



# Economic and Social Council

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## Commission on Crime Prevention and Criminal Justice

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Agenda item 8

### World crime trends and emerging issues and responses in the field of crime prevention and criminal justice

#### **Andorra, Australia, Honduras, Mexico, the Kingdom of Saudi Arabia, Peru and Philippines: revised draft resolution\***

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolution for adoption by the General Assembly.

#### **Countering child sexual exploitation and sexual abuse online**

##### *The General Assembly*

*Recognizing* the potential for victims<sup>1</sup> of child sexual exploitation and sexual abuse online to experience life-changing trauma including negative developmental trajectories,

*Acknowledging* that advances in information and communications technologies have provided significant economic and social advantages to countries, communities and children themselves, fuelling economic development and encouraging interconnectedness through the sharing of ideas and experiences, but that such advances also present unprecedented opportunities for child sex offenders to access, produce and distribute child sexual abuse material that violates the integrity and rights of children, and enables harmful online contact with children, irrespective of their physical location or nationality,

*Concerned* that new and evolving information and communications technologies, including encryption capability and anonymizing tools are being misused to commit crimes involving child sexual exploitation and sexual abuse,

*Noting* that child sexual exploitation and sexual abuse may take many forms, such as, but are not limited to, contact and non-contact offending, online offending, trafficking in children for the purposes of sexual exploitation, grooming for sexual purposes, using child sexual abuse images for blackmail or extortion and the acquisition, production, distribution, making available, sale, copy, possession,

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\* Issued without formal editing.

<sup>1</sup> The term “survivor” is often used to acknowledge that victims of child sexual abuse and child exploitation online can recover from the trauma they have endured.



accessing of child sexual abuse material and live-streaming of child sexual abuse, and that all forms of exploitation are harmful and have a negative impact on the development and long-term well-being of children and on family cohesion and social stability,<sup>2</sup>

*Emphasising* that the increasing number of ways that child sexual exploitation and child sexual abuse material can be produced, distributed, sold, copied, collected or viewed online, and the ability for individuals to congregate with one another online and promote child sexual exploitation and sexual abuse, has increased risks to children including by normalising child sexual exploitation and child sexual abuse, and by encouraging harmful contact with children, and noting that this conduct – violates and threatens the integrity, rights and safety of children,

*Noting* that the United Nations Convention against Transnational Organized Crime<sup>3</sup> is a tool that may be used by States parties to provide international cooperation for preventing and combating transnational organized crime, which for some States parties, may be used in some cases of child sexual abuse and sexual exploitation online,

*Stressing* the importance of enhancing coordination and cooperation among Member States in preventing and combating child sexual exploitation and sexual abuse online, identifying child victims, bringing perpetrators to justice and reinforcing the provision of technical assistance to requesting States to improve national legislation and enhance the capacity of national authorities to deal with child sexual exploitation in all its forms, including in the process of prevention, detection, investigation and prosecution, and the physical and psychological recovery and social integration of child victims,

*Recalling* the Convention on the Rights of the Child<sup>4</sup> and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,<sup>5</sup>

*Noting* that the term child pornography is being increasingly referred to, within some Member States, as child sexual exploitation or child sexual abuse material to better reflect the nature of such material and the seriousness of the harm suffered by the child in this context,

*Reaffirming* the importance of existing international legal instruments which contribute to the fight against child sexual exploitation and sexual abuse, and contain internationally agreed upon definitions, while also recognizing the importance of using terminology, that reflects the severity of the harm inflicted to children by such conduct,

*Taking note* of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,

*Acknowledging* the importance of existing legal instruments which require parties to criminalise the sexual abuse and exploitation of children and which enable effective international cooperation in the context of combatting online child sexual exploitation and abuse,

*Recalling* its resolutions 73/154 of 17 December 2018 on Protecting Children from Bullying, 73/148 of 17 December 2018 on Intensification of Efforts to Prevent and Eliminate All Forms of Violence Against Women and Girls: Sexual Harassment, 69/194 of 18 December 2014 on the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice and 72/195 of 19 December 2017 on improving the coordination of efforts against trafficking in persons, Economic and Social Council resolutions 2011/33 of 28 July 2011 on prevention, protection and international

<sup>2</sup> This paragraph does not describe existing criminal offences in Member States.

<sup>3</sup> Ibid., vol. 2225, No. 39574.

<sup>4</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

<sup>5</sup> Ibid., vol. 2171, No. 27531.

cooperation against the use of new information technologies to abuse and/or exploit children and 2004/27 of 21 July 2004 on the guidelines on justice for child victims and witnesses of crime and Commission on Crime Prevention and Criminal Justice resolution 16/2 of 27 April 2007 on effective crime prevention and criminal justice responses to combat sexual exploitation of children,

*Acknowledging* the distinct and important roles that parents, legal guardians, schools, civil society, sport associations, communities, state institutions and media each play in securing children's protection from sexual exploitation and sexual abuse online and in preventing all forms of violence, including by promoting children's online safety,

*Reaffirming* the importance of the United Nations crime prevention and criminal justice programme in promoting effective action to strengthen international cooperation in crime prevention and criminal justice,

*Affirming* the importance of the work of the Open-ended Intergovernmental Expert Group to conduct a comprehensive study of the problem of cybercrime and its contribution to the understanding of the threat of cybercrime,

*Noting* the importance of the United Nations Office on Drugs and Crime and its Global Programmes on Trafficking in Persons and Violence Against Children and Cybercrime which provide capacity building and technical assistance to requesting states to, inter alia, combat the sexual abuse and exploitation of children, including in relation to online child sexual exploitation and sexual abuse,

*Recognizing* the importance of international, regional and bilateral multi-stakeholder partnerships and initiatives which advance the effective protection and promotion of the rights of the child and the elimination of child sexual exploitation and sexual abuse online, and which conduct research aimed at establishing a rigorous evidence base around children's use of the internet and, in this regard, noting the efforts of, inter alia, the WePROTECT Global Alliance and Global Kids Online,

*Recalling* Commission on Crime Prevention and Criminal Justice resolution 27/3 of 18 May 2018, in which the Commission expressed concern that the criminal misuse of information and communications technologies made it possible for criminals to commit illegal activities such as the recruitment, control and harbouring of children subjected to trafficking in persons and the advertising of the trafficking in such children, as well as the construction of false identities enabling the abuse and/or exploitation of children, grooming and the creation of live-streamed or other child abuse materials,

*Recalling* Commission on Crime Prevention and Criminal Justice resolution 26/3 of 26 May 2017 on mainstreaming a gender perspective into crime prevention and criminal justice policies and programmes and into efforts to prevent and combat transnational organized crime,

1. *Urges* Member States to criminalize child sexual exploitation and sexual abuse, including child sexual exploitation and sexual abuse online, allowing for the prosecution of perpetrators, to grant law enforcement agencies appropriate powers and to provide tools to identify perpetrators and victims and effectively combat child sexual exploitation and sexual abuse;

2. *Also urges* Member States to strengthen, consistent with their domestic legal frameworks, their efforts to combat cybercrime in relation to child sexual exploitation and sexual abuse including when committed online;

3. *Calls upon* Member States that are parties to the Optional Protocol to the Convention on the Right of the Child on the Sale of Children, Child Prostitution and Child Pornography to implement their legal obligations,

4. *Urges* Member States to increase public awareness of the serious nature of child sexual exploitation and child sexual abuse materials and how these materials contribute to contact sexual offences against children, and how their production,

distribution and consumption puts more children at risk of sexual exploitation and abuse, including by normalising the conduct depicted in such material and fuelling the demand for such material;

5. *Urges* Member States to take legislative or other measures in accordance with domestic law to facilitate the detection by internet service and access providers or other relevant entities, of child sexual exploitation and sexual abuse materials, and to ensure in compliance with domestic law the reporting of such materials to the relevant authorities and their removal by internet service and access providers or other relevant entities, including in conjunction with law enforcement;

6. *Encourages* Member States to, in accordance with domestic law, appropriately resource investigations into and the prosecution of crimes involving the sexual exploitation and sexual abuse of children online;

7. *Encourages* Member States to proactively share information on best practices and take action to combat child sexual exploitation and sexual abuse including seizing or removing child sexual abuse materials, improving take down times of child sexual exploitation and sexual abuse material online consistent with domestic laws;

8. *Encourages* Member States to involve government institutions responsible for telecommunications and data protection policies and the information and communications technology industry to strengthen national coordination to counter child sexual exploitation and child sexual abuse online;

9. *Encourages* Member States to involve relevant government institutions and the private sector, in their efforts to facilitate the reporting and tracing of suspicious financial transactions, with the aim of detecting, deterring and combatting the child sexual exploitation and sexual abuse of children online;

10. *Encourages* Member States to keep an appropriate balance between the development and implementation of privacy protection policies and efforts to identify and report online child sexual abuse materials or online child exploitation offences;

11. *Encourage* Member States to develop effective evidence-based crime prevention measures including those that could disrupt potential offending and to implement such measures as part of overall crime prevention strategies to reduce the risk of children being subjected to sexual exploitation and sexual abuse online;

12. *Also encourages* Member States to produce, where appropriate, information and analyses to inform risk assessments on child sexual exploitation and abuse online, and the development of effective mitigation measures, including by collecting relevant quantitative and qualitative data, disaggregated by age, gender and other relevant factors, as appropriate, and encourages Member States to mainstream a gender perspective into their research and analysis on child sexual exploitation and sexual abuse offences;

13. *Further urges* Member States to establish and implement public policies as well as proactively share information on best practices including on support programmes for victims and the mainstreaming of a gender perspective, in order to protect and defend children from child sexual exploitation and sexual abuse, including online, and the non-consensual, exploitative circulation of material depicting victims;

14. *Encourages* Member States to identify and support victims of child sexual exploitation and sexual abuse with access to evidence-based, quality programmes, care and counselling for their physical, psychological and social recovery, as well as psychological care, trauma counselling, rehabilitation and social reintegration and ensuring and maintaining the protection of the rights of affected children, the privacy of victims and the confidentiality of their reporting, with assistance of all relevant stakeholders;

15. *Requests* the United Nations Office on Drugs and Crime to assist Member States, upon request, in developing and implementing measures to increase access to

justice and protection, including through domestic legislative and other measures for victims of child sexual exploitation and sexual abuse online, bearing in mind child and gender sensitive procedures to obtain a just and timely remedy for violations of their rights;

16. *Invites* Member States to exchange best practices in the reporting of child sexual exploitation and abuse online, including reporting indicators, and ways and means to enhance public awareness of these reporting mechanisms;

17. *Calls upon* those States that have not done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime<sup>3</sup> and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,<sup>6</sup> taking into account the role of those instruments in the fight against, trafficking in children, including for the purpose of sexual exploitation;

18. *Calls upon* Member States in accordance with domestic legal frameworks and applicable international law to strengthen international cooperation to combat child sexual abuse and exploitation online, through, where appropriate, among others, mutual legal assistance and extradition, as well as, police-to-police and agency-to-agency cooperation, in order to counter such crimes and ensure that perpetrators are brought to justice and victims are identified while respecting children's privacy rights;

19. *Urges* Member States to demonstrate their continued work and efforts to further strengthen international cooperation in the fight against child sexual exploitation and sexual abuse online, including by ensuring that child sexual exploitation and sexual abuse online is comprehensively considered within the context and based on the working plan of the Open-ended Intergovernmental Expert Group to Conduct a Comprehensive Study on Cybercrime, which provides a valuable forum for cybercrime discussions;

20. *Encourages* Member States to contribute resources to the United Nations Office on Drugs and Crime including the Global Programme on Cybercrime in order to counter child sexual exploitation and sexual abuse online;

21. *Invites* Member States and other donors to provide extrabudgetary resources for the implementation of the relevant paragraphs of the present resolution, in accordance with the rules and procedures of the United Nations.

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<sup>6</sup> Ibid., vol. 2237, No. 39574.