



> Retouradres Postbus 20301 2500 EH Den Haag

To the **UN Special Rapporteur on the Sale, Sexual Exploitation and Sexual Abuse of Children**

Turfmarkt 147
2511 DP Den Haag
Postbus 20301
2500 EH Den Haag
www.nationaalrapporteur.nl

Contact

Dyonne Pennings
Senior advisor

[d.d.pennings@
nationaalrapporteur.nl](mailto:d.d.pennings@nationaalrapporteur.nl)

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Subject Call for inputs: SR Sale, Sexual Exploitation and Sexual Abuse of Children report to UNGA79 - Existing and Emerging Sexually Exploitative Practices against Children in the Digital Environment

The **Dutch National Rapporteur on human trafficking and sexual violence against children** (The Dutch National Rapporteur) welcomes the UN Special Rapporteur request for input for her 79th report to the General Assembly on the on **“Existing and Emerging Sexually Exploitative Practices against Children in the Digital Environment”**. The Dutch National Rapporteur is an independent institute legally mandated to report on the nature and scope of human trafficking and sexual violence against children in the Netherlands and the impact of policy measures on these issues. It has a legal duty to advise the government on how to improve its policies and better address human trafficking and sexual violence against children.

Both child sexual exploitation and child sexual abuse increasingly start online. Research by the Dutch National Rapporteur in collaboration with self-helpline Stop it Now (part of the organisation Offlimits) in 2023 showed that risky porn viewing behaviour is a risk factor for over a half of **young perpetrators** to start accessing **child sexual abuse material (CSAM)** online. For many young people, viewing legal pornography is part of their sexual development. However, repeated exposure to pornographic material can lead some people into a downward spiral. International research into child sexual abuse shows that over a third of those who abuse children online are minors themselves. A better understanding of young perpetrators of child sexual abuse is essential to be better able to address child sexual abuse. The Dutch National Rapporteur carried out this research together with Stop it Now to gain a better understanding of these young offenders. It is important to pay attention to this situational context in preventive policies and in strategies to support young people in (re)developing healthy sexual behaviour. The research is based on the reports of anonymous calls to a self-helpline for potential perpetrators of (online) child sexual abuse (Nationaal Rapporteur Mensenhandel en Seksueel Geweld tegen Kinderen & Stop it Now, 2023).

This research has also **demonstrated the importance of self-helplines for perpetrators of child sexual abuse**. Analysis of the call reports showed that the majority of young perpetrators have an explicit need for help. Any comprehensive approach to address child sexual abuse includes prevention and self-helplines for perpetrators of child sexual abuse.

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Child sexual exploitation (CSE) also increasingly starts online. Research carried out by the Dutch police in 2021 (Expertisecentrum Mensenhandel & Mensensmokkel, 2021) on registered cases of sexual exploitation of minors, showed that traffickers often use instant messaging services to make the first contact with potential child victims. The research also showed how **different types of platforms are used for different purposes at different stages of grooming and sexual exploitation**: instant messaging services such as WhatsApp, Snapchat and Instagram are used at all stages of sexual exploitation, from grooming through to advertising and spreading images of victims. Telegram and sex advertisement websites on the other hand are mostly used to place ads of the victims and find potential customers. Facebook and Badoo are also being used to build up a relationship with potential victims and arrange appointments with potential customers. A sharp increase in the use of instant messaging has facilitated easier access to victims for traffickers. The research reported a slight decline in the use of dating apps in sexual exploitation of minors.

There are gaps in effective regulation and moderation of websites and services that facilitate online child sexual exploitation and abuse.

Although in the EU the *Digital Services Act (DSA)* has come into force, requiring instant messaging services to take extra measures to protect children, smaller services and platforms are not bound by the DSA due to their size. This means that sex advertisement websites in the Netherlands do not require age verification for example, while they are often used by traffickers to advertise victims. In order to effectively address the online facilitation of child sexual exploitation, it is essential that risky platforms are identified and regulated. Regulation at minimum should include mandating identified high risk platforms to require age verification in order to gain access to the platform.

Challenges also remain in implementing effective content moderation to prevent and identify child sexual exploitation and abuse via social media platforms. As part of the EU Strategy for a more effective fight against child sexual abuse the European Commission pushed for a regulation to combat child sexual abuse. The *Proposal for a regulation laying down the rules to prevent and combat child sexual abuse* (the CSA proposal) establishes uniform obligations for online service providers to more effectively combat child sexual abuse through their platforms. It is positive that the proposal for the new regulation requires all providers of hosting or interpersonal communication services to take measures to prevent and combat child sexual abuse through their platforms.

However, the lack of a thorough consultation involving tech experts as well as privacy experts has stood in the way of an effective EU Regulation that balances both the protection and privacy rights of children. The proposed regulation in its current form presents a disproportionate violation of the right to privacy. Protecting children's privacy online is essential for children to be able to safely explore their sexuality online. The regulation also risks being ineffective by relying on measures and software that are inefficient in detecting child sexual abuse material. Even with a relatively low error rate on a large bulk of data, this

represents a disproportionate drain on police capacity. The capacity required to process, prioritize and investigate these notifications will be at the expense of other investigative options, such as the proactive detection of (online) child sexual abuse. (Please read [our position paper](#) on this proposed regulation for more details).

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Any future regulation should therefore be based on a comprehensive consultation including tech experts from a variety of organisations as well as privacy experts to ensure technical solutions are considered that take into account the protection as well as privacy rights of children. **Cooperation with tech experts and companies** is key in developing reliable tools that protect children's right to privacy. Both of these rights should be taking into account when drafting and implementing regulations designed to protect them against harm. The Dutch National Rapporteur wishes the UN Special Rapporteur good luck in completing and presenting her report.

Attachments

- Position Paper: New EU proposal for a regulation laying down the rules to prevent and combat child sexual abuse calls for a substantive discussion
- Summary '*We have to talk about it. Research about young (potential) offenders of child sexual abuse*'