

Mandate of the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children

8 February 2024

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the sale, sexual exploitation and sexual abuse of children¹, pursuant to resolution 52/26 of the Human Rights Council.

As consultations and contributions to the **zero-draft of the Pact for the Future** are underway, I would like to offer brief suggestions to ensure human-rights based and child-sensitive approaches are integrated. I do not aim to provide a comprehensive analysis of the Pact for the Future and its compatibility with international human rights standards.

Rather, my focus is on those aspects of proposals falling within the scope of the mandate entrusted to me by the Human Rights Council with the aim of highlighting major issues of growing concern, particularly under **Chapter III on Science, technology and innovation and digital cooperation**. While digital products and modern technologies can offer increasing opportunities to enhance children's development and increase their digital literacy, it can also be double-edged.

In November 2023, Member States noted with deep concern “that increased unsupervised use of digital technologies has exacerbated children's, including adolescents', exposure to risks, harms and all forms of violence, such as harassment and abuse, sexual and gender-based violence, including that which occur through or is amplified by the use of technology, sexual harassment, peer-to-peer sexual harassment and cyberbullying, child sexual exploitation and abuse, child grooming, gambling, economic exploitation, including child labour, the promotion of and incitement to self-harm and life-threatening activities, trafficking in persons and abduction, and the recruitment of children to participate in criminal or terrorist activities, exposure to violent and sexual content and hate speech, as well as all forms of discrimination, including but not limited to stigmatization, racism, racial discrimination, xenophobia and related intolerance, and discrimination based on religion or belief.”²

It is in this context that I am writing to appeal to your Excellency's Government to reflect some of the language of the UNGA resolution ([A/C.3/78/L.19/Rev.1](#)), which was adopted by consensus with 193 States committed to implementing children's rights in the digital environment particularly:

¹ Explicit distinction needs to be made between “children” and “youth”. As per Article 1 of the Convention of the Rights of the Child, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

² [A/C.3/78/L.19/Rev.1](#).

- We reaffirm the best interests of the child is a primary consideration in decision-making related to the rights of the child in the digital environment, by considering the critical importance of child rights impact assessments of relevant laws, standards and policies to evaluate their actual impact on the rights of the child, and encourages the implementation of the child rights impact assessment and safeguarding principles by businesses in the digital environment; (OP5)
- We undertake to build and strengthen multi-stakeholder platforms with the participation of Governments, civil society and representatives of industry, in particular the digital technology sector, in consultation with children themselves and, where appropriate, their parents or legal guardians, with a view to promoting multi-stakeholder cooperation in the elaboration and implementation of policies to protect, empower and inform children and prevent violence that occurs through or is amplified by the use of technology; (OP41)
- We commit to strengthen efforts to prevent and protect children from all such violence through a comprehensive, gender-responsive, age-appropriate and disability-inclusive approach and to develop an inclusive multifaceted and systematic framework, which is integrated into national planning processes, to respond effectively to violence against children and to provide for safe and child-sensitive counselling, complaint and reporting mechanisms and safeguards for the rights of affected children; (OP49)
- We will urge businesses that have an impact on the enjoyment of children’s rights in relation to the digital environment to ensure that human rights are respected in the conception, design, development, deployment, evaluation and regulation of digital technologies, including artificial intelligence, and to ensure that they are subject to adequate safeguards and oversight that seek to prevent or mitigate adverse human rights impacts that are directly linked to businesses’ operations, products or services in order to promote an open, secure, stable, accessible and affordable digital technology environment for all children, and calls upon States to consider adopting legislation, regulations or policies to ensure that businesses address their responsibilities to respect children’s rights, safety and well-being; (OP35)
- We commit to encourage business enterprises operating in the digital environment to undertake child rights due diligence and child rights impact assessments to guide mitigating measures, including for the protection of children’s physical and mental health and the impacts of the digital environment on children, and in this regard to effectively consider issues of gender and vulnerability and to identify, prevent and mitigate any risks posed by their products and services to children, and in this regard takes note of the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework;³ (OP39)
- We will ensure that all those responsible for or who attempt to commit crimes against children that occur through or are amplified by the use of technology are

³ [A/HRC/17/31](#), annex.

held accountable and brought to justice in order to fight impunity, taking into account that such crimes are often multi-jurisdictional and transnational in nature; (OP56)

- We will provide children whose rights have been violated or abused with access to effective and appropriate remedial victim support, as well as reparation and guarantees of non-repetition; and calls upon States and businesses to ensure the availability and accessibility of free-of-charge, safe, confidential, responsive and child-friendly reporting mechanisms; (OP38)

This process presents a crucial opportunity to commit to concrete action-oriented recommendations and measurable progress that will protect children and future generations against ever-evolving and emerging exploitative practices in the digital environment, including their right to privacy, dignity, safety and well-being.

To this end, I would very much welcome the opportunity to further exchange on this topic should any member of your delegation wish to meet with me. I can be reached through Ms. Nouf Al Anezi (nouf.alanezi@un.org), Associate Human Rights Officer at the Office of the High Commissioner for Human Rights.

I stand ready to provide technical expertise and cooperate to enhance the protection of the human rights of children and effectively ensure it is mainstreamed at the core of the Summit for the Future and its Pact for the Future, as well as any outcome documents and annexes.

Please accept, Excellency, the assurances of my highest consideration.



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