

Cyber Saathi Foundation's Intervention to emphasize the criticality of Articles 13 and 14 of the proposed convention.

Despite the stringent provisions under the Budapest convention to combat dissemination of child sexual abuse content online and its adaptation not only by signatory countries but even by non – signatory countries such as India which introduced a strong provision making downloading and even browsing of child sexual abuse material an offence, there have been several aberrations in judicial pronouncements which have diluted the impact.

The earlier instances were a series of cases including US v. Goff (501 F.3d 250, 251 (3d Cir. 2007)), United States v. Pugh (515 F.3d 1179 (11th Cir. 2008)) and United States v. Goldberg (491 F.3d 668 (7th Cir. 2007)), wherein the courts in effect held CSAM to be victimless crimes! Recently a High Court in India acquitted the culprit who had admitted to downloading, viewing and storing two videos of CSAM by erroneously holding such acts to not amount to an offence contrary to the prevailing laws in India (Harish v. Inspector of Police dated January 11, 2024).

Cyber Saathi Foundation reiterates its stand in favour of the inclusion of Articles 13 and 14 of the proposed convention and emphasizes the importance thereof to combat the increasing harms of CSAM. Despite existing conventions and cooperation, the fight against CSAM remains ineffective and any dilution or removal of the proposed provisions would gravely harm all efforts to combat CSAM across jurisdictions.

I thank the chair for this opportunity to intervene and humbly trust that there would be concerted effort amongst the nations to evolve effective inclusion of Articles 13 and 14.