Briefing Note to Committee on the Rights of the Child

Day of General Discussion 2014:
Media, Social Networks and the Rights of the Child

ECPAT International welcomes the decision of the Committee on the Rights of the Child to convene its 2014 Day of General Discussion on *Media, Social Networks and the Rights of the Child*. As a global network committed to eradicating commercial sexual exploitation of children, ECPAT has become increasingly concerned over the exponential growth in the production and circulation of online child sexual abuse materials (CSAM) worldwide through the internet and its associated technologies.

Statement of the problem

Information and communication technologies (ICTs) are now an integral and positive component of modern life, as important to the educational and social development of children and young people as they are to the entire global economy.

However, the rapid expansion of the Internet globally, with its increasing and instant reach to individuals, has exposed more children and young people to sexual exploitation and abuse. Rapidly developing technology has also given rise to new forms of sexual abuse and exploitation through the use of devices and features provided by ICTs. As Internet up-take rates climb in many parts of the world, divergent understandings of the purpose, use and function of the internet have resulted in disparate levels of knowledge and awareness of the risks associated with children using ICTs and social media as well as children's vulnerability to sexual abuse and exploitation thus increasing children's exposure to online sexual exploitation and abuse. In this context, the negative impact of ICTs and social media on children could be disproportionately severe because of: (i) the significant disparity in knowledge and awareness amongst parents, policymakers and children over the related risks of using ICTs as well as children's increased vulnerability to sexual exploitation as a result of expanded internet use and social media networks; (ii) the lack of resources or capacity amongst law enforcement and social services in

many States to deal with the volume of reports of online CSAM[1]; (iii) the inadequate or improperly implemented legal frameworks to deal with the unique challenges posed by online CSAM; and (iv) the challenges posed by ongoing technological developments which enable new forms of sexual abuse to emerge, giving rise to new offending patterns of online CSAM.

The General Day of Discussion presents an important opportunity to engage in a high-level dialogue to raise awareness amongst government officials and child rights experts over the urgent need to take measures to address the global surge in on-line sexual abuse of children and online CSAM.

(I)   Disparate levels of knowledge and awareness over the risks of associated with the use of ICTs and children's vulnerability to sexual exploitation

There is no longer one internet. The advent of social media has enabled communities to shape and use the internet (and social media platforms) in ways that reflect their unique culture, language and political context. As a result, the way the internet is understood and used varies considerably between different societies. It has become apparent that there are significant discrepancies in public understanding of the risks posed to children and how they are related to their use of technology. Often even very young children have a more sophisticated understanding of the Internet and mobile phone technologies than their parents, and caregivers. Too many parents, teachers and caregivers in all parts of the world are not well enough equipped with knowledge about online safety tools or possible online risks for children. This is particularly a concern in regions such as Africa where the internet penetration rate is growing exponentially, yet preventive measures and awareness programs are not well developed in a great many countries. To address this problem we need to see the private sector step up its involvement and engagement in a major way, working closely with all of the relevant law enforcement, educational social and community based organizations.

(II)   Inadequate measures taken by States to address online sexual exploitation and abuse

a) **Lack of adequate legal framework:** Many States do not have an adequate legislative and legal framework to permit and facilitate effective investigations and prosecutions related to online sexual exploitation and abuse of children. In many cases, the term 'child pornography' is not defined under domestic law, and related conduct such as intentional viewing or possession of CSAM is not criminalised. Equally, criminal procedure and evidence laws do not reflect the unique challenges of investigating and prosecuting offences related to online sexual exploitation and abuse of children. For example, in many States, digital evidence and forensic tools continue to be inadmissible in court procedures.

b) **Lack of victim-centered services for children who have been sexually exploited or abused online:** Too many States do not have specialized investigative units, services or healthcare professionals

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[1] John Carr, 'Online child safety – big things happening,' 18 November 2013, accessed at: http://johnc1912.wordpress.com/2014/09/04/a-safe-secure-and-sustainable-internet-and-the-role-of-stakeholders/online

trained to handle the needs of children who have been subjected to online child sexual exploitation and abuse. As well, victim identification programs, protocols to assist and recover children at risk, and services for recovery and reintegration are often incomplete, inadequate or altogether absent.

c) **Lack of capacity amongst law enforcement:** The capacity of law enforcement authorities to conduct investigations into allegations of online sexual abuse is further limited by a lack of specialised knowledge and expertise. As well, many States simply lack resources. Law enforcement authorities are overwhelmed: the number of potential offenders who engage in trading CSAM within a jurisdiction at any given time (i.e. through peer to peer file sharing services or within the more hidden part of the Internet known as Darknet) is so high that it is beyond the capacity of the existing resources of law enforcement authorities to identify, investigate and prosecute all of the cases.

d) **Lack of resources and training for judiciary and law enforcement officers:**   In too many countries there is no institutionalized program of training for members of the judiciary, prosecutors and law enforcement on offences relating to sexual abuse of children.   Specialized training on this issue is often done on *ad hoc* basis and is not yet common.

(III)   New developments in ICT facilitate online sexual abuse of children and the production and circulation of CSAM:

a) **Greater circulation of child pornography, increasingly through peer-to-peer (P2P) file-sharing platforms:** The volume and scale of child pornography on these platforms has reached unprecedented levels: many individual offenders have been found to possess millions of images. Recent data from INHOPE indicates that 87% of child sexual abuse materials are non-commercial, or shared online at no cost among file-sharing networks.[2] Additionally, the "Dark Net" and similar encrypted software techniques that allow users to access CSAM materials anonymously. Due to their hidden nature it is impossible to accurately quantify the extent of these illegal activities, but law enforcement agencies around the world agree that the scale is substantial.

b) **Increased use of mobile devices by child predators:** Increasingly, child sex abusers use the Internet to contact and groom children online, from their home countries, prior to traveling overseas to physically meet the child. Travelers can purchase mobile telephones in most airports upon arrival, with minimal (if any) formalities. Tourism development and information technologies are making remote areas more accessible, and in the process they make children vulnerable to tourists seeking sexual contact with them.[3]

[2] INHOPE Annual Report 2014: http://inhope.org/Libraries/Infographics/INHOPE-2013-Inforgraphic.sflb.ashx
[3] ECPAT International, 'The use of information and Communication technologies in connection with cases of child sex tourism in East and Southeast Asia', 2010, available at:
http://resources.ecpat.net/EI/Publications/Journals/ECPAT%20Journal_Mar2010_FINAL.pdf

c) **Use of cloud-based services**: Child sex offenders no longer have to risk carrying incriminating evidence through customs or border checkpoints. Instead, they can abuse children, document the abuse through a mobile phone camera or other easily portable video device, and upload the stills and videos to cloud services, to be accessed when they return home.

d) **Increase in live video streaming of child sexual abuse:** The increased use of live video streaming of child sexual abuse has been identified by the Child Exploitation and Online Protection Centre (CEOP)[4]and other law enforcement agencies as a major threat to children. This particular form of sexual exploitation transcends borders by allowing child predators to be located anywhere, while abusing their victims through a streamed live presentation. The phenomenon first received widespread public attention in South East Asia, but appears to be spreading to other regions.

e) **Growth in the production of self-generated ("sexting" and "sextortion") child sexual abuse materials:** First, more and more children are being lured with money or gifts by offenders who entice them into creating and sharing indecent photos of themselves. Second, the phenomenon of "sexting" has increased among adolescents, who willingly produce erotic/pornographic images of themselves, typically to share with their current "partner." These partners, however, often disseminate the images, which then end up in the possession of child pornography collectors. Research shows that 88% of self-generated, sexually explicit content online was taken from its original location and uploaded to a different Internet site.[5]

f) **Exploitation of younger children:** The trend among abusers is to target younger and younger children. A review of CSAM material by INHOPE in 2013 revealed that 10% of the victims were infants, compared to 6% in 2011.[6] The 2013 report of the Internet Watch Foundation noted that children appearing to be aged 10 years or under represented 81% of the victims, whereas in 2011 they were 74%.[7] In 2013 a number of commercial websites in the United Kingdom were hacked to plant images of extreme sexual abuse of children under two years old; 227 reports of this practice were made within a six-week period.[8]

g) **Use of virtual currencies such as Bitcoin to purchase CSAM:** Recently, a commercial website was identified as accepting only Bitcoins as payment for sexual abuse materials.[9] Several other

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[4] CEOP, Threat Assessment of Child Sexual Exploitation and Abuse, June 2013.
http://ceop.police.uk/Documents/ceopdocs/CEOP_TACSEA2013_240613%20FINAL.pdf
[5] Study on the Effects of Information and Communication Technologies on the Abuse and Exploitation of Children, United Nations Office on Drugs and Crime, 2014, unpublished.
[6] INHOPE, op. cit.
[7] Internet Watch Foundation Annual and Charity Report 2013. https://www.iwf.org.uk/assets/media/annual-reports/annual_report_2013.pdf.pdf
[8] Internet Watch Foundation, 2013, 'Websites hacked to host "the worst of the worst" child sexual abuse images. http://www.iwf.org.uk/about-iwf/news/post/367-websites-hacked-to-host-the-worst-of-the-worst-child-sexual-abuse-images
[9] EUROPOL, Commercial Sexual Exploitation of Children Online, European Financial Coalition, Oct. 2013, p.15. http://www.europeanfinancialcoalition.eu/private10/images/document/5.pdf and

anonymous or difficult-to-trace forms of electronic payment have emerged on the Internet. Law enforcement agencies are clear that these mechanisms pose an ongoing, but as yet unquantifiable, threat in the context of child sexual abuse.

The advent of social media has further enabled child exploiters to more readily engage in 'grooming' by using social media platforms to connect with child victims. It has also allowed child exploiters to appropriate and misuse materials uploaded by social media users for the purposes of sexual exploitation.

Background information about ECPAT International

ECPAT is a network of 82 national or local member organisations in 74 countries, of which many are national coalitions.

The ECPAT Network aims to build collaboration among local civil society actors and the broader child rights community to form a global social movement for protection of children from sexual exploitation. Its membership reflects the richness and diversity of experience, knowledge and perspectives that arise from working in widely different contexts. ECPAT member organizations are involved in implementing a range initiatives to protect children.

The ECPAT International Secretariat, based in Bangkok Thailand, serves the Network. It provides technical support and information and organises learning events to extend and exchange the knowledge of its members. The Secretariat also represents and advocates on key issues at the international and regional levels on behalf of the Network.

Further information is available at www.ecpat.net.

Internet Watch Foundation, Briefing Paper – Preliminary Analysis of New Commercial CSAM Website Accepting Payment by Bitcoin, Jan.2014.
https://www.iwf.org.uk/assets/media/Briefing%20Paper%20-%20Preliminary%20Analysis%20into%20Commercial%20CSAM%20Distributor%20Accepting%20Bitcoin%20Payment%20Sanitised%20Not%20Restricted.pdf