



Submission to the United Nations Special Rapporteur on the Sale and Sexual Exploitation of Children: New Zealand's Efforts and Challenges in Combating Online Child Sexual Abuse Material

Kei te rangatira, tēnā koe (Dear), Mama Fatima

We are writing to inform you about New Zealand's efforts to combat the online sexual exploitation of children, particularly through initiatives led by the Department of Internal Affairs (DIA) and its Digital Child Exploitation Team such as Operation H. This submission also outlines recent developments in media content regulation designed to protect children online, as well as the potential effects of proposed staffing and resource cuts to key child exploitation units.

Given the highly complex nature of child sexual exploitation, coupled with the already limited resources and awareness in New Zealand, formal research and data on this topic are scarce. Consequently, this submission relies on media reports and information gathered from membership in advisory groups to identify trends and key areas of focus.

Operation H Overview

Operation H, initiated in October 2019 by the DIA's Digital Child Exploitation Team, was an international effort to combat online child sexual abuse material (CSAM). The operation revealed the vast scale, severe threat, and serious nature of CSAM, highlighting the urgent need for robust international cooperation to dismantle networks that enable the sale and exploitation of children.

The operation was initiated following an alert from an electronic service provider and subsequently led to the identification of tens of thousands of offenders using the platform to share and trade horrific CSAM. Authorities seized and examined hundreds of thousands of CSAM files, many depicting extreme abuse of children.

From February 2020 onwards, the DIA and New Zealand Police, with support from the New Zealand Customs Service, executed warrants and pursued prosecutions against New Zealand-based offenders. To date, 125 New Zealand-based accounts have been identified, making this the most extensive joint child sexual exploitation operation in New Zealand's history. The operation resulted in, 46 arrests in New Zealand, 836 cases investigated internationally, and 146 children safeguarded worldwide.

Tim Houston, manager of the Digital Child Exploitation Team and lead for Operation H, emphasises the operations success in dismantling networks that exploit children, highlighting several real-world consequences of CSAM. For instance, he noted that individuals who view such material often progress to physically offending against children and that children are re-victimised every time CSAM is accessed.¹

¹ Department of Internal Affairs. (2024). *Summary of public submissions on the Safer Online Services and Media Platforms discussion paper*.

<https://www.dia.govt.nz/press.nsf/d77da9b523f12931cc256ac5000d19b6/23d4c3f76035199dcc2587f80075cf5c!OpenDocument>

Ongoing Efforts and Statistics

In 2023, the DIA's Digital Child Exploitation Team reported:

- 47 investigations into child exploitation, leading to 15 successful prosecutions.
- Safeguarding of 35 children in New Zealand and identification of 414 child victims internationally.
- Seizure of 209 devices and categorization of 2,966,773 pieces of material.
- Blocking of 1,149,570 access attempts to CSAM-hosting websites.
- Handling of 18,461 referrals from the National Centre for Missing and Exploited Children (NCMEC).

In addition to this, New Zealand Police reported that law enforcement and regulatory agencies received a significant increase in referrals from just over 15,000 in 2022 to almost 20,000 in 2023. Detective Senior Sergeant Kepal Richards from the Online Child Exploitation Across New Zealand Team (OCEANZ) noted that reports from NCMEC containing information about victims and offenders in New Zealand have nearly quadrupled in the last five years.²

Public Awareness and Prevention Efforts

In response to the rise in sextortion and the sharing of sexually explicit material involving children, New Zealand authorities are urging parents, guardians, and young people to stay vigilant online. Reports of sextortion have increased, with nearly 5,000 additional referrals from the Cyber Tipline between 2022 and 2023 (compared with the previous year), including instances of sextortion and CSAM shared online and via private messages.

To address this, a new interactive video has been launched to highlight the dangers and ease with which young people can be exposed to or experience exploitation. The Cyber Tipline, operated by NCMEC in the United States of America, allows the public and social media platforms to report sexually explicit content involving children, which NCMEC then forwards to relevant local law enforcement agencies.³ We do not currently have a national referral mechanism for trafficking and exploitation.

Technological Challenges and Trends

Operation H revealed disturbing trends within a global and New Zealand context, including a rise in AI-generated CSAM that is increasingly realistic and difficult to detect.

The DIA Digital Child Exploitation Filtering System (DCEFS), launched in 2010 by the New Zealand Department of Internal Affairs was established in response to the increasing use of the internet for the distribution of CSAM and the need to protect children from online exploitation. In New Zealand, most of the internet service providers have opted into the DCEFS. Data recorded through this system highlights an alarming increase in unique URLs placed on their Block List, from 489 unique URLs in December 2023 to 699 as of March 2024.⁴

² New Zealand Police. (2023, May 28). *NZ agencies urge young people to be safe online as reports of online child exploitation continue*. <https://www.police.govt.nz/news/release/nz-agencies-urge-young-people-be-safe-online-reports-online-child-exploitation-continue>

³ New Zealand Police. (2023, May 28). *NZ agencies urge young people to be safe online as reports of online child exploitation continue to rise*. <https://www.police.govt.nz/news/release/nz-agencies-urge-young-people-be-safe-online-reports-online-child-exploitation-continue>

⁴ Department of Internal Affairs. (n.d.). *Preventing online child sexual exploitation: Digital child exploitation filtering system*. <https://www.dia.govt.nz/Preventing-Online-Child-Sexual-Exploitation-Digital-Child-Exploitation-Filtering-System>

Research suggests that most offenders involved in the possession and distribution of CSAM in New Zealand have low rates of prior sexual offending, making them difficult to identify and monitor.⁵ In addition to this, the shift towards end-to-end encryption on various platforms further inhibits the ability to monitor and intercept illegal activities, allowing offenders to operate with greater impunity.

While the DCEFS works with most (but not all) internet providers to identify and block CSAM, it is unable to remove illegal content from its location and it requires additional highly trained teams of staff to investigate cases, prosecute individuals who possess or distribute the content, and engage with appropriate agencies to effectively safeguard children from historical, current and future harm.⁶

Impact of Proposed Staffing Cuts

Despite the significant achievements of Operation H in safeguarding children and revealing the extent of CSAM in New Zealand, along with increasing trends of CSAM reflected in DIA databases, the New Zealand government has proposed substantial staffing cuts to crucial child exploitation units across the public service. The Digital Safety Group at the Department of Internal Affairs is facing cuts by eleven staff, including key investigative and advisory roles. These proposed cuts threaten to undermine the capacity and effectiveness of New Zealand's efforts to combat the volume of online child sexual exploitation as evidenced by Operation H and the DCEFS.⁷

Police and Customs Efforts

The New Zealand Police, along with the DIA and the New Zealand Customs Service, work closely to prevent further victimisation through investigations and awareness initiatives. Police currently receive around 200 referrals per month from NCMEC, with each referral being risk assessed by the OCEANZ team. This assessment helps identify cases requiring immediate action to safeguard children and to hold offenders accountable.

Chief Customs Officer Simon Peterson emphasised that behind each report is a potential threat to the community, with many cases involving real children suffering horrific abuse. Increasing reports indicate a growing global demand for such material, underscoring the need for robust protective measures.⁸

Educational Initiatives and Advice

Tim Houston from the Digital Child Exploitation Team advises young people and parents to remain cautious about sharing information online. Intimate content created by children is often found in the collections of offenders. Resources like "Keep It Real Online" provide valuable guidance on staying safe online.

Detective Senior Sergeant Richards highlights the issue of sextortion, where victims are blackmailed after being coerced to send sexually explicit content. This global issue requires vigilance and awareness, as offenders often use fake accounts to lure victims. An interactive video by NCMEC offers insights into the experiences of sextortion victims, providing advice on seeking support and helping to foster informed conversations.

⁵ Griemink, E. (2019). *Developing a typology of child sexual exploitation material offending in New Zealand*.

https://www.wgtn.ac.nz/_data/assets/pdf_file/0004/1862162/Developing-a-typology-of-child-sexual-exploitation-material-offending-in-New-Zealand.pdf

⁶ Department of Internal Affairs. (n.d.). *Preventing online child sexual exploitation: How NZ responds to online child sexual exploitation*. Retrieved May 30, 2024, from <https://www.dia.govt.nz/Preventing-Online-Child-Sexual-Exploitation-How-NZ-responds-to-online-child-sexual-exploitation>

⁷ Newshub. (2024, April 25). *Union slams government as soft on organised crime amid proposed Customs, Department of Internal Affairs job cuts*. <https://www.newshub.co.nz/home/politics/2024/04/union-slams-government-as-soft-on-organised-crime-amid-proposed-customs-department-of-internal-affairs-job-cuts.html>

⁸ New Zealand Police. (2023, May 28). *NZ agencies urge young people to be safe online as reports of online child exploitation continue* [Press release]. <https://www.police.govt.nz/news/release/nz-agencies-urge-young-people-be-safe-online-reports-online-child-exploitation-continue>

Safer Online Services and Media Platforms

The multiple media regulatory agencies in New Zealand such as the Broadcasting Standards Authority (BSA), Advertising Standards Authority (ASA), Media Council, and the Classification Office are not consolidated into a single body, meaning that these agencies separately regulate media. As a result, current content regulations are fragmented and ill-equipped to address the growing rates of CSAM in New Zealand. In comparable countries, these responsibilities are consolidated under single regulatory bodies like OfCom in the UK, the Commission for Communications Regulation in Ireland, and the Australian Communications and Media Authority.

In 2018, the DIA proposed the establishment of the Safer Online Services and Media Platforms framework with the intention of replacing the outdated regulatory framework and streamlining regulation to oversee all media, including online platforms. The DIA's proposal also considered whether standards for online content should be introduced, similar to those for traditional news media.

In 2022, outgoing Chief Censor David Shanks supported the idea of a unified regulatory body. Additional research shows that 82% of New Zealanders were concerned about misinformation, with a majority advocating for stronger measures.⁹ Internet NZ supported the creation of a new regulator, which would oversee large internet platforms and enforce codes of practice to reduce harmful content, and the recent petition initiated by the advocacy group called Make Sense for internet providers to strengthen efforts to combat CSAM and for the DCEFS to expand their systems was backed by 10,575 signatures when taken to parliament on April 11, 2024.¹⁰

Proposals and Outcomes

To address the concerns of New Zealanders and to combat the growing rates of CSAM in New Zealand, the regulator proposed by the DIA would impose mandatory codes of practice on large internet platforms, remove illegal content and enforce penalties for serious breaches. Media services like TV and radio broadcasters and news publishers would also follow new industry-specific codes. However, after a change in government, these proposals were quietly abandoned, despite support from several organisations and technology companies.

A summary of public responses to the proposals was published on the DIA website in April, concluding the Safer Online Services and Media Platforms project.¹¹

Recommendations

From what data we have, it is evident that CSAM is a prevalent and a growing issue in New Zealand that is only now gaining recognition. Strengthening protective strategies such as the expansion of the filtering system and unification of media regulatory agencies is warranted. However, because the current filtering system functions as a block mechanism rather than an investigative tool, a lack of sufficient staff and investigative resources poses a significant challenge. With the system's potential expansion, there is a risk of increased vulnerability as there may not be adequate resources to address the additional victims identified through including more sites in the blocking system.

Expanding the system without bolstering resources for investigative teams will leave vulnerable children exposed without an effective response mechanism. Therefore, we recommend that the New Zealand government allocate additional resources to investigative teams if the system is to be expanded. Moreover, there is a pressing need to develop a more comprehensive regulatory framework to integrate systems for better cohesion and oversight of online platforms as the current situation falls short of this goal.

⁹ Classification Office. (2022). The edge of the infodemic [PDF]. New Zealand Government.

https://www.classificationoffice.govt.nz/media/documents/The_Edge_of_the_Infodemic.pdf

¹⁰ RNZ. (2024, May 29). Online harm: Children don't know where to go for support. Radio New Zealand.

<https://www.rnz.co.nz/news/national/511452/online-harm-children-don-t-know-where-to-go-for-support>

¹¹ Radio New Zealand. (2024, May 26). Media oversight: One-stop shop stopped [Audio podcast episode]. *Mediawatch*.

<https://www.rnz.co.nz/national/programmes/mediawatch/audio/2018938976/media-oversight-one-stop-shop-stopped>

Conclusion

New Zealand's Operation H and subsequent efforts demonstrate the country's commitment to combating online child sexual exploitation. However, the proposed staffing cuts to critical child exploitation units pose a significant risk to these efforts. Maintaining and enhancing these units is imperative to protect vulnerable children and ensure justice. Additionally, the consolidation of media regulation into a single body could further aid in reducing harmful online content and safeguarding children.

Thank you for your attention to these pressing issues.

Nā māua noa, nā (Yours sincerely),

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On behalf of ECPAT New Zealand