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World crime trends and emerging issues and responses in the field of crime prevention and criminal justice

Albania, Australia, Brazil, Dominican Republic, Ghana, Honduras, Mexico, Norway, Peru, Thailand and United Kingdom of Great Britain and Northern Ireland: draft resolution

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolution for adoption by the General Assembly:

Strengthening national and international efforts, including with the private sector, to protect children from sexual exploitation and abuse

The General Assembly,

Stressing that rights of the child are human rights, and that these rights need to be protected both offline and online,

Recalling the Convention on the Rights of the Child,¹ the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography² and other relevant international and regional instruments,

Recalling the General Assembly's resolution 76/181 of 16 December 2021, in which it endorsed the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: towards the achievement of the 2030 Agenda for Sustainable Development, adopted at the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, held from 7 to 12 March 2021, and in particular paragraph 29 of the Declaration and its call to "address the needs and protect the rights of children and youth, with due consideration to their vulnerabilities, to ensure their protection from all forms of crime, violence, abuse and exploitation both online and offline, such as sexual abuse and exploitation of children and trafficking in persons, noting the particular vulnerabilities of children in the context

* E/CN.15/2022/1.

¹ United Nations, *Treaty Series*, vol. 1577, No. 27531.

² *Ibid.*, vol. 2171, No. 27531.

of smuggling of migrants, as well as recruitment by organized criminal groups including gangs, as well as by terrorist groups” and paragraph 86 of the Declaration and its call to “take more effective measures to prevent and end abuse, exploitation, trafficking and all forms of violence against and torture of children, including child sexual exploitation and sexual abuse online and offline, by criminalizing such acts, supporting victims and fostering international cooperation to combat these crimes”,

Recognising also the important roles of the Conference of Parties to the United Nations Convention against Transnational Organized Crime and the United Nations Commission on Crime Prevention and Criminal Justice in developing and recommending anti-crime policies to more effectively prevent and counter child sexual exploitation and abuse, and related crimes as well as other offenses in accordance with resolutions 46/152 and 1992/22,

Recalling also its resolution 69/194 of 18 December 2014 on the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice, in which it recognized the key role played by the justice system in preventing and responding to violence against children, including child sexual exploitation and abuse online, and urged Member States to prohibit by law any form of sexual violence against a child through or facilitated by the use of new information technologies, including the Internet, to implement comprehensive prevention programmes for children, to establish, in cooperation with internet service providers and access providers, and mobile telephone companies, effective detection and reporting mechanisms and enhance effective cooperation of such companies and entities with law enforcement in preventing and combating child sexual exploitation and abuse and to provide comprehensive age- and gender-appropriate specialized services to persons who experienced child sexual abuse and exploitation and prevent production and dissemination of material depicting child sexual exploitation and abuse,

Taking note that in some Member States persons who have experienced child sexual exploitation and abuse may also be referred to with different terminology³ which helps support their recovery,

Recalling further its resolution 74/174 of 18 December 2019 on countering child sexual exploitation and sexual abuse online, in which it urged Member States to strengthen, consistent with their domestic legal frameworks, their efforts to combat cybercrime in relation to child sexual exploitation and abuse, including when committed online, and to take legislative or other measures, in accordance with domestic law, to facilitate the detection by internet service providers and access providers and other relevant entities of child sexual exploitation and sexual abuse material online,

Recalling further its resolution 74/174 of 18 December 2019 on countering child sexual exploitation and sexual abuse online that noted that child sexual exploitation and sexual abuse may take many forms, such as, but not limited to, contact and non-contact offending, online offending, trafficking in children for the purposes of sexual exploitation, grooming for sexual purposes, using child sexual abuse images for blackmail or extortion, the acquisition, production, distribution, making available, sale, copying, possession and accessing of child sexual abuse material and live-streaming of child sexual abuse,

Noting with concern the growing threat posed by “self-generated” child sexual abuse material where children are coerced or manipulated into producing this material or voluntarily produce such material, that is then exploited,

Noting that some instances of live-streamed child sexual abuse involve payment of remuneration to any person, and that persons may sexually abuse or exploit children in person and outside their country of nationality or residence,

³ The term “survivors” is often used to acknowledge that victims of child sexual abuse and child exploitation can recover from the trauma they have endured

Noting that persons who have experienced child sexual exploitation and abuse may be further harmed if materials depicting them are shared in an exploitative manner even if such images do not constitute child sexual abuse material,

Recalling Commission on Crime Prevention and Criminal Justice resolution 26/3 of 26 May 2017 on mainstreaming a gender perspective into crime prevention and criminal justice policies and programmes and into efforts to prevent and combat transnational organized crime,

Recalling also its resolutions 72/195 of 19 December 2017 on improving the coordination of efforts against trafficking in persons, 73/148 of 17 December 2018, entitled “Intensification of efforts to prevent and eliminate all forms of violence against women and girls: sexual harassment”, and 73/154 of 17 December 2018 on protecting children from bullying, Economic and Social Council resolutions 2004/27 of 21 July 2004 on guidelines on justice for child victims and witnesses of crime, 2005/20 of 22 July 2005 on the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime and 2011/33 of 28 July 2011 on prevention, protection and international cooperation against the use of new information technologies to abuse and/or exploit children, and Commission on Crime Prevention and Criminal Justice resolution 16/2 of 27 April 2007 on effective crime prevention and criminal justice responses to combat sexual exploitation of children,

Taking note of the ITU Guidelines on Child online Protection: *Keeping children safe in the digital environment: The importance of protection and empowerment*,

Recognising that the COVID-19 pandemic has resulted in offenders and children spending more time online, and has therefore increased the need for safety measures and education mitigating the risks to children from online sexual exploitation and abuse,

Recognising that Member States have a responsibility to take action to keep children safe from all forms of sexual exploitation and abuse,

Recognising the pressing need to prevent and combat child sexual exploitation and abuse wherever it occurs, and further recognising that manifestations of offline and online exploitation and abuse can be interrelated,

Recognising the devastating and long-lasting trauma that child sexual exploitation and abuse can inflict upon victims the shame and stigma that can silence persons who have experienced child sexual exploitation and abuse—and add to their suffering, and the risk of revictimization and retraumatization, including from the repeated circulation of content online associated with the sexual exploitation and abuse of children,

Recognising also that effective efforts to prevent and tackle child sexual exploitation and abuse depend on multi-stakeholder partnerships across the public and private sectors at the local, national, regional and international levels,

Recognizing that the creation, possession, dissemination, and consumption of child sexual abuse material puts children at risk of sexual exploitation and abuse, including by normalising the conduct depicted in such material and fueling the demand for such material,

Noting with concern the linkages in some cases between child sexual exploitation and abuse and trafficking of children for commercial sexual exploitation and sex trafficking,

Noting that no country alone can prevent and combat child sexual exploitation and abuse when it comes to the transnational nature and that children will not be safe from this horrific abuse until robust and consistent standards and legislation are adopted and implemented globally,

Noting that the term “child pornography” is being increasingly referred to, within some Member States, as child sexual exploitation or child sexual abuse

material to better reflect the nature of such material and the seriousness of the harm suffered by the child in this context,

Recognising the importance of standardized terminology to promote common understanding and provide the legal precision needed to support an effective national legal framework and to strengthen international cooperation in this regard,

Recalling the paragraph 67 of the Kyoto Declaration which “Recognises the fundamental role of effective international cooperation in preventing and combating crime and to this end, underline the importance of addressing, tackling and effectively responding to international challenges and barriers, in particular measures, that hinder such cooperation and which are not consistent with the Charter of the United Nations and obligations under international law, and in this regard urge states, consistent with their international obligations, to refrain from applying such measures”,

Recognizing that gaps in the access to and use of information and communications technologies by States can diminish the effectiveness of international cooperation in combating the creation, dissemination and consumption of child sexual exploitation and abuse material to abuse and/or exploit children,

Recognising also that child sexual exploitation and abuse is often transnational in nature, as a single instance of abuse online can span multiple jurisdictions, with the victim, offender and internet service providers and access providers all potentially based in different countries and child sexual abuse material stored and disseminated in different jurisdictions,

Stressing the importance of remaining responsive to the evolving and growing nature of child sexual exploitation and abuse globally, as increasing Internet access, new and evolving information and communications technologies, including encryption capability and anonymising tools, used by offenders in order to commit crimes involving child sexual exploitation and abuse, and the increases the burden it is placing on the capacities and capabilities of law enforcement agencies, victim support services and other agencies,

Noting the growing efforts by Member States, including through national or domestic legislation and strategies, and through relevant multilateral agreements as well as other relevant formats, to prevent and combat the online sexual exploitation and abuse of children,

Recognising also that internet service providers and access providers should proactively design products and services to prevent and combat child sexual exploitation and abuse, and noting that systems should not place the primary responsibility for reporting exploitation and abuse on persons who experienced child sexual abuse and exploitation,

Emphasizing the particular need and challenge for Member States to promote clear and coherent expectations, standards and regulations within domestic legal frameworks, for internet service providers and access providers to keep children safe when using their platforms and services,

1. *Encourages* Member States to engage in dialogues and foster cooperation with relevant internet service providers and access providers that fall under their jurisdictions to promote and ensure child safety and well-being and to cooperate with a view to combating child sexual exploitation and abuse;

2. *Calls upon* Member States to establish and strengthen public-private partnerships or dialogues, consistent with domestic legal frameworks, with internet service providers and access providers to facilitate or encourage services that are safe by design and do not compromise children’s safety, to use appropriate measures to enable the detection and reporting of online child sexual exploitation and abuse, or to provide of evidence in response to legal process regardless of the technology used online, including encryption and anonymising tools, while protecting the privacy of users and victims;

3. *Calls upon* Member States to take appropriate measures to restrict, in accordance with domestic law, access to child sexual abuse material in cyberspace;
4. *Urges* Member States to criminalize all forms of child sexual exploitation and sexual abuse, including child sexual exploitation and sexual abuse online, to grant law enforcement agencies appropriate authority and to provide appropriate tools to identify victims and effectively combat child sexual exploitation and sexual abuse and bring perpetrators to justice;
5. *Urges* States Parties to implement their legal obligations under the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*;
6. *Encourages* Member States to adopt legislative and other measures to prevent and protect children from violence and harm, including online sexual exploitation and abuse, including by considering measures, suitable to their domestic contexts, requiring the prevention, detection, reporting and removal of online child sexual exploitation and abuse material, including technology-facilitated solicitation, online grooming and the hosting of child sexual abuse material on online servers;
7. *Encourages* Member States, consistent with national legal frameworks, to make appropriate legislative and policy efforts, including strengthening existing legislation, to enable law enforcement authorities to prevent and respond to online child sexual exploitation and abuse, and to protect children from online sexual exploitation and abuse and actively engage in international police cooperation to that end;
8. *Invites* Member States to consider best practices from other Member States, in particular those that encourage the private sector to enhance its efforts to combat online child sexual exploitation and abuse, by developing and promoting voluntarily agreed industry-wide standards for online child safety that foster transparency and cooperation between the private and public sectors;
9. *Calls upon* Member States to exchange information and insights on their respective domestic legislation, policies, procedures and practices, as well as their experience and knowledge, including with regard to national reporting regimes for online child sexual exploitation and abuse material, to allow cross-jurisdictional collaboration and to foster best practice;
10. *Calls upon* Member States to recognize the need for and promote common data sets for or between competent authorities of known child sexual abuse material, such as the International Criminal Police Organization (INTERPOL) International Child Sexual Exploitation database, for the purpose of detecting, reporting and removing material, including images and videos of child sexual exploitation and abuse, from online servers, and to work towards an appropriate alignment of terminology of child sexual abuse material to protect the safety and privacy of victims and to prevent their repeated exploitation and abuse;
11. *Also calls upon* Member States to promote awareness of the urgent need for action by Governments, internet service providers and access providers and other actors to protect children from sexual exploitation and abuse, and to facilitate dialogue between the different entities and sectors required for an effective response;
12. *Urges* Member States to increase public awareness of the serious nature of child sexual exploitation and child sexual abuse materials, how such materials constitute sexual offences against children and how the production, distribution and consumption of such materials put more children at risk of sexual exploitation and abuse, including by normalizing the conduct depicted in such materials and fuelling the demand for such materials;
13. *Further calls upon* Member States to develop effective gender- and age-sensitive strategies for preventing and combating child sexual exploitation and abuse, including ensuring that institutions providing services to children are equipped with the appropriate safeguards to prevent and intervene early, and for building protective

factors in families, households and communities to impede offenders' efforts both online and offline;

14. *Calls upon* Member States to develop strategies that prevent and combat child exploitation and abuse and, through advocacy, awareness-raising and educational initiatives, challenge the shame and stigma that victims can suffer, and to foster collaboration and information-sharing at the strategic and operational levels between governments, educational institutions, front-line agencies, the private sector, civil society, including leaders who have experienced child sexual abuse and exploitation, the media and the public in order to promote child safety and well-being;

15. *Calls upon* Member States, in accordance with domestic legal frameworks and applicable international law, to strengthen international cooperation to combat child sexual abuse and exploitation online through, where appropriate and among others, mutual legal assistance and extradition as well as police-to-police and agency-to-agency cooperation, in order to counter such crimes and ensure that perpetrators are brought to justice and victims are identified, while respecting the right of children to privacy;

16. *Also calls upon* Member States to develop effective measures to enhance the capacities of their justice systems to prevent and respond to child sexual exploitation and abuse, including training in child forensic interviewing and in victim-centred approaches to avoid retraumatization of victims, and in the proper handling and processing of digital evidence and to build public trust in relation to engaging with and reporting to law enforcement authorities;

17. *Stresses* the need to engage effectively with persons who experienced child sexual abuse and exploitation, as well as their wider support networks and communities, taking into account their particular characteristics and not excluding any child on the basis of any characteristic or condition including gender, age, disability, belief or ethnicity;

18. *Also stresses* the need to enhance cooperation among Member States to prevent and combat child sexual exploitation and abuse and reinforce the provision of technical assistance to requesting States to enhance the capacity of national authorities to deal with child sexual exploitation and abuse in all its forms;

19. *Requests* the United Nations Office on Drugs and Crime to assist Member States, upon request, in creating age- and gender-sensitive strategies and responses for preventing and combating child sexual exploitation and abuse, to improve understanding of child sexual exploitation and abuse internationally and fostering the cross-sector responses required, including from the Internet service providers and access providers;

20. *Encourages* Member States to promote the proactive sharing of best practices and public policies on support for persons who experienced child sexual abuse and exploitation, , in order to protect children from child sexual exploitation and abuse, including online,

21. *Requests* UNODC to provide technical assistance and capacity-building initiatives, such as training in the use of digital evidence, material support, and services and other initiatives upon request, to support Member States, in particular developing countries, in preventing and combating online child sexual exploitation and abuse, and also invites Member States to provide support in this regard;

22. *Invites* Member States and other donors to provide extrabudgetary resources for the implementation of the relevant paragraphs of the present resolution, in accordance with the rules and procedures of the United Nations;