

Submission to the Special Rapporteur's Call for Input on Existing and Emerging Sexually Exploitative Practices against Children in the Digital Environment

OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

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Anti-Slavery Australia expresses its sincere gratitude and respect for all survivors of modern slavery whose experiences have inspired and continue to drive our advocacy for survivors' rights to be protected and fulfilled.

This submission draws upon Anti-Slavery Australia's research and advocacy as well as our extensive experience in working with and providing legal advice and assistance to victims and survivors of modern slavery in Australia since 2003.

1. Executive Summary

Anti-Slavery Australia, at the University of Technology Sydney, welcomes the opportunity to make a submission to the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children to inform her report on existing and emerging sexually exploitative practices against children in the digital environment.

This submission will address the following aspects of the Special Rapporteur's Call for Input:

- Information on how technologies are used to facilitate the sexual exploitation and abuse of children.
- The challenges that exist in the use of digital technologies, products or services, that inhibit the work of law enforcement across jurisdictions in their work to investigate, detect, remove child sexual abuse materials online and prosecute these crimes.
- Practical examples of measures implemented by Australia to prevent the sexual exploitation and abuse of children online.
- The remaining gaps that limit the effective implementation and application of existing laws, policies and guidelines to prevent, detect, report and protect children from sexual exploitation and abuse online.
- Practical recommendations to prevent the sexual exploitation and sexual abuse of children in the digital environment.

2. About Anti-Slavery Australia

Anti-Slavery Australia is the only specialist legal, research and policy university centre in Australia working to end modern slavery. For 20 years, our team has been providing access to pro bono legal and migration services to people who have experienced or are at-risk of modern slavery; engaging in research and advocacy grounded in the firsthand experience of survivors; and delivering training on modern slavery to frontline service providers, government, community, law enforcement, business, students and educators.

3. Digital Technologies and Child Sexual Exploitation and Abuse

Digital technologies have increased our capabilities and revolutionised our lives. However, at the same time, online platforms such as social media, gaming platforms, direct digital messaging services and generative artificial intelligence (AI), have exposed children to new forms of harm by enabling the escalation, production and distribution of child sexual abuse materials. Moreover, digital technology has enabled the facilitation of in-person child sexual exploitation and abuse by providing the means by which offenders can contact, groom or abuse children directly, for example through chat rooms and live streaming,¹ and/or access, sell or share child sexual abuse materials.

In Australia, a study measuring the prevalence of child sexual offending behaviours and attitudes amongst a representative sample of 1,945 Australian men, found around 1 in 6 men reported having sexual feelings towards children and around 1 in 10 men had sexually offended against children.² Of those who reported having sexually offended against children, 4.3% had flirted or had sexual conversations with a child online, 1.8% had webcammed in a sexual way with a child and 1.7% had paid for online sexual interactions, images or videos involving a child.³

More recently, a study conducted by the Australian Institute of Criminology found that of the 4,011 Australians surveyed, 2.8% had received a request for facilitated child sexual exploitation in the past year.⁴ Importantly, the study showed that the increasingly common practice of 'sharenting' – the act of sharing details about parenting and children's lives online – may place some children at greater risk of exploitation or abuse.⁵ The results of the study

¹ Tomoya Obokata, *Report of the Special Rapporteur on Contemporary Forms of Slavery, Including its Causes and Consequences*, UN Doc A/78/161 (12 July 2023) 4 [4] and 5 [6].

² Australian Human Rights Institute, *Identifying and Understanding Child Sexual Offending Behaviours and Attitudes among Australian Men* (Report, November 2023) 3, available at: <https://www.humanrights.unsw.edu.au/sites/default/files/documents/Identifying%20and%20understanding%20child%20sexual%20offending%20behaviour%20and%20attitudes%20among%20Australian%20men.pdf>.

³ Australian Human Rights Institute, *Identifying and Understanding Child Sexual Offending Behaviours and Attitudes among Australian Men* (Report, November 2023) 13, available at: <https://www.humanrights.unsw.edu.au/sites/default/files/documents/Identifying%20and%20understanding%20child%20sexual%20offending%20behaviour%20and%20attitudes%20among%20Australian%20men.pdf>.

⁴ Australian Institute of Criminology, 'Prevalence and Predictors of Requests for Facilitated Child Sexual Exploitation on Online Platforms', *Trends & Issues* (Crime and Criminal Justice No. 692, 2 May 2024) 6, available at: <https://www.aic.gov.au/publications/tandi/tandi692#:~:text=Of%204%2C011%20Australians%20surveyed%2C%202.8,informati on%20about%20children%20publicly%20online>.

⁵ Australian Institute of Criminology, 'Prevalence and Predictors of Requests for Facilitated Child Sexual Exploitation on Online Platforms', *Trends & Issues* (Crime and Criminal Justice No. 692, 2 May 2024) 1, available at:

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found that respondents who reported sharing a photo of or information about children online were significantly more likely to have received requests for facilitated child sexual exploitation.⁶

In the 2022-2023 financial year, the Australian Centre to Counter Child Exploitation (ACCCE) received 40,232 reports of child sexual exploitation, which led to 925 charges and 186 arrests. 141 child victim-survivors were identified and 120 children were removed from harm.⁷ In the last calendar year, the ACCCE has received nearly 49,500 reports.⁸

This rise in online child sexual exploitation and abuse is also reflected in other jurisdictions. WeProtect Global Alliance estimates that the volume of child sexual abuse material reports worldwide increased by 87% between 2019 and 2023. The true scale of the issue is likely to be even greater as often harm is not reported.⁹ Surveys conducted across 12 countries in Southern and Eastern Africa and Southeast Asia, found up to 20% of children in some countries were subjected to child sexual exploitation and abuse online in 2020 alone.¹⁰ Further, in the United States, the National Centre for Missing and Exploited Children recorded a 12% increase on the previous year in reports of online child sexual abuse in 2023, with a total of 36,210,368 reports made to the CyberTipline.¹¹ According to the CyberTipline Report, the majority of reports received related to the circulation of child sexual abuse materials however, the data indicates that other rapidly increasing trends such as online enticement (including sexual extortion) and the production of sexually exploitative content related to generative AI are also of grave concern.¹²

<https://www.aic.gov.au/publications/tandi/tandi692#:~:text=Of%204%2C011%20Australians%20surveyed%2C%202.8,informati on%20about%20children%20publicly%20online>.

⁶ Australian Institute of Criminology, 'Prevalence and Predictors of Requests for Facilitated Child Sexual Exploitation on Online Platforms', *Trends & Issues* (Crime and Criminal Justice No. 692, 2 May 2024) 7, available at:

<https://www.aic.gov.au/publications/tandi/tandi692#:~:text=Of%204%2C011%20Australians%20surveyed%2C%202.8,informati on%20about%20children%20publicly%20online>.

⁷ Australian Centre to Counter Child Exploitation, 'Marking the Last 12 Months: 2022-2023 Highlights', *Research and Statistics* (2023), available at: <https://www.accce.gov.au/sites/default/files/2023-09/ACCCE%20achievements%2022-23.pdf>.

⁸ Jessica Moran, 'Artificial Intelligence is Being Used to Create Child Abuse Material, and Police are Worried about its Spread', *ABC News* (18 April 2024) available at: <https://www.abc.net.au/news/2024-04-18/artificial-intelligence-child-exploitation-material/103734216>.

⁹ WeProtect Global Alliance, *Global Threat Assessment 2023* (Report, September 2023) 4, available at: <https://www.weprotect.org/wp-content/uploads/Global-Threat-Assessment-2023-English.pdf>.

¹⁰ UNICEF Office of Research - Innocenti, *Children's Experiences of Online Sexual Exploitation and Abuse in 12 Countries in Eastern and Southern Africa and Southeast Asia* (Disrupting Harm Data Insight 1, 2022) 2, available at: https://www.end-violence.org/sites/default/files/2022-05/DH-data-insight-1_Final%281%29.pdf.

¹¹ National Center for Missing and Exploited Children, *CyberTipline Report 2023* (Report, 2024) 3, available at: <https://www.missingkids.org/content/dam/missingkids/pdfs/2023-CyberTipline-Report.pdf>.

¹² National Center for Missing and Exploited Children, *CyberTipline Report 2023* (Report, 2024) 3, available at: <https://www.missingkids.org/content/dam/missingkids/pdfs/2023-CyberTipline-Report.pdf>.

4. Challenges for Law Enforcement

The scale of the issue as well as the constantly evolving digital environment presents numerous challenges to the prevention, detection and prosecution of child sexual exploitation and abuse. Below are some practical challenges identified in relation to the ability of law enforcement to address the issue of online child sexual exploitation and abuse.

Prevention

As the report *Artificial Intelligence: Combating Online Sexual Abuse of Children* outlines, 'nearly every facet of online sexual abuse has been made easier by technology, leaving children of all ages more vulnerable than ever online.'¹³ The ease and speed in which digital technologies can be used presents significant challenges to prevention efforts. For example, anyone can access tools online that create and modify child sexual abuse materials using generative AI. These platforms can produce images or videos of entirely AI-generated children as well as deepfakes and deepnudes depicting real children within minutes. Very few have built-in safeguards to protect children against sexual exploitation and abuse. These technologies are expanding and are becoming more advanced and sophisticated making it difficult for law enforcement agencies to keep pace.¹⁴

Further, as access to digital technologies increases so too does the number of children exposed to abusive online behaviour. Globally, an estimated 1 in 3 of all internet users are under the age of 18 years.¹⁵ However, research suggests that access to the internet by children and young people is often unsupervised, leaving them vulnerable to harm.¹⁶ In addition, children and young people are at particular risk of online exploitation due to the lack

¹³ Bracket Foundation, *Artificial Intelligence: Combating Online Sexual Abuse of Children* (Report, 2019) 4, available at: <https://respect.international/wp-content/uploads/2019/11/AI-Combating-online-sexual-abuse-of-children-Bracket-Foundation-2019.pdf>.

¹⁴ Jessica Moran, 'Artificial Intelligence is Being Used to Create Child Abuse Material, and Police are Worried about its Spread', ABC News (18 April 2024) available at: <https://www.abc.net.au/news/2024-04-18/artificial-intelligence-child-exploitation-material/103734216>.

¹⁵ Sonia Livingstone, John Carr and Jasmina Byrne, *One in Three: Internet Governance and Children's Rights* (Paper Series No 22, November 2015) 7, available at: https://www.cigionline.org/static/documents/no22_2.pdf.

¹⁶ See Bracket Foundation, *Artificial Intelligence: Combating Online Sexual Abuse of Children* (Report, 2019) 6, available at: <https://respect.international/wp-content/uploads/2019/11/AI-Combating-online-sexual-abuse-of-children-Bracket-Foundation-2019.pdf>; and ECPAT International, *Disrupting Harm: Conversations with Young Survivors about Online Child Sexual Exploitation and Abuse* (Report, 2022) 22, available at: <https://www.end-violence.org/sites/default/files/2023-01/Disrupting%20Harm-Conversations%20with%20young%20survivors%20about%20online%20child%20sexual%20exploitation%20and%20abuse.pdf>

of support they receive in navigating the benefits and the dangers involved in using these forms of technology as well as their limited understanding of sex and healthy relationships.¹⁷

Detection and Prosecution

Digital technologies also present challenges for law enforcement in relation to the identification of victim-survivors and the detection and prosecution of offenders.

In Australia, the ACCCE has developed specialist victim identification teams that work to identify victim-survivors. This process is time-consuming and laborious and involves scouring millions of photos or videos in an attempt to find some clue or evidence that might assist the Australian Federal Police to identify a child victim-survivor. However, with technology evolving, these specialist teams are finding it increasingly difficult to differentiate between real and AI-generated child abuse materials due to the photorealism of AI technology. As a result, already limited resources are being expended unnecessarily on fake images, which in turn, diverts efforts away from identifying and removing real victim-survivors from harm.¹⁸

With respect to the detection of offenders, child sexual exploitation and abuse, like other forms of modern slavery, is a clandestine and illicit practice. Often the exploitation and abuse takes place in private settings, making it difficult to detect. In the digital environment, offenders profit from advances in technology that act as further barriers to effective detection such as strong encryption software that lacks built-in child safety mechanisms and dark web markets that allow vendors and buyers to exchange child sexual abuse materials whilst concealing their identities.¹⁹ There is also evidence of offenders using cryptocurrency, a sector currently unregulated, to avoid detection.²⁰ These challenges in detection are exacerbated by the underreporting by children regarding their experiences of online exploitation and abuse.²¹ As

¹⁷ ECPAT International, *Disrupting Harm: Conversations with Young Survivors about Online Child Sexual Exploitation and Abuse* (Report, 2022) 21-22, available at: <https://www.end-violence.org/sites/default/files/2023-01/Disrupting%20Harm-Conversations%20with%20young%20survivors%20about%20online%20child%20sexual%20exploitation%20and%20abuse.pdf>

¹⁸ See Jessica Moran, 'Artificial Intelligence is Being Used to Create Child Abuse Material, and Police are Worried about its Spread', *ABC News* (18 April 2024) available at: <https://www.abc.net.au/news/2024-04-18/artificial-intelligence-child-exploitation-material/103734216>; Matthew Doran, 'A Dark Puzzle', *ABC News* (17 April 2024) available at: <https://www.abc.net.au/news/2024-04-17/inside-afp-victim-identification-team/103707618>.

¹⁹ Yichao Wang et al, 'Investigating the Availability of Child Sexual Abuse Materials in Dark Web Markets: Evidence Gathered and Lessons Learned' (June 2023) *European Interdisciplinary Cybersecurity Conference* 59, 59.

²⁰ Tomoya Obokata, *Report of the Special Rapporteur on Contemporary Forms of Slavery, Including its Causes and Consequences*, UN Doc A/78/161 (12 July 2023) 7 [10] and [11].

²¹ Mare Ainsaar and Lars Lööf (eds), 'Online Behaviour Related to Child Sexual Abuse: Literature Report' (1 January 2011) 99; and UNICEF Office of Research - Innocenti, *Children's Disclosures of Online Sexual Exploitation and Abuse* (Disrupting Harm

a result of these challenges in identification, the ability of law enforcement to effectively prosecute these heinous crimes is significantly impacted.

5. Australia's Legislative and Policy Response

Recognising the need for laws to keep pace with advances in technology, Australia has implemented a robust online safety framework to protect Australians from online harm. The framework centres around a three-tiered approach to regulating online safety. A brief outline of the relevant framework is discussed below.

Online Safety Act 2021

The *Online Safety Act 2021* (Cth) (the Act) is the primary legislation enacted to improve and promote online safety for Australians.²² The Act expanded and strengthened Australia's online safety laws by regulating issues such as cyber-bullying, cyber-abuse, non-consensual sharing of intimate images and online content and by establishing the role of the eSafety Commissioner (the Commissioner).

Under Part 2 of the Act, the functions of the Commissioner include promoting online safety for Australians, advising the Minister about online safety issues, monitoring compliance with the Act and advising and assisting online service providers in relation to their obligations.²³ Section 28 grants the Commissioner wide, sweeping powers to 'do all things necessary or convenient to be done for or in connection with the performance of the Commissioner's functions.' For example, under the Act, the Commissioner has the power to issue specific notices to internet service providers that require them to block access to material showing abhorrent violent conduct, remove certain unlawful or harmful material from their service or report on how they are meeting the Basic Online Safety Expectations (discussed below).

As part of her functions, the Commissioner collaborates and partners with the ACCCE in relation to the online safety of children. The ACCCE was established in 2018 in response to the increasing number of reports of child sexual exploitation. Its mission is 'to be coordinated

Data Insight 2, 2022) 2, available at: https://www.end-violence.org/sites/default/files/2022-05/DH-data-insight-2_FinalB%282%29.pdf.

²² Online Safety Act 2021 (Cth) s 3.

²³ Online Safety Act 2021 (Cth) s 27.

and connected with our partners to counter online child exploitation.²⁴ The ACCCE has a range of capabilities including receiving reports, providing intelligence direction and support, conducting long term covert operations online, identifying victim-survivors as well as coordinating Australia's law enforcement response to national child protection operations and leading the development of national child exploitation prevention, education, awareness and support strategies.²⁵

Basic Online Safety Expectations

The Act also provides for the Minister, by determination, to introduce Basic Online Safety Expectations²⁶ for online service providers.²⁷ The Basic Online Safety Expectations are designed to increase transparency and accountability of online service providers by requiring them to take reasonable steps to ensure end-users are able to use the service safely and to minimise the provision of certain unlawful or harmful material.²⁸ Reasonable steps include implementing safeguards that prevent children from accessing certain material and protect their privacy and safety as well as ensuring adequate risk processes and moderation practices are in place and clear and accessible complaint mechanisms are available.

Industry Codes

The Act also requires industry to develop new codes to regulate their online activities in relation to unlawful and restricted content on their service. There are currently six industry codes which regulate the online activities of the following industry bodies: social media services; internet carriage services; equipment providers; app distribution services; hosting services; and internet search engine services (which includes safeguards in relation to generative AI).

Notably, the eSafety Commissioner delayed the registration of the Internet Service Engine Services Code due to concerns that the code did not sufficiently capture the proposed changes to search engines to incorporate generative AI features. Following a request and feedback

²⁴ Australian Federal Police, *ACCCE Strategic Plan 2022-2026* (2022) 5, available at: <https://www.accce.gov.au/sites/default/files/2022-09/ACCCE%20Strategic%20Plan%202022-26.pdf>.

²⁵ Australian Federal Police, *ACCCE Strategic Plan 2022-2026* (2022) 8, available at: <https://www.accce.gov.au/sites/default/files/2022-09/ACCCE%20Strategic%20Plan%202022-26.pdf>.

²⁶ Online Safety (Basic Online Safety Expectations) Determination 2022 (Cth).

²⁷ Online Safety Act 2021 (Cth) s 45.

²⁸ Online Safety (Basic Online Safety Expectations) Determination 2022 (Cth) Divisions 2 and 3.

from the Commissioner, the relevant industry associations submitted a new code addressing the risk associated with this technology, which was subsequently registered.²⁹ The Commissioner has declined to register two further draft industry codes for relevant electronic services and designated internet services due to similar concerns that the draft codes do 'not provide appropriate community safeguards for matters of substantial relevance to the community.'³⁰

The Commissioner has adopted an approach of digital platform regulation referred to as 'Safety by Design', which involves the Commissioner working with technology companies to embed risk mitigation and user protections into their everyday business practices. This model combines industry self-regulation with heavy fines for breaches of guidelines.³¹

6. Gaps in Implementation of Legislation and Policy

While Australia's commitment to regulating online safety is commendable, there are a number of limits to its approach that will be briefly outlined in this section using civil proceedings between the Commissioner and X Corp as illustrative examples.

In December 2023, the Commissioner commenced civil penalty proceedings in the Federal Court of Australia against X Corp for failing to comply with a non-periodic reporting notice (the transparency notice) issued in February 2023 under the Act. The transparency notice required X Corp to disclose information on how it was meeting the Basic Online Safety Expectations in relation to child sexual exploitation and abuse material and activity on Twitter (now X).³²

The Commissioner alleges that X Corp did not prepare a report in the manner and form specified as it failed to respond or failed to respond truthfully and accurately to the questions posed in the notice. The Commissioner subsequently issued X Corp with an infringement

²⁹ eSafety Commissioner, 'Industry Codes and Standards' (Web Page, 11 March 2024) available at: <https://www.esafety.gov.au/industry/codes>.

³⁰ See Letter from the eSafety Commissioner to Louise Hyland and others, 9 February 2023, 3 and 4, available at: https://www.esafety.gov.au/sites/default/files/2023-02/2.1_RES_notification_letter.pdf?v=1715653586641; and Letter from the eSafety Commissioner to Louise Hyland and others, 9 February 2023, 3 and 4, available at: https://www.esafety.gov.au/sites/default/files/2023-02/3.1_DIS_notification_letter.pdf?v=1715653586641.

³¹ See eSafety Commissioner, 'Safety by Design' (Web Page, 22 April 2024) available at: <https://www.esafety.gov.au/industry/safety-by-design>; and Terry Flew, 'Where to Next in Australia's Battle with Elon Musk and X?' (Opinion, 1 May 2024) available at: <https://www.sydney.edu.au/news-opinion/news/2024/05/01/where-to-next-in-australia-s-battle-with-elon-musk-and-x-.html>.

³² eSafety Commissioner, 'eSafety Initiates Civil Penalty Proceedings against X Corp' (Media Release, 21 December 2023), available at: <https://www.esafety.gov.au/newsroom/media-releases/esafety-initiates-civil-penalty-proceedings-against-x-corp>.

notice for \$610,500 for its failure to comply. X Corp did not pay the infringement notice but instead sought judicial review of the matter.³³

In a separate matter, the Commissioner applied to the Federal Court of Australia for an interim injunction compelling X Corp to hide certain material that was the subject of a removal notice under the Act issued on 16 April 2024. The removal notice required X Corp to take all reasonable steps to ensure the removal of extreme violent video content depicting an alleged terrorist act in Sydney from its service. While X Corp complied in part with the notice, by preventing access to the content to users in Australia, it refused to apply a global takedown and threatened to instigate legal proceedings.³⁴

Notably, by contrast to the actions of X Corp, other online service providers, including YouTube, Google, Microsoft, Meta and Tik Tok, who each received notices under the Act, either responded to the transparency notice and/or worked collaboratively with the Commissioner to remove the requested content from their platforms.³⁵

These matters collectively demonstrate both the benefits and the limitations of the 'soft law' approach to the regulation of online service providers adopted by Australia. On the one hand, the collaboration and partnership that developed between the Commissioner and the majority of online service providers in relation to enhancing online safety for Australians does highlight how public-private strategies, such as industry self-regulation coupled with disclosure and transparency requirements, can increase accountability of online service providers in addressing the issue of child sexual exploitation and abuse. However, on the other hand, the actions of X Corp, in refusing to comply with the Commissioner's notices, and the challenges associated with the enforcement of Australian laws extraterritorially, highlights the regulatory gaps that still leave Australians, especially children, vulnerable to harm.

³³ eSafety Commissioner, 'eSafety Initiates Civil Penalty Proceedings against X Corp' (Media Release, 21 December 2023), available at: <https://www.esafety.gov.au/newsroom/media-releases/esafety-initiates-civil-penalty-proceedings-against-x-corp>.

³⁴ eSafety Commissioner, 'Statement on Removal of Extreme Violent Content' (Media Release, 23 April 2024) available at: <https://www.esafety.gov.au/newsroom/media-releases/statement-on-removal-of-extreme-violent-content>.

³⁵ See eSafety Commissioner, 'Statement on Removal of Extreme Violent Content' (Media Release, 23 April 2024) available at: <https://www.esafety.gov.au/newsroom/media-releases/statement-on-removal-of-extreme-violent-content>; and eSafety Commissioner, 'Second Set of Tech Giants Falling Short in Tackling Child Sexual Exploitation Material, Sexual Extortion, Livestreaming of Abuse' (Media Release, 16 October 2023) available at: <https://www.esafety.gov.au/newsroom/media-releases/second-set-of-tech-giants-falling-short-in-tackling-child-sexual-exploitation-material-sexual-extortion-livestreaming-of-abuse>.

7. Our Recommendations

Prevention and Identification Strategies

Strengthening legislative and regulatory frameworks

The Special Rapporteur on contemporary forms of slavery recently emphasised the need to strengthen legislative and regulatory frameworks in relation to digital technologies. The Special Rapporteur found that existing 'legislative and regulatory frameworks are weak or non-existent in a number of areas.'³⁶ He identified the issues of online grooming, data protection, cryptocurrency and the use of social media and artificial intelligence as relevant examples where greater efforts by States were required to regulate the sector. In this regard, the Special Rapporteur noted:

'a lack of strong legislative or regulatory frameworks makes it difficult to establish accountability in case of any human rights abuses and can also create safe havens for criminals. Varied responses at the national level also leads to challenges in facilitating international criminal justice cooperation. This raises a question as to whether international technical standards should be developed at least in some areas that require urgent attention, such as the regulation of cryptocurrency or artificial intelligence in order to promote mutual trust and a degree of harmonization of domestic legislative and regulatory frameworks.'³⁷

In endorsement of the recommendations made by both the Special Rapporteur on contemporary forms of slavery³⁸ and the Committee on the Rights of the Child,³⁹ **Anti-Slavery Australia recommends that States take legislative and administrative measures to protect children from exploitation and abuse in the digital environment, including the regular review, reform and enforcement of robust legislative, regulatory and institutional frameworks. States should give serious consideration to the regulation of areas where existing regulatory frameworks have been identified as weak or non-existent, for example online grooming, artificial intelligence, cryptocurrency,**

³⁶ Tomoya Obokata, *Report of the Special Rapporteur on Contemporary Forms of Slavery, Including its Causes and Consequences*, UN Doc A/78/161 (12 July 2023) 15 [37].

³⁷ Tomoya Obokata, *Report of the Special Rapporteur on Contemporary Forms of Slavery, Including its Causes and Consequences*, UN Doc A/78/161 (12 July 2023) 16 [37].

³⁸ Tomoya Obokata, *Report of the Special Rapporteur on Contemporary Forms of Slavery, Including its Causes and Consequences*, UN Doc A/78/161 (12 July 2023) 19 [47] - [50].

³⁹ Committee on the Rights of the Child, *General Comment No 25 on Children's Rights in Relation to the Digital Environment*, UN Doc CRC/C/GC/25 (2 March 2021) 7 [34] and 14 [82].

information gathering and social media. All legislative and policy responses should be informed by research, developed in consultation with relevant stakeholders, including technology companies and victim-survivors, and should fully align with international human rights standards. This involves strengthening human rights due diligence in the technology sector in line with the UN Guiding Principles on Business and Human Rights by introducing mandatory human rights due diligence requirements (for example, requiring child rights impact assessments to be undertaken and disclosed to the public) and implementing safety and protective measures in accordance with children's evolving capacities.

In addition, we support the statement made by the Special Rapporteur on contemporary forms of slavery that:

'the time may be ripe for the international community to start a dialogue on international technical standards on some of these areas with a view to promoting a unified approach in preventing and suppressing [online exploitation and abuse].'⁴⁰

Data Collection and Research

Comprehensive data collection systems and high-quality research are essential to understanding trends in existing and emerging exploitative practices against children, the impact of exploitation on child victim-survivors and the effectiveness of national responses. **As such, we advocate for the implementation of robust data collection processes and research conducted with and by children, to inform national legislation, policy and practice.**

Awareness-raising, Education and Training

As highlighted above, children and young people are particularly at risk of online sexual exploitation due to their limited understanding of both the dangers of cyberspace and the characteristics of healthy relationships and safe sexual encounters. While relationships and

⁴⁰ Tomoya Obokata, *Report of the Special Rapporteur on Contemporary Forms of Slavery, Including its Causes and Consequences*, UN Doc A/78/161 (12 July 2023) 19 [47].

sexuality education is primarily the responsibility of parents and caregivers, States also have an obligation to protect the rights of children in the digital environment.

In order to support parents and caregivers in their responsibilities, States should provide free education and training resources on the appropriate use and associated risks of children using digital technologies which includes, at a minimum, information on the risk of online child sexual exploitation, the importance of appropriate supervision and the necessary safeguards required to keep children safe online such as suitable data protection and privacy settings. It is essential that these resources are child-friendly, age appropriate and available in a range of community languages.

Awareness raising and education targeted at children of all ages is also critical. Research suggests that children's risk awareness may impact the online behaviours they adopt.⁴¹ **As such, comprehensive relationships and sexual education that addresses various aspects of relationships, sexuality and sexual health, including appropriate online behaviour, should be provided to all children as part of the school curriculum. Such education should be centred around a positive and respectful approach to sexuality and relationships and should be age-appropriate.**

Anti-Slavery Australia further advocates for ongoing access to up-to-date knowledge and skills-based training for all frontline workers, particularly those in the areas of health, education, child protection and law enforcement, who are likely to come into contact with vulnerable children. Training programs should focus on building the capacity of frontline workers to effectively identify, respond and refer children experiencing online sexual exploitation and abuse to appropriate support services and should include evidence-based information on the specific risk factors and indicators associated with this form of exploitation. It is our experience that building the capacity of frontline workers can contribute to higher levels of confidence amongst these groups in identifying victim-survivors and, as such, should play a central role in any identification strategy.

⁴¹ Mare Ainsaar and Lars Lööf (eds), 'Online Behaviour Related to Child Sexual Abuse: Literature Report' (1 January 2011) 46, 80 and 100.

Increased investment in digital technologies for preventive purposes

While advancements in technology have enabled the facilitation of online sexual exploitation and abuse, they have also provided important tools to address and prevent these exploitative practices. For example, AI can conduct analysis, draw conclusions and make recommendations at a scale, speed and depth of detail that far surpasses the capabilities of human analysts.⁴² By analysing an array of data sources, AI is able to detect potential indicators of exploitation, including child sexual exploitation and abuse.⁴³ In addition, data analysis techniques, such as text and image recognition, can also facilitate the identification of offenders and victim-survivors, enabling more effective allocations of scarce public resources.⁴⁴

Anti-Slavery Australia recommends increased investment into research and development of digital technologies that may support the prevention and identification of child sexual exploitation and abuse. While Anti-Slavery Australia supports increased investment in digital technologies for preventive purposes, we endorse the view of the Special Rapporteur on contemporary forms of slavery that digital technologies, particularly AI, should 'be approached with caution, strict safeguards and oversight and after undertaking a due diligence process to assess the impact of the tools intended to use on human rights.'⁴⁵

Support for Victim-survivors

Children should be treated as children, first and foremost, recognising them as victim-survivors of abuse and exploitation.⁴⁶ Anti-Slavery Australia wishes to highlight the difficulties that

⁴² Bracket Foundation, *Artificial Intelligence: Combating Online Sexual Abuse of Children* (Report, 2019) 14, available at: <https://respect.international/wp-content/uploads/2019/11/AI-Combating-online-sexual-abuse-of-children-Bracket-Foundation-2019.pdf>.

⁴³ Tomoya Obokata, *Report of the Special Rapporteur on Contemporary Forms of Slavery, Including its Causes and Consequences*, UN Doc A/78/161 (12 July 2023) 8 [15].

⁴⁴ Tomoya Obokata, *Report of the Special Rapporteur on Contemporary Forms of Slavery, Including its Causes and Consequences*, UN Doc A/78/161 (12 July 2023) 9 [18]-[20].

⁴⁵ Tomoya Obokata, *Report of the Special Rapporteur on Contemporary Forms of Slavery, Including its Causes and Consequences*, UN Doc A/78/161 (12 July 2023) 10 [20].

⁴⁶ Mama Fatima Singhateh, Special Rapporteur on the Sale and Sexual Exploitation of Children, *A Practical Approach to Addressing the Sale and Sexual Exploitation of Children*, 49th sess, Agenda Item 3, UN Doc A/HRC/49/51 (10 January 2022) 12, para 59; and UNICEF, *A Child is a Child: Protecting Children on the Move from Violence, Abuse and Exploitation* (Report, May 2017) 46.

children and young people often face in accessing free, ongoing support services, including counselling and psychological services and safe and appropriate accommodation.

Children subjected to online exploitation and abuse require specific considerations in terms of support. Due to ongoing and continuous trauma that can occur from children appearing in materials online and those materials being shared publicly far beyond the abusive event, support services and frontline workers must have an understanding of the short- and long-term needs of the child and be able to tailor support to meet those needs. For example, in the short-term, support service providers, frontline workers and carers need to be familiar with the platforms on which the exploitative content is available as well as being aware of the complaint mechanisms and take-down processes available to report and remove child sexual abuse materials online.⁴⁷ In the long-term, it is imperative that child victim-survivors receive high quality psychosocial support as evidence shows that children who experience online sexual exploitation and abuse are at significantly higher risk of self-harm or suicidal ideation.⁴⁸

It is our view that child-specific specialist services that can be tailored to the form of exploitation experienced and the victim-survivors' individual needs are critical aspects of the recovery and reintegration process.⁴⁹ Such services should be trauma-informed and well-funded.

The lack of collaboration between stakeholders in providing long-term, wrap around supports is also a barrier for children in accessing support. This is of substantial concern given that duplicated processes increase the risk of retraumatisation and timely protection and support is critical to ensuring that any long-term/permanent developmental delays and impacts of trauma in child victim-survivors are mitigated. **Anti-Slavery Australia endorses the view of the Committee on the Rights of the Child that support frameworks should be multi-disciplinary, multi-agency and child-friendly to prevent children's revictimization.⁵⁰**

⁴⁷ ECPAT International, *Promising Government Interventions Addressing Online Child Sexual Exploitation and Abuse* (Disrupting Harm Data Insight 5, 2022) 2, available at: <https://www.end-violence.org/sites/default/files/paragraphs/download/Disrupting%20Harm%20-%20Data-Insight%205%20-%20Promising%20Government%20Interventions%20addressing%20CSEA.pdf>.

⁴⁸ End Violence Against Children, 'Disrupting Harm Findings Reveal New and Crucial Insights into Online Child Sexual Exploitation and Abuse' (Web Page, 2022) available at: <https://www.end-violence.org/disrupting-harm#findings>.

⁴⁹ Gabriela Martinho, Mariana Gonçalves and Marlene Matos, 'Child Trafficking, Comprehensive Needs and Professional Practices: A Systematic Review' (2020) 119 *Children and Youth Services Review* 105674, 7.

⁵⁰ Committee on the Rights of the Child, *General Comment No 25 on Children's Rights in Relation to the Digital Environment*, UN Doc CRC/C/GC/25 (2 March 2021) 8 [45].

Access to justice

In its *General Comment on Children's Rights in relation to the Digital Environment*, the Committee on the Rights of the Child outlines the particular challenges in access to justice that children face in the digital environment.⁵¹ **We strongly endorse the Committee's recommendation that all States should provide children with child-sensitive and age-appropriate information in child-friendly language on their rights and on the reporting and complaint mechanisms, services and remedies available to them in instances where their rights in relation to the digital environment have been violated.**⁵²

In addition, we consider independent, expert legal advice and representation to be a crucial step in children and young people accessing justice. Children who receive legal advice and assistance report having more positive experiences of the justice process,⁵³ which in turn, assists in their recovery. **Anti-Slavery Australia strongly recommends that all States ensure adequate funding is available for pro bono legal advice and representation.**

The right of children to effective remedy should also be protected and fulfilled, in particular the right of children to seek compensation when their rights have been violated or abused. **Anti-Slavery Australia thus recommends that all States establish a compensation scheme that is managed by the government from which victim-survivors can claim compensation.**⁵⁴

⁵¹ Committee on the Rights of the Child, *General Comment No 25 on Children's Rights in Relation to the Digital Environment*, UN Doc CRC/C/GC/25 (2 March 2021) 8 [43]-[49].

⁵² Committee on the Rights of the Child, *General Comment No 25 on Children's Rights in Relation to the Digital Environment*, UN Doc CRC/C/GC/25 (2 March 2021) 9 [49].

⁵³ ECPAT International, *Access to Justice and Legal Remedies for Children Subjected to Online Child Sexual Exploitation and Abuse* (Disrupting Harm Data Insight 3, 2022) 5, available at: https://www.end-violence.org/sites/default/files/2022-05/DH-data-insight-3_Final.pdf.

⁵⁴ In Australia, Anti-Slavery Australia is committed to the establishment of a national compensation scheme for all survivors of modern slavery, including children experiencing online sexual exploitation and abuse. The key elements of the proposed scheme are set out in an Anti-Slavery Australia advocacy initiative, [Justice for All: Establishing a National Compensation Scheme for Survivors of Modern Slavery](#). A national compensation scheme would provide an effective remedy to survivors of modern slavery, recognise harm suffered and contribute to the financial security of survivors and their families, enabling them to better reintegrate into communities.

SUBMISSION TO THE SPECIAL RAPPORTEUR'S
CALL FOR INPUT ON EXISTING AND EMERGING
SEXUALLY EXPLOITATIVE PRACTICES AGAINST
CHILDREN IN THE DIGITAL ENVIRONMENT



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