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Submission for a forthcoming report on "Existing and Emerging Sexually Exploitative Practices against Children in the Digital Environment" by the United Nations Special Rapporteur on the sale, sexual exploitation and sexual abuse of children

Dear Ms Special Rapporteur on the sale, sexual exploitation and sexual abuse of children Mama Fatima Singhateh,

I wish to thank you very much for the opportunity to send you some input on existing and emerging sexually exploitative practices against children in the digital environment. I'm very grateful for your interest.

Unfortunately, one can state an **enormous increase of already existing and emerging sexually exploitative practices against children in the digital environment with a massive negative impact on children's right to physical and mental integrity due to "Artificial intelligence (AI)" – which can more appropriately be called "data-based systems (DS)" –[1] and generative DS**. Therefore, it is necessary to identify ethical opportunities and ethical risks as well as opportunities for promoting human rights and human rights risks of DS precisely and at an early stage in order to be able to benefit sustainably from the opportunities and to master or avoid the risks of DS. In the avoidance and mastering of risks of DS, technology-based innovation can in turn play an essential role.

On March 21, 2024, the **UN General Assembly** unanimously adopted a resolution "Seizing the opportunities of safe, secure and trustworthy artificial intelligence systems for sustainable development"[2] on the promotion of "safe, secure and trustworthy" "artificial intelligence (AI)" systems that will also benefit sustainable development for all. It emphasizes: "The same rights that people have offline must also be protected online, including throughout the life cycle of artificial intelligence systems." **It is now urgent to implement and build on the GA resolution.**

Allowing *all* humans and the planet to flourish sustainably and guaranteeing globally that human rights are respected not only *offline* but also *online* and in the digital sphere and the domain of DS, laws should be introduced embracing two concrete measures:

1. **Human Rights-Based Data-Based Systems (HRBDS)**: Human rights-based data-based systems (HRBDS) are meant to ensure that human rights serve as the basis of DS. In other words, HRBDS seek

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[1] DS will be used as opposed to AI to highlight that performance is mainly due to the ability of these systems to generate, collect, and analyze vast amounts of data. However, particular areas of intelligence, such as social and emotional intelligence, remain unobtainable to DS, and DS lack the freedom required to possess the moral capability as necessary for a comprehensive definition of intelligence.

[2] UN General Assembly (2024): "Seizing the opportunities of safe, secure and trustworthy artificial intelligence systems for sustainable development". 24 March 2024. Online: https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=A/78/L.49&Lang=E [8.5.2024].

to ensure that human rights are respected, protected, implemented, and realized within the entire life cycle of DS and the complete value-chain process of DS (in the design, the development, the production, the distribution, the use, or the non-use of DS because of human rights-concerns). **HRBDS strives for protecting the powerless from the powerful.**

2. An **International Data-Based Systems Agency (IDA)**: An International Data-Based Systems Agency (IDA) urgently needs to be established at the UN as a global platform for technical cooperation in the field of DS, fostering human rights, safety, security, and peaceful uses of DS as well as a global supervisory and monitoring institution and regulatory authority in the area of DS responsible for access to market approval.
Given the areas of convergence between DS and nuclear technologies, the International Atomic Energy Agency (IAEA) model would seem the most appropriate one for responsible global AI governance as it represents **an UN-agency with "teeth".**

The establishment of an IDA is feasible because humanity has already shown that we are able to avoid "blindly" pursuing and implementing things that are technical possible, but that we are also able to exercise caution when the welfare of humanity and the planet are at stake. For example, humans researched the field of nuclear technology but then humans substantially and massively limited research and development in the field of nuclear technology, in order to prevent even worse consequences. This suppression was successful mainly due to an international regime, concrete enforcement mechanisms, and thanks to the International Atomic Energy Agency (IAEA) at the UN.

Broad Global Support for HRBDS and IDA
There is a growing international and interdisciplinary network of experts calling for the establishment of HRBDS and IDA.[3] T**he Elders**, an independent group of world leaders founded by Nelson Mandela, has endorsed the recommendations for human rights-based DS and for the establishment of a global agency to monitor them. It has called upon the UN to take appropriate action. In their statement of May 31, 2023, the Elders declared that:
"A new global architecture is needed to manage these powerful technologies within robust safety protocols, drawing on the model of the Nuclear Non-Proliferation Treaty and the International Atomic Energy Agency. These guardrails must ensure AI is used in ways consistent with international law and human rights treaties. AI's benefits must also be shared with poorer countries. No existing international agency has the mandate and expertise to do all this. **The Elders now encourage a country or group of countries to request as a matter of priority, via the UN General Assembly, that the International Law Commission draft an international treaty establishing a new international AI safety agency."**[4]

UN Secretary General António Guterres also supports the creation of an international AI watchdog body like the International Atomic Energy Agency (IAEA): "I would be favorable to the idea that we could have an artificial intelligence agency (...) inspired by what the international agency of atomic energy is today."[5] He has called **for a new UN body like an "International Data-Based Systems Agency IDA" to tackle threats posed by artificial intelligence** in the UN Security Council on July 18, 2023.[6]

UN High Commissioner for Human Rights Volker Türk has demanded at the UN Human Rights Council **"urgent action"** and proposed human-rights-based HRBDS and a coordinated global response towards an institutional solution like the creation of an "International Data-Based Systems Agency IDA" in his statement about AI and human rights on July 12, 2023.[7]

The **UN Human Rights Council** unanimously adopted, on July 14, 2023, its latest resolution on "New and emerging digital technologies and human rights"[8] which included for the first time an explicit reference to AI, and the promotion and protection of human rights. The Resolution emphasizes that new and emerging technologies with an impact on human rights "may lack adequate regulation", highlighted the "need for effective measures to prevent, mitigate and remedy adverse human rights impacts of such technologies" and stressed the need to

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[3] www.idaonline.ch.
[4] The Elders (2023): "The Elders urge global co-operation to manage risks and share benefits of AI." Online: https://theelders.org/news/elders-urge-global-co-operation-manage-risks-and-share-benefits-ai [8.5.2024].
[5] UN Secretary General (2023): "UN Chief Backs Idea of Global AI Watchdog Like Nuclear Agency". June 2023. Online: https://www.reuters.com/technology/un-chief-backs-idea-global-ai-watchdog-like-nuclear-agency-2023-06-12/ [8.5.2024]. https://press.un.org/en/2023/sgsm21832.doc.htm [8.5.2024].
[6] UN Secretary General (2023): "Secretary-General's remarks to the Security Council on Artificial Intelligence". July 18, 2023. Online: https://www.un.org/sg/en/content/sg/speeches/2023-07-18/secretary-generals-remarks-the-security-council-artificial-intelligence [8.5.2024].
[7] UN High Commissioner for Human Rights (2023): "Artificial intelligence must be grounded in human rights, says High Commissioner". Statement Delivered by Volker Türk, UN High Commissioner for Human Rights, at the High Level Side Event of the 53rd Session of the UN Human Rights Council on July 12, 2023. Online: https://www.ohchr.org/en/statements/2023/07/artificial-intelligence-must-be-grounded-human-rights-says-high-commissioner [8.5.2024].
[8] UN Human Rights Council (2023): "Resolution New and emerging digital technologies and human rights". No. 41/11. 13 July 2023. Online: https://documents.un.org/doc/undoc/gen/g23/146/09/pdf/g2314609.pdf?token=dLWzJnULXDGNJTLOJg&fe=true [8.5.2024].

respect, protect and promote human rights "throughout the lifecycle of artificial intelligence systems". It called for frameworks for impact assessments related to human rights, for due diligence to assess, prevent and mitigate adverse human rights impact, and to ensure effective remedies, human oversight, and accountability.

The idea of a human rights-based and legally binding regulatory framework as well as the establishment of an institution enforcing the global regulation enjoys **the support of Pope Francis.**[9]

Also, some voices from multinational technology-companies – among others, **Sam Altman** (Founder of OpenAI) **at the World Economic Forum WEF 2024** – have called for IDA.[10]

Please let me know if I can support your important work protecting all children from sale, sexual exploitation and sexual abuse.

I thank you very much for your efforts.

Yours sincerely,

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[9] Pope Francis (2024): "Artificial Intelligence and Peace". Message of Pope Francis for the 57th World Day of Peace. 1 January 2024. Online: https://www.vatican.va/content/francesco/en/messages/peace/documents/20231208-messaggio-57giornatamondiale-pace2024.html [8.5.2024].
[10] Santelli, Filippo (2024) Sam Altman: "In pochi anni l'IA sarà inarrestabile, serve un'agenzia come per l'energia atomica". Online: https://www.repubblica.it/economia/2024/01/18/news/sam_altman_in_pochi_anni_lia_sara_inarrestabile_serve_unagenzia_come_per_lenergia_atomica-421905376/amp/ [8.5.2024].