**Comment of The International Centre for Missing and Exploited Children on the Concept Note for a General Comment on children’s rights in relation to the digital environment**

**Date:** 15 May 2019

**Submitting organization**: The International Centre for Missing and Exploited Children (ICMEC)

**About the International Centre for Missing & Exploited Children (ICMEC)**

For 20 years, ICMEC has been a leader in identifying gaps in the global community’s ability to protect children from abduction, sexual abuse and exploitation, and expertly assembling the people, resources, and tools needed to fill those gaps. We advocate for changes in laws, treaties, and systems to protect children worldwide. We provide support, training and expertise to governments, law enforcement, policymakers, industry, civil society, educators, healthcare professionals, and others across the globe with one goal in mind: to make the world a safer place for all children. We collaborate globally with civil society, governments, and private industry, encouraging partnerships and coordination.

Our mission is to unite the world in the prevention, response, recovery, and healing of every missing, abused, and exploited child to make certain that no matter where they are or how they got there, no child stands alone.

ICMEC is headquartered in Alexandria, VA, USA; and regional representation in Brazil and Singapore work to serve Latin American & the Caribbean and Asia Pacific, allowing us to respond to local, national, and regional needs; develop customized programs; and raise awareness of our mission areas.

**Purpose and Scope of General Comment**

The General Comment should support SDG 16.2 in guiding countries to end abuse, exploitation, trafficking and all forms of violence against and torture of children, much of which takes place in the digital realm.

The General Comment should include, at a minimum, the following integral actors in protecting children’s rights in relation to the digital environment: healthcare community (broadly defined to include medical and mental health professional, social workers, and others); educators and school administrators; researchers and academics; policymakers; law enforcement; technology companies; civil society; and other members of the public and private sectors.

**Issues and questions raised in Concept Note/Suggestions for new issues to raise**

1. **Protection from violence, sexual exploitation and other harm; family environment, parenting and alternative care; and health and well-being**

The Concept Note should consider/include the following areas:

1. **Awareness & Capacity Building**

The General Comment should highlight the need for awareness initiatives focused on educators, parents, and children regarding online safety, as well as awareness training courses developed by technology industry partners as a prerequisite for minors to sign up for social media, online gaming, and other similar accounts.

The need for incorporating digital safety and digital citizenship content into required school curriculum should also be highlighted.

For example, in partnership with the International Task Force on Child Protection, ICMEC created a globally-available online *Education Portal* stocked with tailored resources and research for educators and schools about best practices regarding child protection and abuse prevention.

The General Comment should note the importance of using proper terminology related to the issues of child sexual abuse and exploitation in alignment with the Luxembourg Guidelines to avoid revictimization and/or confusion.

The General Comment should note the need for ongoing training and capacity building for law enforcement, prosecutors, policymakers, and related individuals on various digital child protection issues, interacting with child victims/family, and identifying risks and possible harms; and training and awareness initiatives for healthcare professionals about the long-term consequences of digital abuse and services to support child victims. In addition, it should address the need for services for offenders/potential offenders to reduce risk and recidivism.

For example, ICMEC’s *Global Training Academy* offers nearly 40 different training programs that highlight multi-stakeholder participation by combining hands-on training for law enforcement, teachers, doctors, and lawyers, with policy roundtables comprised of child protection practitioners. We have been fortunate to have industry support of and involvement in our training program. In 2015, we launched a training program specifically for healthcare providers and educators in an effort to create an expanded base of frontline child-serving professionals who are informed and prepared to identify and address child sexual abuse and exploitation.

1. **Prevention**

The General Comment should address the value of preventive measures such as the use of technology tools to flag harmful content (click to report); filter and block illegal content; implement and monitor minimum age requirements; moderate message boards and chat functions; and the like. In addition, technology tools for industry partners such as web crawlers, Artificial Intelligence and Machine Learning, and similar tools to identify risks and protect children should be included. It is important that both law enforcement and industry partners be closely involved.

For example, the *Financial Coalition Against Child Sexual Exploitation* (FCACSE; formerly the *Financial Coalition Against Child Pornography*) was launched in 2006 by ICMEC and its sister agency, the National Center for Missing & Exploited Children (NCMEC).  The U.S. FCACSE’s membership includes the country’s leading banks, credit card companies, electronic payment networks, third-party payments companies, and Internet services companies. The FCACSE provides a platform for industry to work with law enforcement and NGOs to address the commercial aspect of child sexual exploitation. Working with law enforcement, the FCACSE’s mission is to disrupt the economics of the commercial child sexual exploitation by following the flow of funds and shutting down the payment accounts used by these illicit enterprises.

In 2009, ICMEC expanded the reach of the initiative by establishing an *Asia Pacific Financial Coalition* (APFC). The APFC is made up of leading credit card companies, electronic payments networks, Internet companies, industry associations, NGOs, regulatory bodies, and law enforcement across the region. In Asia Pacific, Working Groups have been established in Australia, New Zealand, and the Philippines, leading to extensive engagement between law enforcement, regulatory bodies, and private industry to understand and effectively respond to disrupting newer business models of illegal ecommerce as they evolve.

The General Comment should highlight the importance of mechanisms for parents and guardians to monitor children’s online activity; set parental controls and disable functions; report bad actors and illegal content. Reporting mechanisms such as hotlines, cybertiplines, and in-game/in-app reporting should be encouraged. Programs and policies to protect staff and provide mental health support for those manning hotlines and other reporting systems, who are viewing and monitoring potentially harmful content on a regular basis, should be mandated.

The importance of a National Action Plan demonstrating government support for and willingness to address digital safety should be discussed. Similarly, the development of a Child Protection Policy for industry/private sector should be encouraged.

1. **Research & Data Collection**

Research plays an important role in informing policymakers on issues that are faced by their countries. Not so many years ago there was minimal understanding and recognition of the nature of child sexual abuse material and the harm it causes. Today, there is growing awareness of the seriousness of the problem and movement forward to address the problem. This is due in part to the influence of research initiatives such as ICMEC’s *Child Sexual Abuse Material: Model Legislation & Global Review*, first published in 2006 and now in its 9th Edition.

The General Comment should call for research on the prevalence of issues such as means and methods of abusing children in the digital arena; risk factors for children using digital technology; prevalence of children using digital platforms; cyber-bullying; mental and physical health risks, including suicide, of minors due to online abuse; peer-on-peer abuse; popular online platforms for children and young people (i.e., gaming, dating apps, social media); other platforms of concern (i.e., deep/dark web); and national research and data collection to understand the nature and scope of issues impacting individual countries, trends, and emerging crimes.

Research should be used to determine preventive and protective methods, best practice, industry standards, etc.

1. **Legislation**

The General Comment should call for countries to establish legislation protecting children in the digital arena in line with existing international laws. Legislation should define a child as any person, regardless of gender, under the age of 18 years.

Minors who are victims of online abuse should not be liable for the creation of sexual material.

Technology-facilitated offenses and/or cybercrimes should be defined and punishable in national legislation.

The sexual abuse and exploitation and cyber-bullying of children through use of digital means should carry higher/aggravating penalties under the law.

The General Comment should call for mandatory reporting of illicit content for ISPs and industry partners. Legislation should provide substantial penalties for failure to report and laws should be strictly implemented regarding failure to report illegal content.

National laws should contain mandatory reporting for professionals such as educators, mental health professionals, healthcare professionals, or any person in a position working with children.

Technology companies should be legally allowed to employ technology tools to identify and eliminate accounts, images, and content perpetrating violence against children.

**ICMEC Resources & Publications**

* [Education Portal](http://www.edportal.icmec.org/)
* [Child Sexual Abuse Material: Model Legislation & Global Review – 9th Edition (2018](https://www.icmec.org/wp-content/uploads/2018/12/CSAM-Model-Law-9th-Ed-FINAL-12-3-18.pdf))
* [Online Grooming of Children for Sexual Purposes: Model Legislation & Global Review (2017)](https://www.icmec.org/wp-content/uploads/2017/09/Online-Grooming-of-Children_FINAL_9-18-17.pdf)
* [Studies in Child Protection: Sexual Extortion and Nonconsensual Pornography (2018)](https://www.icmec.org/wp-content/uploads/2018/10/Sexual-Extortion_Nonconsensual-Pornography_final_10-26-18.pdf)
* [Studies in Child Protection: Technology Facilitated Child Sex Trafficking (2018)](https://www.icmec.org/wp-content/uploads/2018/12/Technology-Facilitated-Child-Sex-Trafficking_final_11-30-18.pdf)
* [Global Training Catalog](https://www.icmec.org/wp-content/uploads/2017/06/GlobalTrainingCatalog201718_WithFinalEdits-1.pdf)

**Useful Resources**

* [Strategic Plan Implementing the Declaration of Rome](https://static1.squarespace.com/static/5a4d5d4e7131a5845cdd690c/t/5c3608d2032be43c62c8e732/1547045074767/Child%2BDignity%2BAlliance.Strategic%2BPlan+%286%29.pdf) (Child Dignity in the Digital World)
* [Recommendation CM/Rec(2018)7 of the Committee of Ministers to member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment](https://violenceagainstchildren.un.org/sites/violenceagainstchildren.un.org/files/documents/political_declarations/recomendation_of_the_committee_of_ministers_of_the_council_of_europe_to_member_states_on_guidelines_to_respect_protect_and_fulfil_the_rights_of_the_child_in_the_digital_environment.pdf)
* [Child Protection in the Digital Age (ASEAN national responses)](https://www.unicef.org/eap/reports/child-protection-digital-age) (UNICEF)
* [Global Agenda for Children’s Rights in the Digital Age](https://www.unicef-irc.org/publications/pdf/lse%20olol%20final3.pdf) (UNICEF)
* [Child Safety Online: Global Challenges and Strategies Technical Report](https://www.unicef-irc.org/publications/652-child-safety-online-global-challenges-and-strategies-technical-report.html) (UNICEF)
* UN Sustainable Development Goals – [SDG Indicators – Metadata Repository](https://unstats.un.org/sdgs/metadata/)