

**Event on the occasion of the 50th plenary meeting and 15th anniversary of the Group of Experts
on Action against Trafficking in Human Beings (GRETA)**

22 March 2022

**Panel discussion with GRETA members, Committee of the Parties members and civil society
representatives on the future of the monitoring of the Council of Europe Convention on Action
against Trafficking in Human Beings**

Statement by Maud de Boer-Buquicchio, Chair of the Board of ECPAT International

Thank you for inviting ECPAT to your fiftieth anniversary. I still have vivid memories of the negotiations around some critical articles in the Convention and the countless meetings I had when I, as Deputy Secretary General of the Council of Europe, considered it my role to fight for the strengthening of victims' human rights. I am amazed to see what you have accomplished since.

ECPAT international is a global network of 125 civil society organisations in 104 countries, dedicated to fighting child sexual abuse and exploitation in all its forms. Through its membership, ECPAT offers direct support services to victims and partners with government agencies to bring about the necessary legislative and structural changes. The strategies and reforms that we advocate for, also address the need to prevent, prosecute and respond to trafficking for the purpose of sexual exploitation. Moreover, child trafficking, no matter for which purpose, always increases children's vulnerability to sexual exploitation and abuse.

At this point, let me commend the Council of Europe (and in particular GRETA) for being at the forefront of the fight against trafficking and for involving civil society in these efforts. We clearly share an important agenda.

While we all recognise the many benefits brought by IT and its applications in the fields of communication, leisure and business, not everybody grasps the immensity of the challenge that the abuse of IT by criminals represents for the protection of children's fundamental right to safety.

As your studies have shown, on-line spaces, services and applications are being used by traffickers to recruit children for sexual and other forms of exploitation.

Criminals lurk in social media platforms, dating apps and online gaming communities; they also use on-line classified announces services to post false job advertisements. as tools to recruit and groom child victims for trafficking. Often using fake profiles, offenders gain victims' trust and control over them. Blackmailed with compromising images, child victims of sextortion, are left with no other choice than to submit to criminals' request, including meeting them off-line. Promises and gifts complete the seduction scenario.

Whether we are combatting trafficking, sexual exploitation, or sexual abuse, we face the same big challenges when confronted with the abuse of technology:

First, this is a very fast and continuously evolving environment that makes it very hard for policies and laws to match the pace.

This calls for constant monitoring of developments, efficient communication amongst stakeholders and the use of "technologically neutral" language in law reform (in particular in criminal law). Imposing a "safety by design" approach in IT development would also help to minimize the risks. This constant

evolution also calls for an “evolving interpretation” of the provisions in the treaties. For instance, by GRETA considering that there is trafficking when a person recruits online and transfers to an exploiter the “on-line control” over the victim.

The second challenge I wish to highlight is the failure to resolve the tensions between several fundamental rights (such as the right to freedom of expression or to privacy and the right to protection).

I am a human rights lawyer but, above all, a children’s rights advocate. I therefore have many difficulties in accepting children’s safety coming after Internet freedom.

At the beginning of this century the approach adopted was that self-regulation was the only way to manage children’s safety on the Internet. Much reliance was placed on the freedom of information and expression and not enough on the fact that this is not an absolute right and that it can be subject to limitations in the interest of the protection of the rights of others, in particular children.

In the absence of proper internet Governance, Internet has become a real jungle where anything goes. Legal or illegal. Today there is pretty much universal acknowledgement that regulation is necessary. At the same time there is understandable reluctance among legislators to confer unfettered power to isp’s to scan harmful material without any safeguards in respect of privacy concerns. Yet, we need to be reassured that children are not going to be more in danger than they already are.

It is in this spirit that we as EI, in coalition with several other child rights’ CSO’s (ECLAG) are leveraging and sharing collective expertise, networks, and voices to follow very closely discussions in Brussels on new regulations on detection and removal of CSAM and the prolongation of the interim regulation which currently allow platforms to voluntarily detect, which was due to expire in August of this year. The implications of these discussions and eventual long-term regulations creating a mechanism for obligatory reporting with the necessary safeguards are of great significance for the world globally. We have seen that many platforms choose not to create such systems, privileging business interests above child protection, and/or justifying E2EE with privacy concerns to get away with that.

Discussions in both in EP and amongst Governments have created strong tensions between child rights’ advocates and privacy defenders. The challenge is how to keep E2EE within the scope while addressing cybersecurity concerns. The current compromise proposal by the Belgian Presidency, which looks into categorising suggesting risk categorisation of services for more targeted detection orders online platforms by risk and how to ensure that E2EE is kept within the scope of cyber security seem to be going in the right direction. We remain nevertheless vigilant that the discussions around these proposals will not compromise on child safety online.

Today, I call upon you to support our approach to make sure that children and other victims of trafficking are not further victimised through IT.

Another (third) challenge is the absence of efficient strategies bringing together all critical stakeholders (including the private sector).

If we want to properly address IT-related trafficking, abuse and exploitation, we must make sure that the strategies and reforms that GRETA and other monitoring mechanisms promote include this important dimension.

Do you, for instance, question countries on how are they preventing and responding to on-line grooming?

Couldn't you suggest that the necessary connections be established between national strategies against trafficking, children's rights and IT/AI strategies?

Could you explore how to join forces with those advocating for a safer and empowering on-line environment for children?

Clearly, online service providers, such as social media and messaging platforms, tech companies, and politicians have a huge role to play in ensuring legal platform regulation and detection of online abuses. How could you engage with them?

The fourth and last challenge I wish to mention is the impossibility to investigate and prosecute the millions of IT-facilitated offences, the reason why investing in prevention is capital.

The reality is that law enforcement is overwhelmed and under resourced to deal with on-line criminality. Police forces continue to be largely dependent on NCMEC, the world's largest repository and recipient of child sexual abuse material. In 2023 alone, NCMEC's CyberTipline received 36.2 million reports of suspected online child sexual exploitation. Those reports contained more than 105 million images, videos, and other files.

Hence, we keep advocating in the EU (and beyond) for online service providers, tech companies and Governments to share their responsibility in creating a safer world for children online. This requires, to start with safety by design measures, safety and reporting features in online services and mandatory detection measures if flaws are exposed as mentioned before.

This also means empowering children through awareness raising, education and easy access to safe reporting. ECPAT's global study on "Disrupting Harm" on online child sexual exploitation and abuse initiated in 2019 shows that children are eager to learn how to stay safe online. Caregivers, parents, and teachers have a role to play in providing them with the right resources on how to be safe online.

In this area, our next steps will be guided by the results of a series of conversations that we are carrying out with survivors in several countries, including 3 Member States, of the CoE, in line with our guidelines for ethical research.

A number of countries have adopted specific legislation designed to tackle grooming and other conducts by raising the awareness that this type of behaviour is explicitly criminalised. These laws can also have an important deterrent effect.

The challenges are huge, but so are the opportunities. If I could capture my main message in a sentence, this would be: "Please, look at the IT and AI dimension of trafficking and hold governments accountable for the protection of children from abuse there too.

Finally, if you allow me, I would like to conclude with 2 observations:

- A recommendation, based also on my experience as UN SR which had an important monitoring dimension: In carrying out such monitoring task it is important to have a wide spectrum, have an open eye for contexts in which this abominable crime of trafficking occurs and the constantly evolving market in which the criminals operate to multiply their financial profit in total disregard for children's rights. In a proposal for an updated version of the EU directive on trafficking for example other, new, forms of exploitation are being considered covering surrogacy, illegal adoption and forced marriage. All abominable crimes very often involving

trafficking in which woman and children are being exploited at the hand of intermediaries, whose criminal responsibility should be beyond doubt.

- My second point is a concern that relates to Article 35 of the Council of Europe Anti-Trafficking Convention which asks Parties to encourage the establishment of strategic partnerships with civil society, through which state actors can better fulfil their obligations under the Convention by coordinating their efforts with civil society.

We note that children's rights defenders engaged in ECPAT network have been facing severe limitations and repressive measures imposed on CSOs, jeopardising their vital role in promoting children's rights, child protection and access to justice by bringing the voices of victims to the table. Measures include constraining legal provisions, lack of freedom of expression, intimidation and harassment, financial limitations and limitations to address sensitive topics.

No doubt, a weakening of the co-operation with civil society and excluding them from anti-trafficking efforts in some Council of Europe member States would seriously endanger progress so far achieved by this very promising and successful Council of Europe instrument. We are confident that the current UN SR on HR defenders can help us curb these tendencies globally. I also call on Governments, present and not present here today, Parties to the Convention, to fulfil their obligations in this respect.

Thank you for your attention.