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Legislation worldwide to combat online child sexual exploitation and abuse

***Explanatory memorandum submitted by the co-Rapporteurs
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Every child, without distinction of any kind, has the right to enjoy a safe childhood without sexual violence.

The rise of the internet has imposed new challenges to young people. Although the internet enhances free access to information and is therefore a tool to enhance democracy, it needs to be understood that many criminals are active online. They are targeting children of all ages, who can become a victim of online child abuse. In addition, children have sometimes little knowledge of the dangers online, and can fall a victim to crimes like sextortion after they voluntarily have sent sexual images.

The phenomenon of online child sexual exploitation and abuse is seen all over the world. INHOPE has seen a total of one million reports in their system, the US-based National Center for Missing and Exploited Children (NCMEC) reported in 2020 almost 22 million reports being made to their CyberTipline, Facebook reported 20 million reports in the same year. These astounding figures show that there is a need for cooperation between States, law enforcement and technology companies.

During the Covid-19 pandemic, more people have been working digitally. This enhances the risks for children online.

Article 19 of the Convention on the Rights of the Child states that States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. Article 34 of the same Convention stipulates that States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse, while article 16 states that no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

The UN published new guidelines in 2019 regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

There is a universal need to harmonize proper legislation that addresses online sexual child exploitation and abuse, and a need to educate parents, guardians and children about the online risks.

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To have a proper system in place that can meet the demands of the Convention on the Rights of the Child, the WeProtect Global Alliance has drafted the National Response Model, which can be used as a base to build national policies on.

Within the context of the global need for harmonized legislation on online child sexual exploitation and abuse, the IPU resolution will be the major global parliamentary contribution to this process. It will recommend that parliaments take specific actions in terms of legislation, budget allocation, accountability and advocacy to achieve this goal.

During the 142nd IPU Assembly (held online in April-May 2021), the IPU Standing Committee on Democracy and Human Rights held a debate on the theme of the resolution. The draft resolution echoes the observations and follow-up inputs of Member Parliaments and partner organizations. The contributions highlighted the centrality of combatting online child sexual exploitation and abuse, and the need for strong political commitment to achieve this goal.

The draft resolution reaffirms commitments within the SDGs (in particular Goal 16) and other critical commitments (such as the Treaty of Lanzarote) to prevent online child sexual exploitation and keep children safe from violence.

The draft resolution calls on parliaments to take all necessary action to reform national legal frameworks, so that legislation worldwide to combat online sexual child exploitation can be developed and national law, policies and programmes can align with international children rights standards. The text emphasizes the importance of the availability, accessibility and affordability of essential services and legislation. It invites parliaments and the IPU to raise public awareness on the subject and to support States in their efforts to combat online child exploitation.

In addition, the draft resolution calls for enhancing cooperation between countries, technology companies and law enforcement, emphasizing that all technical measures that are available and within the privacy laws, should be used to prevent the spreading of this material and hamper perpetrators to offend. Finally, the text includes recommendations on the role of the IPU in this process. It advises how the IPU can help parliaments to develop legislation and cooperation.

Finally, the draft resolution encourages parliaments, the IPU and other relevant partners to collaborate in order to make sure that they translate the resolution into specific national actions, monitor progress, and build the capacity of parliaments and parliamentarians to develop and monitor national policies that combat online child sexual exploitation and abuse.

The rapporteurs propose that the title of the resolution be reformulated to read "Legislation worldwide to combat online child sexual exploitation and abuse" in order to align with the most widely-used terminology in the international environment.