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***Save the Children’s submission for the UN Office of the High Commissioner for Human Rights report for the March 2016 session of the Human Rights Council on the theme
“*Information and communication technologies and child sexual exploitation”**

1. *Children constitute more than 30% of the world’s population* and have a wide range of civil, political, economic, social and cultural rights as outlined in the Convention on the Rights of the Child (CRC) and related human rights instruments. Since the adoption of the CRC, States have reformed and improved legal frameworks and committed to public policies intended to guarantee the full implementation of these rights, including the protection of children against all forms of violence affecting their development.

2. *There has been a growing recognition on the need to protect children in their participation in cyberspace,* and where it relates to their use of the information and communication technologies (ICTs). Since the initial phase of the World Summit on the Information Society (2013) and along its process to date, a better understanding has been reached on “the role played by ICTs in the protection and improvement of children progress in life” while recognizing the need to reinforce “protective measures for children against any and all forms of abuse and in defense of their rights in the context of ICTs.” (International Telecommunications Office, 2006).

3*. The CRC held its 2014 Day of General Discussion on "Digital media and children’s rights".* The report’s recommendation referred to **Protection against harm, including violence, exploitation and abuse of children** urges States to “address the risks posed by digital media and ICTs to the safety of children including online harassment, sexual exploitation of children, access to violent and sexual content, grooming and self-generated sexual content, through holistic strategies that ensure the full enjoyment of their rights laid down under the Convention and its Optional Protocols”. The recommendation also stresses the need that States should always ensure a balance between promoting the opportunities provided by digital media and ICTs while protecting children from harm and provide a set of specific and valuable recommendations.[[1]](#footnote-1)

4. *In the same spirit of maximizing potentials and minimizing risks* when protecting the best interest of the child as a rightful participant in the Information Society, the Special Representative of the UN Secretary-General on Violence against Children, Marta Santos Pais; the Special Rapporteur on sale and sexual exploitation of children, Maud de Boer-Buquicchio; and the Special Rapporteur on freedom of expression, David Kaye, came together in the context of the global Safer Internet Day 2015, to call on States and the IT industry to tackle head on online child sexual abuse and exploitation, while protecting the right to freedom of expression of both children and adults[[2]](#footnote-2).

5. Save the Children works in more than 120 countries and our experience shows that the protection of children from violence and exploitation in ICT domains remains one of the biggest challenges for States and societies to realizing children’s rights. In view of this, Save the Children has identified the empowerment of children and families as safe, responsible and productive users of ICT environments and resources, as a line of action under its Protection program. It is important to point out that all SC initiatives in the field of “safe, responsible and productive use of ICTs” are informed by children’s views. SC encourage strongly participation of children in studies and interventions.

6. *There is abundant scientifically-based information on the risks, modalities and consequences faced by children, universally, as a result of their sexual exploitation online or mediated by ICT's.* It is not the purpose of this submission to revisit such findings; we would rather call for the attention of the Human Rights Council in one critical aspect. The need to approach the debate on ICTs and sexual exploitation from a child-rights perspective and therefore provide guidance to States and societies for interventions stemming from the same approach. In our view, a child rights based discussion rests on the following issues.

***Child sexual exploitation, cyberspace and ICT’s***

7. *When approaching the interactions between children, cyberspace and ICT’s, it is the role of the States, societies, communities and families to preserve the right balance* between the urgent need to protect them from risks and potential/actual harm arising from such interactions, and the equally urgent need to set in motion all measures necessary to assure the right of children, throughout the world, to have access to a safe, responsible, productive and empowered use of the benefits and potentials embedded in these same interactions.

8. *When addressing the linkage between child sexual exploitation, cyberspace and ICT’s,* it is essential to identify and put into action, a continuum of responses from States, societies, families and the children themselves, that are comprehensive and sensitive enough to address, in a differentiated but articulated manner, the risks and harm of sexual exploitation experienced by children whilst online (i.e. grooming, online harassment, cyber-bullying, sextortion). At the same time it is also important to address those experiences faced by children as a result of the use of cyberspace and ICT’s, by exploiters, as a means to promote the commission of sexual exploitation off-line (i.e. websites promoting countries and locations for sexual exploitation linked to travel and tourism), or to share and disseminate the products and gains derived of offline sexual exploitation and abuse (i.e. livestreaming, child-abuse images exchanging phedo-sites).

9. *Save the Children considers that said continuum of differentiated response*s from States, societies, families and the children themselves, shall comprise preventive, protective and penalizing measures, as follows:

***Preventive measures***

* the implementation of national sustained and inclusive, child-empowering educational strategies, in schools and communities*,* providing children, parents and teachers with information that will increase their capacity to identify and react in an affirmative way when facing potential or actual situation of online and offline child sexual exploitation;
* *the development of affirmative actions directed to the empowerment of specific groups of children* presenting higher risk to become victims of sexual exploitation, online and offline, on account of age, gender[[3]](#footnote-3), disability, sexual orientation, family dynamics and socio-economic status. Such affirmative actions shall contemplate strong State support to their families for the resolution of socio-economic conditions that increase the vulnerability of their children to the occurrence of sexual exploitation in their lives.

***Protective measures***

* the establishment of child-friendly, safe and accessible reporting mechanisms facilitating children at risk or victims of sexual exploitation, online and offline, to report their situation and obtain immediate administrative and legal protection. Such mechanisms should be developed in consultation with the children themselves. Child-friendly Information on the existence, purpose and forms of use of such mechanisms to be largely disseminated through schools, communities and social media, itself;
* the provision of expert mental health services to victims of sexual exploitation online and offline, in compliance with related WHO norms and standards;
* the enabling of all necessary administrative and legal measures to guarantee the rights to privacy, safety, and adequate information for all children involved in cases with ongoing criminal investigation and/or judicial proceedings. This before, during and after the development of such investigations and proceedings.

***Penalizing measures***

* the legal definition and criminalization of all forms of sexual exploitation of children whilst online or through ICT’s, in compliance with international related legislation, norms and standards[[4]](#footnote-4);
* the creation of well trained, specialized judicial and police units in charge of investigating and pursuing child sexual exploitation of children online and offline, in an interrelated action whenever the case so demands;

***General Recommendations***

Save the Children wishes to end this submission, first, thanking the UN Office of the High Commissioner for Human Rights, for the opportunity to present its position on the issue of information and communication technologies and child sexual exploitation. Secondly, listing for consideration of its Office and the Human Rights Council, five pivotal general recommendations that, in consideration of this organization, are change-makers for achieving greater, progressive, and sustained success in building a life free from online and offline sexual exploitation for the children of the world. These recommendations are as follows.

***The consideration of the child, for all aspects, in all actions and at all levels, as a protagonist*** with a central role in the achievement of the ultimate goal, the prevention and effective response to the occurrence of sexual exploitation of children, online and offline. Save the Children’s work with children across the world shows that when children are given the space and support they need, and participate in a safe and meaningful way, girls and boys can be effective agents of change.

Civil society can facilitate public participation, including by children, in the development of awareness and educational strategies intended to empower them, their families and communities for the prevention and protection against sexual exploitation, online and offline. This while respecting the conditions of safety, privacy and ethics required when involving children in issues of violence and abuse where some form of organized crime may be present.

***The Sustainable Development Goals 2015-2030 (SDGs) give a new framework for action*** for the international community and States to assist other countries in their efforts to protect children from sexual exploitation, online and offline. This global commitment subscribed by the Heads of States and Governments during the UN Summit in September 2015 provides for the protection of children from all forms of violence under SDG 16.2 and other related targets (5.2, 5.3, and 8.7.). This includes abuse, exploitation, trafficking, harmful practices and neglect or negligent treatment.

It is Save the Children’s position that further global and regional partnerships to fast track the implementation of SDGs goals and in particular 16.2. We recommend to the Human Rights Council to call on Member States to support the nascent Global Partnership to End Violence against Children and associated Fund[[5]](#footnote-5) and to commit to put an end to all forms of violence against children, including online and off-line sexual exploitation, within and across countries. The HRC should ensure that the implementation of SDG 16.2 and related targets is based on human rights and child rights obligations as included in the Convention on the Rights of the Children and its Optional Protocols.

***International and regional human rights mechanisms, including the Universal Periodic Review*** within the UN Human Rights Council and UN human rights treaty bodies, can play an important role in holding States to account on their performance in preventing and protecting children from sexual exploitation online and offline, by making this a specific aspect of reporting during their reviews of States.

Civil society, including children, and national Independent Human Rights Institutions can support these accountability mechanisms by providing them with evidence and recommendations through supplementary reports and submissions.

***At national level, States should be encouraged to recognize and partner with civil society,*** in the way towards achievement of prevention and protection where it relates to child sexual exploitation online and offline. Civil society has extensive experience of successful work furthering cultural change and the transformation of social norms increasing children vulnerability to gender-related, sexual violence and crime.

Social mobilization involving key stakeholders, with the children empowered as agents of change, can be a powerful tool to strengthen all levels of action to prevent and respond to child sexual exploitation, online and offline, including reporting.

***The private sector, in general, and very specifically the technology and financial sectors,*** ***and social media*,** have a unique role in ending the use of the cyberspace and ICT’s for child sexual exploitation online and offline, and in working together with States and civil society towards making cyberspace, day by day, a safer and richer environment for child development and meaningful participation in the global society. Also for expanding knowledge and ownership by children, of ICT as tools for personal growth and social progress.

Developed by Save the Children, UNICEF and the UN Global Compact, the Children’s Rights and Business Principles[[6]](#footnote-6) is a key document that can provide guidance to companies on how they can fulfill their responsibilities by joining States and societies in making this change happen.

The CRC General Comment No 16 on State obligations regarding the impact of the business sector on children’s rights is also a good framework for this action call.

Save the Children is the world's leading independent organisation for children. We work in around 120 countries. We save children's lives; we fight for their rights; we help them fulfil their potential.

We work to inspire breakthroughs in the way the world treats children and to achieve immediate and lasting change in their lives. Across all of our work, we pursue several core values: accountability, ambition, collaboration, creativity and integrity.

In 2014, we reached over 55 million children directly through our and our partners' work. Follow this link to read our latest International Annual Review. Download the Annual Review here.

1. Committee on the Rights of the Child Report of The 2014 Day of General Discussion “Digital media and children’s rights”http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2014/DGD\_report.pdf [↑](#footnote-ref-1)
2. Special Representative of the UN Secretary-General on Violence against Children: <http://srsg.violenceagainstchildren.org/> New Study by the Special Representative of the UN Secretary-General Santos Pais on [“Releasing children’s potential and minimizing risks - ICTs, the Internet and Violence against Children”](http://srsg.violenceagainstchildren.org/sites/default/files/documents/docs/Releasing%20Children%27s%20Potential%20and%20Minimizing%20Risks%20-%20ICTs%2C%20the%20Internet%20and%20Violence%20against%20Children.pdf)

Special Rapporteur on the sale of children, child prostitution and child pornography: <http://www.ohchr.org/EN/Issues/Children/Pages/ChildrenIndex.aspx>. Report on how to tackle online sexual abuse and exploitation of children by Special Rapporteur de Boer-Buquicchio, presented in March to the UN Human Rights Council: <http://www.ohchr.org/Documents/Issues/Children/SR/A.HRC.28.56_en.pdf>

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression: <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/OpinionIndex.aspx> Last report on children’s right to freedom of expression by the Special Rapporteur presented to the UN General Assembly: <http://ap.ohchr.org/documents/dpage_e.aspx?si=A/69/335> [↑](#footnote-ref-2)
3. For recent data on gender-based online sexual violence affecting girls see: UN Broadband Commission for Digital Development Working Group on Broadband and Gender Report: CYBER VIOLENCE AGAINST WOMEN AND GIRLS. A world-wide wake-up call. 2015. Available at <http://www.unwomen.org/es/digital-library/publications/2015/9/cyber-violence-against-women-and-girls> [↑](#footnote-ref-3)
4. Specific reference is made to the CRC Optional Protocol on the sale of children, child prostitution and child pornography; the CE Convention on the Protection of Children against Sexual Abuse and Sexual Exploitation: the Lanzarote Convention; and the CE Convention on Cybercrime: the Budapest Convention. Both instruments open for ratification by countries outside the EC [↑](#footnote-ref-4)
5. http://16-2endviolenceagainstchildren.org/ [↑](#footnote-ref-5)
6. Children’s Rights and Business Principles, available at: <http://childrenandbusiness.org/> [↑](#footnote-ref-6)