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Geneva

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Note Verbale No. 135

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to submit the response to communication AL GBR 3/2021, further to the letter dated 30 March 2021 from the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the right to education; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on violence against women, its causes and consequences; and the Working Group on discrimination against women and girls.

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 17 June 2021

Special Procedures Branch
Office of the United Nations High Commissioner for Human Rights



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17 June 2021

**From the Ambassador for
Human Rights and Deputy
Permanent Representative**

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Special Procedures Branch
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Dear Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on the right to education; Special Rapporteur on contemporary forms of slavery, including its causes and consequences; Special Rapporteur on trafficking in persons, especially women and children; Special Rapporteur on violence against women, its causes and consequences; and Working Group on discrimination against women and girls,

I am responding to your letter dated 30 March 2021 regarding the alleged role of Omegle, a live video chat website based in the United States of America, in facilitating self-generated and live video streamed sexual activities and material online that depicts or otherwise represents children appearing to engage in sexually explicit conduct.

The sexual exploitation and abuse of a child is a truly abhorrent and sickening crime that can cause lifelong trauma for victims. Combatting this terrible crime remains a high priority and I would like to reassure you of the UK Government's steadfast resolve to keep children and young people safe from all forms of abuse. In line with our commitment to protect human rights, we are working with law enforcement, industry and voluntary sector partners- both in the UK and abroad- to safeguard victims, bring offenders to justice and help children and young people stay safe. The Government also intends to introduce legislation on tackling online harms, including child sexual abuse, and published this legislation in draft in May 2021. The legislation will include a duty of care on online platforms, backed up by an independent regulator to hold them to account. This will make companies more responsible for their user's safety online, especially children. The legislation will apply to any company accessible to UK users whose services host user-generated content or allow users to interact with others,

regardless of where in the world it is based. These laws will close the gap between what companies say they do, and what they will actually do.

The UK is also fully committed to implementing the UN Guiding Principles on Business and Human Rights (UNGPs) which are widely supported as the authoritative voluntary international framework to steer practical action by Governments and businesses worldwide. The Guiding Principles promote the duty of the State to protect human rights, the responsibility of businesses to respect human rights, and access to remedy for victims of abuses. The UK was the first state to produce a National Action Plan to respond to the UN Guiding Principles. We are clear we expect all our businesses should comply with all applicable laws; identify and prevent human rights risks; and behave in line with the Guiding Principles. We have also pursued multilateral initiatives that encourage businesses to respect human rights, including the rights of children online.

Legislation regulating corporate behaviour also encourages respect for human rights and corporate due diligence, as part of mainstream corporate practice, to level the playing field and encourage a 'race to the top'. Section 172 of the Companies Act 2006 makes it clear that, in fulfilling their duty to act in a way which they consider would be most likely to promote the success of the company, directors must think about matters which might have a bearing on that success, including the interests of the company's employees and the impact on the community of the company's operations.

The UK is aware that Omegle is one of the most visited online stranger chat platforms and the Secretaries of State for the Home Department and Digital, Culture, Media and Sport have written to the company to express their concern that offenders are using Omegle to abuse children by capturing and then distributing footage of child sexual abuse material. The Government has sought assurances that the company will take reasonable steps, including enforcing the age restrictions set out in their own terms and conditions to protect children on their platform.

The UK Government has particularly highlighted to Omegle the [interim code of practice on online child sexual exploitation and abuse](#) (CSEA) that it has published. The code encourages companies to take swift action in tackling CSEA, ahead of the Government establishing the independent regulator under the Online Safety Bill. The recommendations in the Interim Code are deliberately aligned with the [Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse](#), which the UK launched in March 2020 alongside US, Canada, Australia and New Zealand. The Principles are a set of 11 actions tech firms should take to ensure children are not sexually exploited on their platforms.

Whilst Omegle is based outside of the UK's jurisdiction, we remain committed to engaging with the company to find solutions to protect children on their services. The UK remains fully committed to working with companies to ensure they take action to

prevent and stop all child sexual abuse on their platforms. Combatting these abhorrent and vile crimes remains a top priority for the UK Government.

Yours ever,



Rita French

Ambassador for Human Rights
Deputy Permanent Representative
UK Mission, Geneva