International UN Strategies to Combat the Cybersexual Exploitation of Children

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Abstract: This paper examines UN mechanisms to combat the cyber sexual exploitation of children, focusing on adolescents aged 14–18 who are especially vulnerable online. It highlights the role of the Special Reporters on the sale and sexual exploitation of children, who monitors international compliance and provides expert recommendations. The study also addresses international cooperation efforts, such as global hotlines and financial coalitions targeting the online exploitation economy. Using a doctrinal legal method, the paper analyses UN strategies and instruments, particularly the Optional Protocol, to assess how international law adapts to the evolving digital threats against children.

Keywords: Cyber Sexual Exploitation, Children's Rights, United Nations, Special Rapporteur, International Cooperation, Child Pornography, Online Abuse, Legal Framework.

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Introduction:

The growth of mobile technology has been accompanied by an increase in the number of children using the Internet personally, as well as a steady rise in the average time children spend online. The actual use of the Internet varies according to the age groups of children. Young children tend to use the Internet primarily to access information, rather than for its social aspects, while children between the ages of 14-18 primarily use the Internet as a means of social communication.

In this context, the Economic and Social Council emphasized that modern technologies and applications in the field of information and communications are misused to commit sexual exploitation crimes against children. Technological developments have led to the emergence of crimes such as the production, distribution, or possession of images or audiovisual recordings involving sexual abuse of children(1), exposing children to harmful content, and to grooming, harassment, and sexual assault. This is the form of cyber-pornographic crime that continuously evolves and violates international standards that require States to take necessary measures to protect children from exploitative use in pornography and obscene materials(2).

As part of the implementation of the United Nations' program for prevention, protection, and international cooperation in combating the misuse of new information technologies for the purpose of child abuse and exploitation, the question arises: What are the UN mechanisms specifically designed to combat the cyber-pornographic exploitation of children within the framework of international cooperation and coordination?

The answer to this issue will be divided into two main sections. The first section will explain the UN strategies to combat cyber-pornographic exploitation of children, while the second section will address international cooperative strategies to combat the same issue.

Section One: UN Strategies to Combat Cyber-Pornographic Exploitation of Children

In implementation of the United Nations program for prevention, protection, and international cooperation in combating the use of new information technologies for the abuse and exploitation of children, and within the framework of implementing international instruments related to the sale of children and their exploitation in prostitution and pornography, the United Nations bodies have taken the necessary procedural measures Specifically aimed at combating the cyber-pornographic exploitation of children as follows:

1- The Special Rapporteur on the Sale of Children, Child Prostitution, a At its 41st session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted Resolution No. 1989/43, entitled "Sale of Children", by which it referred Draft Resolution No. 12 to the Commission on Human Rights (now the Human Rights Council) for the purpose of taking specific action regarding the issue of the sale of children. Accordingly, at its 46th session, the Commission adopted this resolution, pursuant to which it decided to appoint, for a one-year term, a Special Rapporteur to consider matters related to the sale of children, child prostitution, and child pornography.

(1)Report of the Commission on Crime Prevention and Criminal Justice submitted to the Human Rights Council, Session (20), 3 December 2010, E/CN.15/2011/21.
(2)Convention on the Rights of the Child, adopted by General Assembly Resolution 44/25 of 20 November 1989, entered into force on 2 September 1990.

Consequently, the Chairperson of the Commission on Human Rights was tasked, after consultation with other members of the Bureau, with appointing an individual of international repute as Special Rapporteur on the sale of children, child prostitution, and child pornography. The Economic and Social Council endorsed the Commission on Human Rights' Resolution No. 1990/68 through its Decision No. 1990/340, which extended the mandate of the Special Rapporteur to two years[3] .

Based on this, the Chairperson of the 46th session of the Commission on Human Rights, following consultations with the Bureau members, appointed Mr. Vitit Muntarbhorn of Thailand as the first Special Rapporteur on the sale of children, child prostitution, and child pornography, on 10 September 1990. Subsequently, on 14 November 1990, the Secretary-General addressed a note verbale to all governments requesting their cooperation and the provision of relevant assistance and information to the Special Rapporteur for the purpose of fulfilling the scope of his mandate[4].

2- The Scope of the Mandate of the Special Rapporteur Concerning Child Pornographic Exploitation as Defined by International Law

The mandate of the Special Rapporteur on the sale of children, child prostitution, and child pornography covers the scope defined under the concept of child pornographic exploitation. The term "child pornography" refers to any material depicting a minor engaged in explicit sexual activity, or an adult portrayed as a minor engaged in such activity, or any image—even if not representing a real person—that credibly simulates a minor engaged in explicit sexual activity. A minor is defined as any child under the age of eighteen, unless majority is attained earlier under the applicable national law[5] .

According to paragraph (b) of Article 2 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography, child pornographic exploitation refers to any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities, or any representation of the sexual parts of a child for the primary purpose of sexual gratification.

Based on the wording of Article 2 of the Optional Protocol, child pornographic exploitation means the use of children in actual or simulated sexual acts, regardless of the medium used. This includes any visual depiction of a child engaged in explicit sexual activities, or the lascivious exhibition of the child's genitals for the purpose of gratifying the sexual desires of the viewer.

This encompasses any description or depiction, whether audio or visual, written or drawn, or by any other means, of either a real or simulated child, in sexually suggestive or sexually explicit situations, or intended to arouse or encourage sexual interest. Pursuant to Article 3(c) of the Optional Protocol, this includes the production of child pornography for the purpose of distribution, display, or making available, as well as the dissemination and facilitation of access to such material—whether for oneself or another—via a computer or computer storage

[3]Economic and Social Council Resolution, 28 January 1991, No. 51/1991/4.E/CN.
[4]Economic and Social Council Resolution, 28 January 1991, No. 51/1991/4.E/CN.
[5]Abdel Fattah Bayoumi Hegazi, Children and the Internet, Dar Al Fikr Al Jami'i, Egypt, 2006, p. 45.

device[6], provided such access is obtained in exchange for compensation or any form of consideration[7] .

Section Two: Scope of the Special Rapporteur's Mandate Regarding Child Pornographic Exploitation Not Explicitly Defined in International Law

The mandate of the Special Rapporteur on the sale of children, child prostitution, and child pornography also extends to forms of child pornographic exploitation that are not explicitly stated in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography. These represent other forms of cyber-pornographic exploitation of children, which include the following:

1. Online Grooming of Children:

This type of cyber-pornographic exploitation is not explicitly mentioned in the Optional Protocol. Grooming—also known as enticement—is not a new form of online sexual exploitation of children. It involves manipulating a child into accepting sexual contact. The internet facilitates and accelerates this process, particularly because offenders can present themselves as children[8].

Grooming is characterized by the perpetrator's efforts to "befriend" the child and convince them that they are in a relationship. The nature of concern has shifted from criminals attempting to meet children offline to sexually abuse them, to more prevalent practices today where the child is manipulated into participating in sexual acts via webcam or into sending sexually explicit images to the offender. The perpetrator then records these acts or collects the images and either distributes them or uses them for sexual extortion (sextortion).

Studies suggest that girls are more frequently targeted than boys, and most grooming victims are preteens and early adolescents, partly because offenders are aware that children at this age are typically curious about sexuality. Grooming by local groups can even lead to child trafficking within the same region, and new technologies—particularly mobile phones—facilitate this kind of exploitation.

2. Live Streaming of Child Sexual Abuse:

The development of high-speed internet has made live streaming—generally understood as real-time broadcasting over the internet—technically feasible. There are documented cases where children are present in a room with other individuals, and users join a video streaming platform to communicate with the abusers and suggest ways to abuse the child. Live streaming of child sexual abuse is an emerging threat involving multiple perpetrators. For example, the United Kingdom's Child Exploitation and Online Protection Centre (CEOP) conducted three investigations into this form of abuse in 2014, identifying over 733 suspects. Investigations revealed that the child victims often came from developing countries. Live streaming of child sexual abuse videos can be viewed as a form of "virtual child sex

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[6]Khaledia Yaqrou, "Sexual Exploitation of Children via the Internet," Journal of Law, University Center of Ghardaïa, Issue 3, June 2012, p. 123.

[7]Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, adopted by General Assembly Resolution 263, dated 25 May 2000, entered into force on 23 February 2002.

[8]Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, submitted to the Economic and Social Council, Session (28), 22 December 2014, No. A/HRC/28/56.

tourism," enabling offenders to abuse children across borders without the need to travel physically[9] .

Section three: Working Methods of the Special Rapporteur Regarding Cyber-Pornographic Exploitation of Children

In the exercise of the mandate entrusted to the Special Rapporteur on the sale of children, child prostitution, and child pornography, the Rapporteur submits periodic reports to the United Nations General Assembly, the Human Rights Council, and the Economic and Social Council. The Special Rapporteur is also authorized to receive complaints from individuals and other international actors, conduct country visits to specific States, participate in international conferences and discussions, and carry out training programs on issues falling within the scope of the mandate[10] .

With regard to the mandate of the Special Rapporteur concerning the cyber-pornographic exploitation of children[11], the Special Rapporteur conducted a questionnaire on the issue of child pornography on the internet, based on a request by the Human Rights Council. This questionnaire was part of the implementation of the Rapporteur's mandate in accordance with her annual work program. The Special Rapporteur subsequently prepared a report based on the information received in response to the questionnaire, which had been sent in March 2009 to governments, international organizations, non-governmental organizations, and the private sector, as well as on the basis of independent research conducted by the Rapporteur.

The Special Rapporteur sought information regarding the scope and forms of the phenomenon, existing legal frameworks, and initiatives aimed at preventing and combating the online exploitation of children in pornographic materials.

In addition, the Special Rapporteur delivered a statement at the International Conference on "Effective Strategies for Preventing the Exploitation of Children in Online Pornography, Trafficking, and Abuse," held in May 2009 in Manama, Bahrain[12] .

1- International Cooperative Strategies to Combat the Cyber-Pornographic Exploitation of Children

In the context of combating the cyber-pornographic exploitation of children, States must take all necessary steps to strengthen international cooperation. This should be achieved through bilateral, multilateral, and regional arrangements aimed at preventing, prosecuting, and punishing those responsible for acts involving the sale of children and their exploitation in prostitution, pornography, and sex tourism. Furthermore, States should enhance international

[9]Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, submitted to the Economic and Social Council, Session (28), 22 December 2014, No. A/HRC/28/56.
[10]Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography submitted to the Human Rights Council, Session (22), 24 October 2012, A/HRC/22/54.
[11]Ms. Najat Maalla M'jid was the Special Rapporteur on the sale of children, child prostitution, and child pornography and was the mandate holder during the preparation of this report.
[12]Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography submitted to the Economic and Social Council, Session (12), 21 July 2009, A/HRC/12/13.

cooperation and coordination among their authorities, as well as with national and international non-governmental organizations and intergovernmental organizations[13] .

2- Establishment of Hotlines

This refers to the provision of telephone hotlines designed to assist in protecting children from online pornographic exploitation. These hotlines may be international or national in scope. Examples include the Internet Watch Foundation in the United Kingdom, the International Association of Internet Hotlines (INHOPE)—which currently operates 35 hotlines in 31 countries—the CyberTipline run by the U.S. National Center for Missing & Exploited Children, and the European Alert Forum.

Thanks to these helplines, the public can report any image of child sexual abuse found on websites, mobile phones, social networks, or discussion forums. As a result, it becomes possible to regularly identify and block websites hosting child pornographic content. Operators of these services notify law enforcement of all reported sites and alert internet service providers (ISPs) to the presence of such content on their servers, helping them combat the misuse of their systems for distributing illegal materials.

These hotlines also play a key role in guiding, educating, and raising awareness among internet users regarding the risks and dangers children face in relation to pornographic exploitation and online grooming. To further enhance child safety, reporting buttons have been added to websites commonly visited by children, allowing them to report any illicit content or attempts at sexual solicitation. Microsoft, for instance, has included such a reporting button in its Windows Live Messenger program.

Section four : The Financial Coalition Against Child Pornographic Exploitation

The Financial Coalition Against Child Pornographic Exploitation consists of a group of financial institutions, credit card companies, payment service providers, and internet service providers. The coalition aims to undermine the financial viability of child pornographic exploitation by tracking the flow of funds and shutting down accounts used by illegal businesses.

It collaborates with authorities, the information technology sector, and child rights agencies, and seeks to expand its operations internationally in order to tackle the issue comprehensively. To that end, it works in partnership with the International Network for the Elimination of Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes[14] .

1- The Global Task Force on Cybercrime

The Global Task Force on Cybercrime was established in 2003, with the following core objectives: identifying child victims, locating children at risk to provide assistance, and

[13]Article 10 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography.

[14]Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography submitted to the Economic and Social Council, Session (12), 21 July 2009, A/HRC/12/13.

uncovering the identities of sexual predators in order to hold them accountable for their actions. This task force is a key example of international cooperation.

It consists of 12 law enforcement agencies, including Europol, Interpol, and law enforcement bodies from Australia, the United Arab Emirates, Italy, South Korea, Switzerland, Canada, the United Kingdom, New Zealand, the Netherlands, and the United States of America. The task force also includes several private sector partners, such as BlackBerry, Microsoft, and PayPal, along with various child protection agencies.

The Global Task Force assists in intelligence sharing and coordinating law enforcement actions, which has significantly contributed to the success of investigations. For instance, Operation Endeavour led to the arrest of 29 individuals in January 2014 for their involvement in the live-streaming of child sexual abuse in the Philippines. Another notable initiative is Operation Pin, which successfully identified individuals attempting to access child pornographic content.

One strategy involves a website known as "O.P.", which appears to offer child pornographic material. However, when a user attempts to access such content, their personal contact information is automatically forwarded to law enforcement agencies in their country, enabling swift legal action.

2- The Global Alliance Against Child Sexual Exploitation Online

The Global Alliance Against Child Sexual Exploitation Online was established in 2012 and consists of 52 countries from around the world. Its aim is to address online abuse by strengthening efforts to identify victims, investigate sexual abuse cases involving children online, prosecute criminals, raise awareness of existing risks, and reduce the availability of child abuse material on the internet.

The Global Alliance can play a positive role in assisting other countries in their efforts to combat online child sexual exploitation by offering specialized training and developing appropriate procedures for investigation and prosecution[(15)] .

Conclusion:

In light of the responsibilities entrusted to the Special Rapporteur on the sale of children, child prostitution, and child pornography, the Rapporteur operates as an independent expert within the framework of the United Nations bodies.

To enhance his core role concerning the issue of child exploitation in pornography, the United Nations has provided a direct communication channel for contacting the Special Rapporteur via the following email address:Srsaleofchildren@ohchr.org

Regarding international cooperation and coordination in combating the sexual exploitation of children online, several countries have established national and international

[(15)]Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, submitted to the Economic and Social Council, Session (28), 22 December 2014, No. A/HRC/28/56.

helplines to report child pornography violations online. In addition, a group of collaborative institutions has been created to monitor and combat such forms of exploitation.