**BEYOND BORDERS ECPAT CANADA**

**COMMENT ON THE DRAFT GENERAL COMMENT ON CHILDREN’S RIGHTS IN RELATION TO THE DIGITAL ENVIRONMENT**

**November 2020**

**INTRODUCTION**

This submission by Beyond Borders ECPAT Canada is in response to the call issued by the Committee on the Rights of the Child to comment on its draft general comment on children’s rights in relation to the digital environment.

Beyond Borders ECPAT Canada (Beyond Borders) is a national, bilingual advocacy organisation advancing the rights of children everywhere to be free from sexual abuse and exploitation. Beyond Borders is a registered charity without political or religious affiliation. Beyond Borders is the Canadian representative of [ECPAT International](http://www.ecpat.net/EI/index.asp), a global network of 121 organisations in 103 countries. It is also the Canadian representative for the [Code of Conduct](http://www.thecode.org/) for the Protection of Children from Sexual Exploitation in Travel and Tourism and a founding partner with the Canadian Centre for Child Protection in the creation of [Cybertip.ca,](http://www.cybertip.ca/) Canada’s tip line for reporting online child sexual exploitation.

This comment focuses on the protection of children from online sexual exploitation and abuse, specifically Section VII: Violence Against Children (P. 82-89) of the draft General Comment, as well as Section A: Legislation (P. 24); Section B: Comprehensive policy and strategy (P.25-27); Section C: Coordination (P. 28); Section G: Dissemination of information, awareness-raising and training (P. 33-34); Section I: The Business Sector (P. 36) and Section K: Remedies (P.44-50).

**VIOLENCE AGAINST CHILDREN (P.82-89)**

Online sexual exploitation of children is a serious problem in Canada, with Canadian law enforcement calling it a “global epidemic.”[[1]](#footnote-1) Digital technology has made it easier for children to be sexually exploited online, in Canada and beyond its borders. Canadian and foreign perpetrators prey on children in all regions of the globe, including children in Canada. Reported incidents of online child sexual exploitation in Canada have increased significantly in recent years.[[2]](#footnote-2) This problem requires cross-border cooperation and additional resources to properly protect children, prosecute offenders, and ensure that the online environment is a safe place for children the world over.

**COVID-19 PANDEMIC (P.84)**

In Canada, the COVID-19 pandemic has led to a rise in online activity of children and young people, leading to increased vulnerabilities and exposure to potential harm. For example, British Columbia’s Integrated Child Exploitation (ICE) team saw a 45 per cent increase of reports of online child sexual exploitation during the initial months of pandemic stay home measures.[[3]](#footnote-3) Similarly, in Alberta, ICE received 243 reports of online child exploitation in March, compared with a unit monthly average of around 110.[[4]](#footnote-4) In Manitoba, the Royal Canadian Mountain Police saw a 20 per cent increase in new online child sexual exploitation cases between March and mid-July compared with the same time period last year.[[5]](#footnote-5) Cybertip.ca, Canada’s tip line to report the online sexual exploitation of children, saw an 81 per cent increase in child sexual exploitation reports in April-June of this year.[[6]](#footnote-6)

**DISSEMINATION OF INFORMATION, AWARENESS-RAISING AND TRAINING (P. 33, P. 89)**

There should be increased accessibility of tools and information for parents and caregivers on online risks, including online child sexual exploitation. The Canadian Centre for Child Protection recently launched an online safety campaign urging adults to talk with children in their care, particularly about risks related to online streaming and gaming. The Government of Canada should increase funding for similar awareness campaigns and ensure that all children, including those from marginalised communities and their families have access to the information they need to stay safe online.

**LEGISLATION (P. 24, P. 36)**

In addition to harmonizing national legislation with the Convention on the Rights of the Child and OPSC, States should further adopt legislation that criminalizes knowingly accessing or viewing child sexual abuse materials. States should also criminalize mere possession of child sexual abuse materials, online grooming, and child sexual abuse that occurs via live streaming.[[7]](#footnote-7)

States must also take the necessary legislative measures to require Internet Service Providers and other online platforms report and remove child sexual abuse images and block sites that facilitate online sexual exploitation of children.

**COMPREHENSIVE POLICY AND STRATEGY (P. 83, P. 27)**

An abundance of apps, websites, and gaming platforms frequented by children feature live streaming components. These platforms increase the risks for children, including their ability to view inappropriate content and comments, and they also provide increased opportunities for predators to contact children. Child protection agencies and law enforcement must be adequately funded so they are flexible enough to adapt policies, protective measures, and investigations to this rapidly changing environment. Furthermore, while States must ensure the operation of effective child online protection and safeguarding policies in settings where children access the digital environment, focus of policy must be expanded to account for the accessing of the digital environment through personal devices (smart phones, etc.). The responsibility of States to protect children must not be limited to devices or locations associated with schools and care institutions.

**COORDINATION (P. 28)**

States should establish a national strategy to combat the online sexual exploitation of children, involving all levels of government and law enforcement agencies.In Canada, the National Strategy for the Protection of Children from Sexual Exploitation on the Internet falls under the purview of Public Safety Canada.[[8]](#footnote-8) Strategic partners include law enforcement agencies, the Department of Justice and the Canadian Centre for Child Protection. National level coordination should additionally include, private sector actors, child protection and advocacy organisations such as Beyond Borders, organisations dedicated to the rights of Indigenous children and other marginalized groups, as well children and youth organisations, including survivors of online sexual exploitation.

**REMEDIES (P. 44-50)**

Support for children who have experienced online sexual exploitation should be improved in Canada and globally. Respondents of the Survivors’ Survey, carried out by the Canadian Centre for Child Protection, noted victim service workers required additional training on child sexual exploitation and sexual abuse materials and how it impacts child victims.[[9]](#footnote-9)

There remains a lack of investment in appropriate, timely, and comprehensive trauma centred care for child victims and survivors.[[10]](#footnote-10) Case in point, the expansion of the Government of Canada’s National Strategy for the Protection of Children from Sexual Exploitation on the Internet in 2019 increased its investment by $22.24 million over the three years, without allocating additional resources to victim support and recovery. Governments must realise the true cost of these crimes and invest in effective support for child victims, including therapy, follow-up and social reintegration.

Investments should be made in mechanisms that allow victims and survivors of childhood online sexual exploitation opportunities to have their voices heard. For example, Phoenix 11, a group of survivors, initially brought together through a series of meetings organized by the Canadian Centre for Child Protection and the U.S. National Center for Missing and Exploited Children, is now challenging governments to increase the response to the prevalence of child sexual abuse materials available online.[[11]](#footnote-11) In 2016, a Canadian survivor, Ally, joined hundreds of other adult survivors of child sexual exploitation for the first ever Global Survivors’ Forum, organised by ECPAT International.[[12]](#footnote-12) Victims and survivors, like Ally, need to be given the space to have their voices heard. States must listen to those who have been harmed by online child sexual exploitation and base their policy and funding decisions on the needs identified by child victims.

Child victims and survivors of online sexual exploitation must be protected from further harm. Child victims of sexual abuse material report feeling revictimization from knowing that their images are still available on the internet for abusers.[[13]](#footnote-13) [Project Arachnid](https://projectarachnid.ca/en/), developed by The Canadian Centre for Child Protection, is an innovative tech platform designed to reduce the availability of child sexual abuse material online and help break the cycle of abuse experienced by survivors. This platform should be scaled up to increase the identifying and removal of child sexual abuse materials on the internet.

States should establish a civil remedy for victims and survivors of online child sexual exploitation. In Canada, statutes of limitations in some Provinces prevent those that have been victimized by online exploitation in childhood the ability to sue their abusers or file for compensation under crime victim compensation legislation. States should remove statutes of limitations for victims of online child sexual exploitation in both criminal and civil proceedings.[[14]](#footnote-14)

**SUMMARY**

In summary, Beyond Borders appreciates the opportunity to comment on the draft General Comment on children’s rights in relation to the digital environment. While online child sexual exploitation is noted in the draft comment, Beyond Borders feels that the staggering occurrence of these crimes is deserving of more prominent consideration, along with a clear acknowledgement that children all over the world continue to be victimised at alarming rates.

States have a responsibility to curb these horrific crimes and more direction should be provided in the General Comment, including highlighting additional good practices and a greater focus on the voices of victims and survivors. There should also be a more significant acknowledgement of the need to adapt policies and laws at a rate that keeps pace with new digital technologies that are quickly exploited by those who intend to sexually exploit children.

Particularly, considering the current public health crisis, it is clear that the risks to children in the digital environment continue to soar and more guidance is necessary for States to meet their commitments under the Convention of the Rights of the Child, OPSC and OPAC.

1. https://www.cbc.ca/news/canada/kitchener-waterloo/police-waterloo-region-global-epidemic-online-child-abuse-1.5402922 [↑](#footnote-ref-1)
2. Public Safety Canada, Press Release. March 29, 2018. https://www.canada.ca/en/public-safety-canada/news/2018/03/government-of-canada-consults-allies-in-fight-against-online-child-sexual-exploitation.html [↑](#footnote-ref-2)
3. https://globalnews.ca/news/7276949/pandemic-online-predators-bc/ [↑](#footnote-ref-3)
4. https://globalnews.ca/news/7112477/alert-ice-child-exploitation-covid-19/ [↑](#footnote-ref-4)
5. https://www.cbc.ca/news/canada/manitoba/child-exploitation-on-the-rise-covid-19-manitoba-1.5664976 [↑](#footnote-ref-5)
6. https://www.cbc.ca/news/politics/pandemic-child-sexual-abuse-1.5645315 [↑](#footnote-ref-6)
7. Legal Factsheet: Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography. ECPAT International, 2016. https://www.ecpat.org/wp-content/uploads/2016/04/Legal-Factsheet-CRC-OPSC.pdf [↑](#footnote-ref-7)
8. https://www.publicsafety.gc.ca/cnt/cntrng-crm/chld-sxl-xplttn-ntrnt/index-en.aspx#a1 [↑](#footnote-ref-8)
9. Survivors’ Survey, 2017, Canadian Centre for Child Protection Inc. https://protectchildren.ca/pdfs/C3P\_SurvivorsSurveyFullReport2017.pdf [↑](#footnote-ref-9)
10. https://www.publicsafety.gc.ca/cnt/cntrng-crm/chld-sxl-xplttn-ntrnt/index-en.aspx [↑](#footnote-ref-10)
11. https://www.cbc.ca/news/canada/manitoba/phoenix-11-child-sex-abuse-images-1.4802132 [↑](#footnote-ref-11)
12. htps://www.ecpat.org/survivor-voices/global-survivors-forum-18-nov-2016/ [↑](#footnote-ref-12)
13. Survivors’ Survey, 2017, Canadian Centre for Child Protection Inc. https://protectchildren.ca/pdfs/C3P\_SurvivorsSurveyFullReport2017.pdf [↑](#footnote-ref-13)
14. https://www.cbc.ca/news/canada/montreal/sexual-abuse-time-limits-quebec-1.5598419 [↑](#footnote-ref-14)