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## Ending Online Sexual Exploitation and Abuse of Women and Girls: A Call for International Standards

# EXECUTIVE SUMMARY & KEY FINDINGS



REUTERS/Kacper Pempel/File Photo

# EXECUTIVE SUMMARY

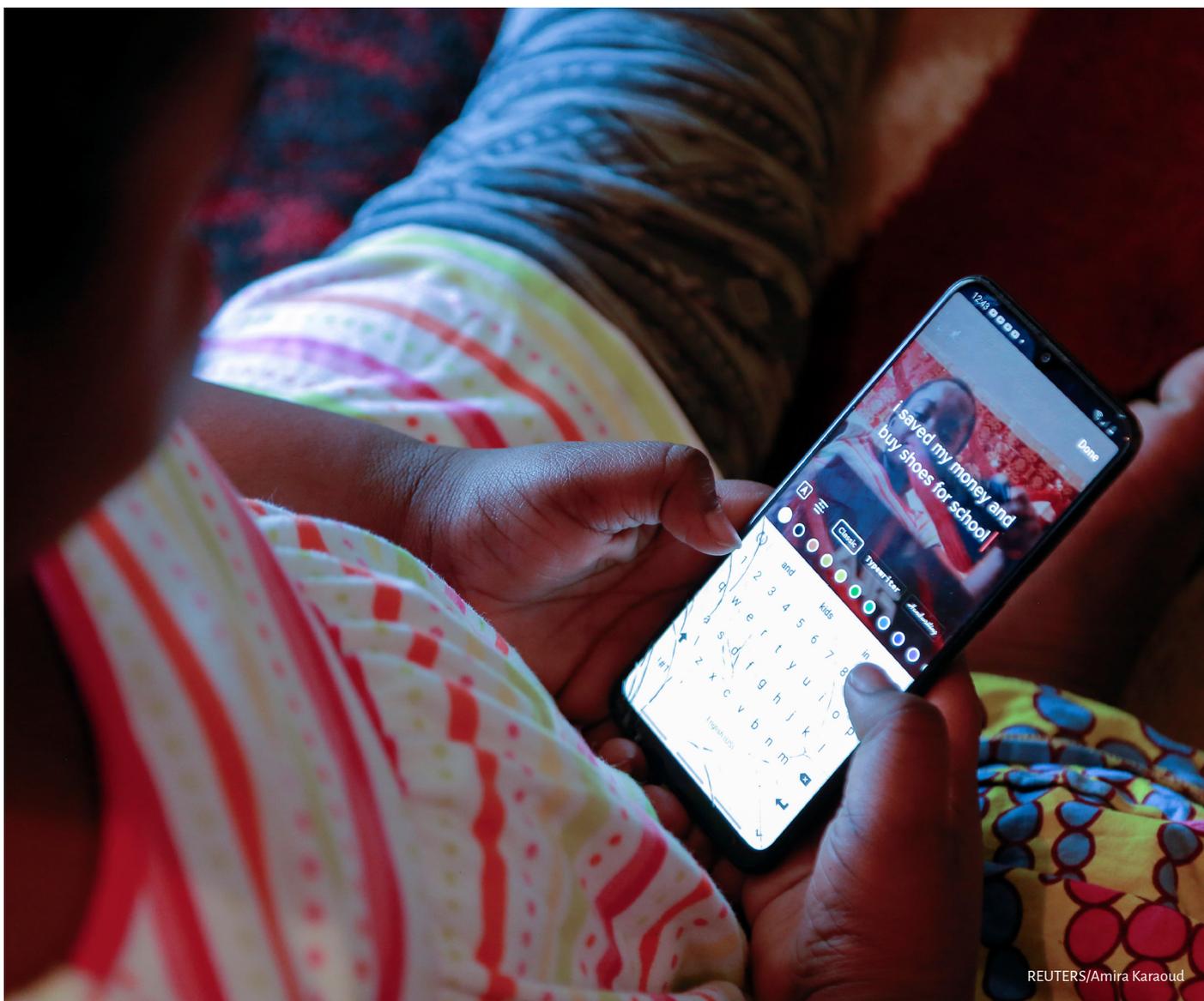
Sexual exploitation and abuse include many forms of coercion and predatory actions. It is defined as any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including profiting monetarily, socially, or politically from the sexual exploitation or abuse of another. Online sexual exploitation and abuse (OSEA) encompasses several sexually exploitative and harmful behaviors that occur or are facilitated online and through the use of digital technologies. OSEA includes online grooming, live-streaming of sexual abuse, child sexual abuse material (CSAM), online sexual coercion and extortion, online sex trafficking, and image-based sexual abuse. Women and girls are particularly vulnerable as offenders take advantage of the sex, gender, and structural discrimination inherent in our patriarchal society, and the economic inequality that make them vulnerable to exploitation and abuse.

Technological advancements and the internet have also made it easier to groom, recruit and sexually exploit with impunity. Predators are increasingly using social media and online gaming platforms to target potential victims because these platforms offer anonymity and operate under very limited regulation. Consequently, OSEA is growing at an alarming pace globally, and the full breadth of the problem is largely unknown because of the large number of unreported cases.

This report:

- Evaluates OSEA as part of the continuum of gender-based violence against women and girls. We take a broad view of OSEA that includes online grooming, live-streaming of sexual abuse, CSAM, online sexual coercion and extortion, online sex-trafficking, and image-based sexual abuse.
- Examines the law surrounding OSEA at the international and regional level, with a focus on Europe. We also examine the laws surrounding OSEA at the national level, focusing on five countries, including Kenya, India, Nigeria, the United Kingdom (England and Wales) and the United States.
- Explores the balance between digital privacy, freedom of expression, and protection and online safety.
- Discusses the challenges posed by the multi-jurisdictional nature of online sexual harms and regulating service providers and platforms.

This report utilizes a survivor centric approach to illustrate the impact of OSEA and highlight the challenges faced in keeping people safe in a rapidly changing digital landscape.



REUTERS/Amira Karaoud

# OUR KEY FINDINGS

## International and national laws have not kept pace with changing technology, and there is no single internationally binding instrument that specifically defines and addresses OSEA

As technology continues to evolve at an alarming pace, so do the modalities of sexual exploitation and abuse. Yet, international and national legal instruments have simply not kept pace. Globally and nationally, there is a patchwork of laws that address different aspects of OSEA, but do not adequately define OSEA or consider the technological aspects of OSEA. Current international and national laws that do address OSEA lack clear definitions of what constitutes “harmful content” and generally rely on community policing to identify perpetrators. Inconsistencies both internationally and nationally in the definitions of OSEA and the application of service providers’

and platforms’ terms and conditions for use have made it difficult to identify and prosecute perpetrators. Laws that do address OSEA often pre-date important technological advances, such as camera-ready technology, and do not adequately respond to the global and ever-evolving nature of the internet. Moreover, given that the internet is borderless, legal frameworks require a global scope to effectively address the problem. Global legal standards addressing OSEA must be created to provide standard definitions and laws for adoption both internationally and nationally.

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## The lack of consistent legislation and internationally-adopted laws pertaining to OSEA make obtaining legal recourse extremely challenging

Online criminal activities present challenges because they are rarely confined to one country or territory over which one legal system applies. In complex cases, there may be multiple offenders, multiple victims and multiple platforms, all based in different countries. This makes investigating and prosecuting OSEA crimes particularly challenging. Issues relate to which country has authority over the harm suffered, which country's laws will be applied to hold offenders accountable and which mechanisms will be applied to prosecute them.

While some international and national laws and mechanisms exist around establishing jurisdiction, many of them pre-date technological advances, and would require the various forms of OSEA to be clearly defined crimes at the national level and concerned countries to cooperate with each other to prosecute OSEA related crimes. International law and standards need to be updated to consider technological advances and the nature of international cooperation required for effective investigation and prosecution of these multi-jurisdictional crimes.

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## Inherent tension exists between digital rights and freedoms and the right to protection and safety against OSEA

The mechanisms for balancing freedom of expression, privacy, safety, and protection from online harms provide some opportunities but are also fraught with many challenges. Freedom of expression and the right to privacy are fundamental rights for a well-functioning internet and any restrictions on these rights must be lawful and specifically tailored. Alongside the right to privacy and freedom of expression is the expectation that users are protected from harm. Tensions arise in practice at the

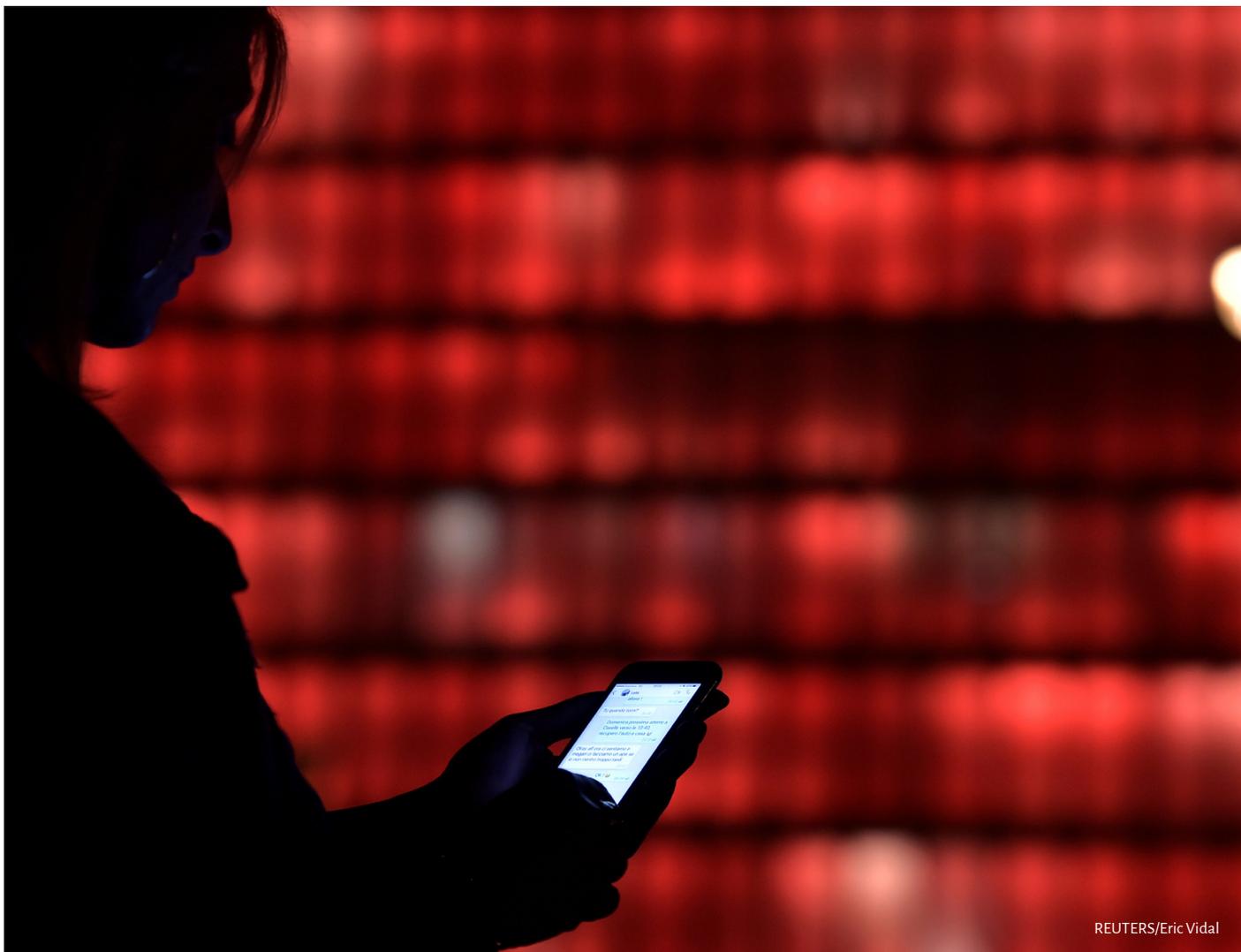
intersection of these fundamental rights and expectations, and questions regarding how these rights should be balanced in law. One opportunity is the international law principle that in the event of a crime and/or human rights violation, privacy and freedom of expression of alleged offenders can be limited if the limitations are legal, legitimate, necessary and proportional. The challenge is that there must first be adequate laws criminalizing OSEA and a globally accepted definition of what constitutes OSEA.

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## Regulations on digital service providers and platforms are inconsistent and often do not do enough to protect users against OSEA

There is increasing public pressure on governments to ensure that user-generated content qualifying as OSEA does not appear on digital platforms and if it does that it is removed. However, measures to prevent and detect OSEA have been mostly left to self-regulation of digital service providers and platforms. Voluntary measures to address OSEA present many challenges, including a lack of precise rules and independent oversight, weak enforcement and lack of sanctions. The inadequacies of laws to address

OSEA, and lack of clear and consistent definitions of what constitutes "harmful content" has resulted in inconsistencies in the application of digital service providers and platforms terms and conditions of use and standards within and across countries. New international legal standards are needed that define the role, responsibility and accountability of digital service providers and platforms to address OSEA on their platforms.



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# KEY RECOMMENDATIONS

- The international community should adopt legally binding standards that:
  - clarify the role, responsibility and accountability of digital service providers and platforms, in preventing, detecting and reporting OSEA on their platforms;
  - clarify the interaction between protection and safety from exploitation and abuse and the rights of freedom of expression and privacy online; and
  - provide a framework to facilitate international cooperation to address OSEA that crosses multiple jurisdictions.
- The international community should review and update international and regional laws and instruments to ensure they are aligned to the reality of the digital age.
- Governments should enact and implement national laws and policies on OSEA that:
  - are aligned with global standards where they exist;
  - fully provide for protection of vulnerable people; and
  - account for the gendered and multi-jurisdictional nature of OSEA.
- Governments should have robust procedures to:
  - prevent OSEA;
  - implement laws to hold perpetrators to account; and
  - ensure victims are supported.
- Governments should ensure law enforcement agencies are fully aware of all forms of OSEA. There must also be enough capacity and expertise to investigate and prosecute alleged crimes effectively.
- Governments should enact and implement national laws that hold digital service providers accountable for OSEA on their platforms
- Digital service providers should apply a human rights approach in policies and practices to protect users from harm.
- Governments should have up-to-date information on national, regional and international trends on OSEA so they can respond to emerging issues.