

Committee on the Rights of the Child
Office of the United Nations High
Commissioner for Human Rights (OHCHR)
Palais Wilson - 52, rue des Pâquis
CH-1201 Geneva (Switzerland)
Via email: crc@ohchr.org

May 15, 2019

Re: Information for the upcoming General Comment on children's rights in relation to the digital environment

Dear Distinguished Committee Members,

Equality Now respectfully makes this submission in response to the Call for Submissions by the Committee on the Rights of the Child for the General Comment on children's rights in relation to the digital environment.

Founded in 1992, Equality Now is an international human rights organization that works to protect and promote the rights of women and girls around the world in the areas of legal equality, harmful practices, sexual violence and sex trafficking, with a crosscutting focus on adolescent girls. Equality Now combines grassroots activism with international, regional and national legal advocacy to achieve legal and systemic change to benefit women and girls, and works to ensure that governments enact and enforce laws and policies that uphold their rights. Equality Now has offices in London, Beirut, Nairobi and New York, presence in Amman, New Delhi, Tbilisi, Beijing and Washington, DC and partners and members in almost every country in the world.

We thank the Committee for recognizing the need to provide comprehensive guidance to States Parties in a new General Comment, in particular regarding the protection of children from violence, exploitation, and other harm. We are writing to provide information about this issue as it happens online - specifically online sexual exploitation. We respectfully request that the Committee on the Rights of the Child include information about this form of exploitation and mistreatment, and recommendations to prevent it, in the upcoming General Comment.

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Legal Framework

The issue areas outlined in this letter involve several interconnected principles and rights guaranteed under the Convention on the Rights of the Child (CRC), namely Articles 17, 19, 34, 35, and 36. Under these Articles, States Parties are required to protect the child from all forms of exploitation, including sexual exploitation and abuse, and take all appropriate measures to prevent the sale of or traffic in children. We recommend the Committee encourage States Parties to implement these provisions in a way that recognizes the role and importance of the internet and other communication technologies, and ensures equal and safe access to it.

Protection from violence, sexual exploitation and other harm

The rapid expansion of access to high-speed internet and cell phones has led to an increase in online sexual exploitation of children, but in particular young and adolescent girls throughout the world.¹ This advancement and availability of the internet has completely transformed the face of sex trafficking and of sexual exploitation and increased the ease and ways that children can be exploited.

Online sexual exploitation includes grooming, recruiting and controlling for sex trafficking, coercing or extorting for images, or engaging in sexual activity via webcam. The use of technology to facilitate trafficking has been recognized by the UN Secretary General² and the 2017 Political Declaration on the Implementation of the Global Plan of Action to Combat Trafficking in Persons³ agreed upon in 2017, recognized the growing use of the internet to facilitate trafficking and emphasized the importance of combating use of the internet for purposes of trafficking. Effective implementation of the Global Plan of Action⁴ and other global anti-trafficking tools such as the Palermo Protocol and SDG targets 5.2, 8.7, and 16.2 will necessitate addressing the issue of online sex trafficking and exploitation. The internet is global and any solution must also be global, while some states, such as the United States (detailed below), are making advances on this front other states have not made this a priority. In the United States, nearly two thirds of children sold for sex are trafficked online,⁵ and the National Center for Missing & Exploited Children has directly correlated a five-year 846% increase in child sex trafficking reports to the growing use of the internet to sell children for sex.⁶ In the United Kingdom, police estimate that more than 8,500 sexual services ads⁷ are posted online

¹ Mark Latonero, *The Rise of Mobile and the Diffusion of Technology-Facilitated Trafficking*, University of Southern California (Nov. 2012). According to the National Center for Missing and Exploited Children, the average age of child sex trafficking victims is 15 years old.

² U.N. Secretary General, *Trafficking in women and girls*, par. 27, U.N. Doc. A/73/263 (Jul. 27, 2018).

³ 2017 Political Declaration on the Implementation of the Global Plan of Action to Combat Trafficking in Persons available at

<https://www.un.org/pga/71/wp-content/uploads/sites/40/2015/08/HL-meeting-on-Global-Plan-of-Action-to-Combat-Trafficking-in-Persons.pdf>.

⁴ G.A. Res. 72/1, at 22 (Oct. 9, 2017).

⁵ *A Report on the Use of Technology to Recruit, Groom and Sell Domestic Minor Sex Trafficking Victims*, THORN, 19 (Jan. 2015). Available at https://www.thorn.org/wp-content/uploads/2015/02/Survivor_Survey_r5.pdf

⁶ S. REP. no. 114-214, at 3 (2016).

⁷ Will closure of Backpage dent Britain's sex slave trade? Available at <http://news.trust.org/item/20180409000019-kr8nz/>

every month. The sheer volume of ads allows criminals posting ads for trafficked and/or underage girls to easily hide.

The internet provides anonymity as well as very limited strict regulation. Moderation is often lax or non-existent and it allows traffickers and other offenders to easily contact sex buyers and recruit potential victims. Increasingly sexual exploitation is taking place online; this includes grooming and recruiting for trafficking, coercing or extorting for images, or engaging in sexual activity via webcam. The increasing use of social media has also allowed for more opportunities for people to come into contact with offenders and offenders are able to anonymously interact with an increasing number of potential victims. This technology trend is global and presents new challenges on combating sexual exploitation.

We recommend that the General Comment encourage States to recognize and address the risks posed to children by online sexual exploitation and put in place prevention efforts through technological means, the creation of effective reporting mechanisms, and the development of awareness-raising and education programs to protect children from this harm.

The Allow States and Victims to Fight Online Sex Trafficking Act - A Good practice

Online sexual exploitation was encouraged in the United States by a legal loophole to 47 U.S.C. § 230, which allowed websites to publish advertisements for and profit from the sale of people for sex online, even though both sex trafficking and pimping are illegal in the United States. Fortunately, in April 2018, the Allow States and Victims to Fight Online Sex Trafficking Act of 2018 (“FOSTA”) was signed into law, which holds internet companies accountable when they knowingly facilitate sex trafficking.⁸

FOSTA is a narrowly tailored law, applying solely to interactive computer services with the intent to facilitate sex trafficking. This carefully crafted law gives federal, state, and local law enforcement agencies the tools to bring forward more sex trafficking cases. Critically, it allows victims to have a voice and seek justice against companies profiting from their exploitation. Prior to FOSTA being enacted in the United States, victims of sex trafficking - many of them children - were unable to seek justice from companies such as Backpage who were profiting from their sale. FOSTA also encourages vigilance on the part of internet service providers in preventing their services from being used for the promotion of sex trafficking

Although this is a positive step towards ending online sexual exploitation, the law must be effectively implemented and enforced by the federal government to ensure that technology companies are held accountable for violations of the law. Furthermore, as the internet is global, international cooperation is necessary to ensure that any solution is effective.

We recommend that the General Comment encourage State Parties to enact legal measures for the prosecution of internet platforms that knowingly facilitate sex trafficking and sexual exploitation in order to combat online sex trafficking and sexual exploitation.

International Cooperation

⁸ 47 U.S.C. § 230 (1996), amended by Act of Apr. 11, 2018

The Internet is global and online sexual exploitation cannot be combated in a silo, it is a global concern requiring a global solution and must be supported by strong national response mechanisms. Furthermore, this scourge cannot be combated by politicians and advocacy organizations alone, technology companies and platforms, and survivors must all take part in developing a solution and monitoring its impact. Only with their input and support can a global and effective solution be found.

We recommend that the General Comment promote international and regional coordination and collaboration among State Parties to develop an international framework and standards for addressing online sexual exploitation and urge States to coordinate with the Information and Communications Technology industry to develop adequate guidelines and measures to protect children from online sexual exploitation, including grooming.

Thank you for your attention and please let us know if we can provide further information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shelby Quast', with a stylized flourish at the end.

Shelby Quast
Director, Americas Office