacts and content. Initiatives must be put in place to involve not only Internet providers, but most importantly, application developers and hosts, to ensure that they do not produce or distribute applications that facilitate the exploitation of children.

## V. Conclusions and recommendations

### A. Conclusions

82. **In the present report, the new Special Rapporteur has endeavoured to provide an outline of the strategic directions for her three-year tenure. She will ensure the continuity of the work of her predecessors, and will explore new directions. She will continue to adopt a consultative, participatory, child-centred and holistic approach in the implementation of her mandate, and will strive to ensure coordination and complementarity with relevant special procedures mandates and United Nations mechanisms and bodies.**

83. **While 2015 marks the twenty-fifth anniversary of the establishment of the mandate, its continuous renewal underscores the need for the international community to step up efforts to combat the increasing phenomena of sexual abuse and exploitation of children. Stronger support to the mandate will be essential to ensure appropriate follow-up and effective implementation of the mandate in the coming years.**

84. **Children are among those who are most familiar with information and communication technologies. While new technologies offer a myriad of opportunities for children, they also present new risks and threats. Criminal behaviour facilitated by new technologies includes online child abuse material and online sexual exploitation of children. Moreover, information and communication technologies facilitate new forms of criminal behaviour, such as the live streaming of child abuse and the online solicitation of children.**

### B. Recommendations

85. **Whilst recognizing that considerable progress has been made in recent years, the Special Rapporteur advocates a holistic approach towards combating effectively the sale and sexual exploitation of children facilitated through new technologies. That involves promoting the design and implementation of comprehensive child protection strategies which encompass adequate legislation, detection and reporting, prosecution of offenders, rehabilitation and reintegration of victims, prevention and protection programmes with the participation of children, active involvement of the business sector and effective international cooperation.**

86. **To that end, the Special Rapporteur recommends the actions listed below.**

**1. At the national level**

87. The Special Rapporteur invites all States to:

(a) Ratify all relevant regional and international instruments, and establish clear and comprehensive legal frameworks which take account of technological advancements, in particular, by adopting laws that prohibit all forms of sale and sexual exploitation of children online, and criminalize accessing child pornography, making child pornography available, grooming, the viewing of online streaming of child abuse, the advertising of the sale of children and the facilitation of child prostitution, including the creation or maintaining of websites which prostitute the child;

(b) Ensure that national legislation does not criminalize child victims of sexual abuse and exploitation;

(c) Support the creation and maintenance of helplines and hotlines to report child sexual abuse and exploitation;

(d) Ensure easy access to child-sensitive justice complaints and reporting mechanisms;

(e) Ensure and strengthen capacity-building and specialist training of relevant professionals to identify and address the crimes of sale and sexual exploitation of children facilitated by new technologies, and foster child-sensitive approaches when dealing with child victims;

(f) Ensure that children who are required to participate in criminal justice proceedings are given appropriate support and counselling to assist them at all stages of proceedings;

(g) Ensure access to remedy of child victims, including assistance to seek prompt and appropriate reparation for the harm suffered, through State compensation where appropriate;

(h) Conduct research to identify child victims and potential victims of online sexual abuse and exploitation, taking into account all forms of sexual exploitation and gender and age profiles of victims and offenders, in order to obtain a comprehensive picture of the phenomena and the risks faced by children;

(i) Establish a reliable and standard information system on the phenomena;

(j) Involve and empower children and youth through the use of new technologies and social media, encouraging them to share ideas and knowledge of exploitative behaviours and ways to stop them, and to report suspicious behaviour, and taking their proposals into consideration in prevention and protection strategies.

**2. At the international level**

88. The Special Rapporteur invites the international community to establish a coordinated global response, by:

(a) Establishing a comprehensive and global legal framework preventing, prohibiting and protecting children from sale and sexual exploitation online;

(b) Sharing and updating information related to child victims and offenders, and obtaining digital evidence to effectively investigate and prosecute perpetrators and criminal networks responsible for the sale and sexual exploitation of children;

(c) Supporting alliances such as the Virtual Global Taskforce and the Global Alliance against Child Sexual Abuse Online for the effective cooperation in investigation and prosecution of criminal networks and perpetrators;

(d) Establishing a global permanent task force to harmonize practices and procedures, share expertise and scale up good practices, and provide assistance to States for the development of national legislation, policies and strategies to effectively combat online child sexual exploitation;

(e) Establishing and maintaining a single global database of child sexual abuse images, with limited access for the private sector to facilitate identification of exploitative behaviour, victims and offenders;

(f) Establishing an international “Safer Internet Day” as a global day to raise awareness on online safety, including information on child sexual exploitation facilitated by new technologies and ways of combating it.

**3. Regarding corporate social responsibility**

89. The Special Rapporteur highlights the importance of enhancing corporate social responsibility involving Internet service and content providers, telecommunications, financial companies and the media in order to strengthen child safety online. The Special Rapporteur encourages the business sector to develop applications for mobile devices which allow children to report cases of online sexual abuse and exploitation, and to ensure that applications do not facilitate the sexual exploitation of children.

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