



THE PRIVATE SECTOR AND THE DEMAND FOR THE SEXUAL EXPLOITATION OF CHILDREN

The Role of the Private Sector in Countering the Demand for the Sexual Exploitation of Children

Since the Second World Congress against the Commercial Sexual Exploitation of Children and Youth in 2001 welcomed the involvement of the private sector to the discussion on the sexual exploitation of children (SEC), several initiatives have been undertaken in this space.¹ In a 2009 ECPAT International publication on “Private Sector Roles and Responsibilities to End Sexual Exploitation of Children,” the private sector is defined as “companies that are not owned by the government... [including] all different kinds of businesses such as credit card companies, Internet Service Providers (ISPs), travel agents, hotels, banks, media, manufacturing and more”.² Traditionally, the private sector actors having direct implications with SEC have been divided into four sub-sectors: new technologies, travel and tourism, media and financial institutions.³

The types of tools that have been adopted to manage the operations of the private sector are quite different than those that are used to manage the behaviour of individuals or the functioning of world governments. Entities such as corporations and businesses are considered to be “non-state actors” beyond the reach of traditional legal instruments, such as human rights law. The most common mechanism applied is a form of corporate social responsibility (CSR). Other tools notably include the UN Guiding Principles on Business and Human Rights, which can also be used as a benchmark for the private sector to complement initiatives that target SEC.⁴

1 International Labour Organization (2008), “Commercial sexual exploitation of children and adolescents: The ILO’s response”, 24 November 2008, accessed 6 September 2016, http://www.ilo.org/global/docs/WCMS_100740/lang--en/index.htm.

2 ECPAT International (2009), “Private Sector Roles and Responsibilities to End Sexual Exploitation of Children: Child and Youth Version”, Bangkok: ECPAT International, December 2009, 5, accessed 1 August 2016, http://www.ecpat.net/sites/default/files/private_sector_roles_and_resp.pdf.

3 Hecht, Mark E. (2008), “Private sector accountability in combating the commercial sexual exploitation of children”, a contribution of ECPAT International to the World Congress III against Sexual Exploitation of Children and Adolescents held in Rio de Janeiro, Brazil 25-28 November 2008, 4, accessed 5 September 2016, http://www.ecpat.org/wp-content/uploads/legacy/Thematic_Paper_CSR_ENG.pdf.

4 UN Human Rights Council (2015), “Report of the Special Rapporteur on the sale of children, child prostitution and child pornography”, UN Doc. A/HRC/31/58, 30 December 2015, para. 73.

In a fast-evolving technological landscape, law enforcement agencies are teaming up with the technology sub-sector to identify and prosecute child sex exploiters. ISPs are in an optimal position to help law enforcement in tracing online crime because offenders need ISPs in order to access children with the support of the information and communication technologies (ICTs).⁵ While many argue that it should be the duty of ISPs to provide information to the appropriate authorities concerning sexual exploitation online, ISPs maintain that to review and monitor the enormous amounts of data would be a near-impossible task.⁶ Several suggestions in this space have been offered including “requiring ISPs to record and verify client data to ensure that the names provided are not false, to keep records of information that have passed through their servers for an agreed-upon minimum amount of time, [and]... to select which Usenet groups to mount, rejecting those that explicitly indicate that the contents may include pornography.”⁷

Another major area in which new technologies impact SEC is through a range of Social Networking Sites (SNS) such as Facebook, by which exploiters may groom their victims.⁸ While Facebook, like many other SNS, include reporting mechanisms and frequently asked questions sections that explicitly inform users on how to report abuse to local law enforcement immediately,⁹ these methods of protection rely on end-users to report the illicit activity.

Several other private organisations in the new technologies sub-sector have contributed to the goal of combating demand. These include:

- Microsoft collaborated with the Canadian police to design and implement a system called the Child Exploitation Tracking System, which allows police across Canada to share investigational information in a secure environment. It has further assisted in the image analysis to identify victims and perpetrators.¹⁰
- In 2012, Google Ideas worked with law enforcement agencies to host the Illicit Networks, Forces in Opposition (INFO) Summit, which held seminars discussing how to disrupt illicit activity and identify human trafficking.¹¹
- The company ZiuZ contributed to curb sexual exploitation of children online (SECO) by producing VizX2, a tool to facilitate the work of law enforcement in analysing large amounts of confiscated video and photo materials.¹²
- Chat sites like Chatroulette and Omegle developed systems warning users when the people they are chatting to are potentially using fake Webcam software.

5 Hecht, Mark E. (2008), “Private sector accountability in combating the commercial sexual exploitation of children”, 89 citing Mac Gillavry, Edwin C. (2009), “Internet Service Providers and criminal investigation: A case study regarding the voluntary cooperation of Dutch ISPs with the investigating authorities”, Paper presented to the Combating Child Pornography on the Internet Conference. Vienna: 29 Sept. – Oct. 1, 1999.

6 *Ibid.*, 88.

7 *Ibid.*, 89.

8 See e.g. Booth, Robert (2016), “Four paedophiles convicted after sting operations by vigilantes”, *The Guardian*, 28 March 2016, accessed 1 August 2016, <http://www.theguardian.com/uk-news/2016/mar/28/four-paedophiles-convicted-sting-operations-vigilantes>; Hope, Christopher (2013), “Facebook is a ‘major location for online child sexual grooming’, head of child protection agency says”, *The Telegraph*, 15 October 2013, accessed 1 August 2016, <http://www.telegraph.co.uk/technology/facebook/10380631/Facebook-is-a-major-location-for-online-child-sexual-grooming-head-of-child-protection-agency-says.html>.

9 Facebook Help Center (n.d.), “What should I do if I see images on Facebook of a child being sexually exploited?”, accessed 1 August 2016, <https://www.facebook.com/help/189165674568397>.

10 The Honourable Mobina S B Jaffer and The Honourable Patrick Brazeau (2011), “The Sexual Exploitation of Children in Canada: the Need for National Action”, November 2011, 65, accessed 1 August 2016, <http://www.parl.gc.ca/Content/SEN/Committee/411/ridr/rep/rep03nov11-e.pdf>.

11 University of Southern California Annenberg Centre (2012), “Private-Sector Initiatives”, accessed 1 August 2016, <http://technologyandtrafficking.usc.edu/private-sector-initiatives/>.

12 ZIUZ Forensics (2013), “ZIUZ Forensics Releases a New Tool for Child Pornography and Exploitation Investigations”, *Business Wire*, 12 December 2013, accessed 1 August 2016, <http://www.businesswire.com/news/home/20130912005520/en/ZIUZ-Forensics-Releases-Tool-Child-Pornography-Exploitation>.

- The Spotlight Tool, introduced by Thorn, Digital Defenders, was designed in 2014 to aggregate data from online commercial sex advertisements. Law enforcement agencies using Spotlight have reported a 43% reduction in their investigation time.
- The Defense Advanced Research Projects Agency (DARPA)'s Memex programme was launched in 2014 to combat human trafficking through an advanced search engine tool.
- Microsoft's PhotoDNA aids in identifying images of children who are sexually exploited online. The PhotoDNA Cloud Service, available free of charge, has made monitoring illicit online ads more manageable for law enforcement.
- The WeProtect Children Online initiative includes a Statement of Action by Industry to Tackle Online Child Sexual Exploitation, which involves exploring options to increase the volume of hashes used to detect and remove child sexual abuse material (CSAM), supporting mechanisms for public reporting of CSAM, and developing new tools and techniques to help detect and remove CSAM.¹³ Major technology and online platforms have all agreed to the Statement of Action, including companies such as Apple, Dell, Getty Images, Google, Facebook, Microsoft, Twitter, Yahoo and Zillow.¹⁴

Travel and Tourism

One of the leading sub-sectors concerned with the demand for sexual exploitation of children is the travel and tourism industry.¹⁵ The prevalence of sexual exploitation of children in the travel and tourism (SECTT) sector and the need for an immediate response spurred the recent ECPAT Global Study on SECTT.¹⁶ The Child Sex Tourism Action Survey revealed that hotels account for 93.3% of SECTT incidences.¹⁷ Several solutions are offered to sensitise the hospitality industry to their responsibilities in preventing SEC, including training employees to be aware of SEC¹⁸ and adopting voluntary codes of conduct such as the International Federation of Tour Operators' Code of Operation against the Sexual Exploitation of Children¹⁹ and the Group of National Travel Agents and Tour Operators Association within the European Union's "Declaration against Child Sex Tourism" with the commitment to exclude any members engaged in the commercial sexual exploitation of children in travel and tourism.²⁰

One of the major private sector initiatives to reduce and eventually eliminate SECTT is The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (The Code). The Code is "an industry-driven responsible tourism initiative with a mission to provide awareness, tools and support to the tourism industry in order to prevent SEC".²¹ The Code and other more tailored codes of conduct in the tourism industry are often voluntary in nature, meaning that failure to uphold the stated principles may lead to a mere disassociation from the code itself.²² Furthermore, even when codes are used effectively, there is little evidence to suggest that the identified exploiters are ever held accountable.

A recent shift in the nature of tourism itself has resulted in customers connecting directly with suppliers in a way that prevents several forms of control. An emerging "sharing economy", comprising of companies such as Uber and Airbnb operating via technological platforms,²³ offers services that do not need to comply with professional standards or codes of conduct that would otherwise

13 WeProtect (2015), "Statement of Action by Industry", accessed 1 August 2016, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/477571/FINAL_INDUSTRY_SOA_171115_1.pdf.

14 *Ibid.*

15 Hecht, Mark E. (2008), "Private sector accountability in combating the commercial sexual exploitation of children" 63 citing Groupe Développement Report, 64.

16 ECPAT International, Defence for Children-ECPAT Netherlands (2016), "Offenders on the Move. Global Study on Sexual Exploitation of Children in Travel and Tourism 2016" May 2016.

17 Hecht, Mark E. (2008), "Private sector accountability in combating the commercial sexual exploitation of children" 63.

18 *Ibid.*, 65.

19 *Ibid.*, 67.

20 *Ibid.*

21 The Code (n.d.), "About", accessed 1 August 2016, <http://www.thecode.org/about/>.

22 Hecht, Mark E. (2008), "Private sector accountability in combating the commercial sexual exploitation of children" 68. See also: UN General Assembly (2010), "Implementation of the Global Code of Ethics for Tourism", UN Doc. A/65/275, (2010), 2.

23 Kaplan, Roberta and Nadler, Michael (2015), "Airbnb: A Case Study in Occupancy Regulation and Taxation", 2015, 82 U Chi L Rev Dialogue 103, 103-106, accessed 1 August 2016, https://lawreview.uchicago.edu/sites/lawreview.uchicago.edu/files/uploads/Dialogue/Kaplan_Nadler_Dialogue.pdf.

apply to professional service providers. Several forms of SECTT are facilitated by ICTs, as in cases in which offenders abusing children during their travel further share their stories and images online. The travel and tourism industry is heavily reliant on advertising and marketing to promote their products. Websites such as Travelocity require advertising to generate revenue. By leveraging the sophisticated advertisement delivery systems that are integrated into the content delivery of social media platforms, e-mail, websites, chat rooms and blogs, mobile platforms, precise communities and individuals could be efficiently addressed through the provision of appropriate and impactful child protection education and cautionary messages.

Media

The media, a powerful influencer, can play a pivotal role in informing and raising awareness on the demand for sexual exploitation of children. When the media portrays stories about child sexual exploitation in an ethical way, ensuring that reporting is responsible and sensitive to the victims involved, it can increase public understanding and involvement.²⁴ On the other hand, if stories sensationalise child abuse and misrepresent victims, then the public receives messages that may risk perpetuating exploitation.²⁵ In order to reduce demand, it is crucial that codes of deontology for the media professions condemn glamourising sexual exploitation or sexualising children in any form.

Several efforts have been made in journalism to portray SEC in an appropriate and responsible way. In 2001, the International Federation of Journalists introduced international guidelines for journalists covering children's rights at the Second World Congress.²⁶

In addition to traditional media, ICTs can be leveraged to understand and inform on the behaviours of offenders and potential offenders. In doing so, it may be possible to articulate and promote the links between demand for CSAM and demand for child sexual abuse through education, especially as some people may not realise that viewing alone can cause harm to children. Media campaigns that highlight these links and communicate successful prosecutions of offenders may act as an effective deterrent in curbing demand for SEC both online and offline.

Financial Institutions

The financial sub-sector is often implicated with the criminal networks that sustain the demand for SEC. Whether it is through money-laundering schemes or illicit transactions, financial businesses can indirectly assist criminal networks in funding and managing their sexual exploitation enterprises. Any initiatives that detect and report illegal schemes and transactions are vital to infiltrating criminal networks and tackling the demand for SEC that they service.

There are several ways the financial sector has united to combat SEC:

- The Financial Coalition Against Child Pornography (FCACP) coordinates the action of 34 leading banks, credit card companies, third party payment companies, Internet services companies and electronic payment networks all dedicated to fighting commercial child pornography;²⁷
- The European Financial Coalition against Commercial Sexual Exploitation of Children Online (EFC)²⁸ joined forces to take action on the payment and ICT systems that are used to run illegal operations;²⁹

²⁴ Hecht, Mark E. (2008), "Private sector accountability in combating the commercial sexual exploitation of children 75.

²⁵ *Ibid.*

²⁶ *Ibid.*, 77.

²⁷ International Centre for Missing & Exploited Children (n.d.), "Financial Coalition Against Child Pornography", accessed 1 August 2016, <http://www.icmec.org/fcacp/>.

²⁸ European Financial Coalition against Commercial Sexual Exploitation of Children Online (n.d.), "About EFC", accessed 1 August 2016, <http://www.europeanfinancialcoalition.eu/>.

²⁹ *Ibid.*

- JP Morgan Chase applied anti-money-laundering regimes paired with technological applications to detect money laundering.³⁰

In the financial realm, ICTs are helping to revolutionise payment anonymity as well underpinning much of the supply side of the entertainment industries interest in SEC. A continuation of migration from traditional payment mechanisms to those offering a greater degree of privacy, particularly pseudonymous payment systems such as Bitcoin, has been observed.³¹ As financial technologies advance, it is vital that financial institutions strive to implement monitoring systems that can identify illegal dealings that might be fuelling child sexual exploitation operations.

30 University of Southern California Annenberg Centre (n.d.), "Private-Sector Initiatives", *Technology and Human Trafficking*, accessed 6 September 2016, <http://technologyandtrafficking.usc.edu/private-sector-initiatives/>.

31 EUROPOL (n.d.), "Online child sexual exploitation", *EUROPOL's website*, accessed 6 September 2016, <https://www.europol.europa.eu/iocta/2015/online-child-exploit.html#fn:five>.

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