

Mandates of 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

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Excellency,

We have the honour to address you in our capacities as 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, pursuant to Human Rights Council resolutions 43/22, 44/15, 44/3, 42/10, 44/4, 41/17 and 41/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received 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. Allegedly, Omegle has gained popularity after videos tagged with "Omegle" in Tiktok, a company based in China, have reportedly been viewed more than 9.4 billion times.**

According to the information received:

The *Omegle*, Online Cam Communication Foundation Site, also known as *online cam video stranger talk site*, is reportedly an increasingly popular live video chat website that moderates and hosts strangers, including what appears to be prepubescent boys explicitly touching themselves in front of strangers.

The *Omegle*, reportedly founded by Omegle.com LLC, "[...] is a foundation platform of online stranger talk," claiming to be the world's largest free video online cam community, "where the strangers of the world [...] come to find their partner."¹ "[...] if you are one of the lonely guys," the website claims "who want to out their frustration then join this free online virtual world."² The website lists the following services as their virtual chat site features: face-to-face virtual talk facility: no signal/login step; world largest strangers

¹ <https://omegletvs.com/>

² Ibid

community; meet and chat free; best random and anonymous chat web; world best platform where all country strangers are live; make friendship with male, female, and gay, random strangers; talk to the guy who wants a partner like you.³ It further claims that *OmeGLE* is “the real foundation of online webcam video chat where real and true strangers waiting for their virtual partners. ... [a]nd using this talk intermediation they meet virtually in the world of the Internet.” “Thus the Internet has a large virtual world and millions of stranger guys enjoy their life after becoming part of this virtual world through sites like *OmeGLE*,” reads the summary of the Introduction to the website. “[...] You can go to the virtual world of *OmeGLE* chat site and talk to any female or male stranger. The features of stranger gender, country/region, and language filters are updated with an easy navigation bar. So go through filters to meet & chat with a handsome stranger,” the Introduction to the website subsequently reads.⁴

In this regard, we would like to bring to the attention of your Excellency’s Government the allegations we have received concerning sexual activities and material online depicting or otherwise representing children in *OmeGLE*. It is alleged that *OmeGLE* links up random people for virtual video and text chats, and claims to be moderated. The website is reported to have a reputation for unpredictable and shocking content.

In the course of gathering evidence and during the approximately 10 hours of online presence, a cyber investigative team was reported to have paired with dozens of under 18 years old children, some of whom appeared to be as young as seven or eight. During just one two-hour period, they were reportedly connected at random with 12 men masturbating, eight naked males and seven porn adverts. Children were reportedly seen engaging in sex acts moderated by the website thereby producing self-generated material of sexual content. The investigative team was reportedly randomly paired twice with what appeared to be young prepubescent boys masturbating live on the video chat. One of them reportedly identified himself as being 14 years old. These instances were reportedly not recorded but were swiftly seized and reported to relevant authorities. When inputted one generic keyword relating to adult material, the investigative team was paired even more frequently with people engaging in explicit activity. Furthermore, a parent of an eight-year-old girl was reported to have said that her daughter was nearly coerced into sexual activity with an older man on the website after having seen some videos go viral on TikTok about people being on the *OmeGLE*. She had reportedly explored the site and accessed it without any age verification. It is reported that the 8-year old was told she was beautiful, hot and sexy. She had reportedly told those behind the webcam that she was only eight years old but was asked to expose herself which she subsequently refused to do. She reportedly witnessed a man masturbating and another man wanting to play “truth or dare” with her.

It is reported that the website has recently increased moderation efforts by introducing a disclaimer stating that users should not be under 13 and if they are under 18, they should use the website only with a parental or guardian’s

³ *ibid*

⁴ <https://omegletvs.com/>

permission. It further instructs the users not to transmit nudity, sexually harass anyone, publicize other people's private information, etc. The disclaimer goes on to advise that "[p]arental control protections (such as computer hardware, software, of filtering services) are commercially available that may assist [the users] in limiting access to material that is harmful to minors." The disclaimer then suggests that users learn more about these features at <http://kids.getnetwise.org/tools/> "as well as a number of other Internet sites that provide information on this form of protection."⁵ However, there is no age verification process in place and the link to the so-called parental control protection is not accessible. The disclaimer further claims that "Omegle video chat is moderated. However, moderation is not perfect. You may still encounter people who misbehave. They are solely responsible for their own behavior."⁶ This information however does not appear on their original website nor is accessible through their *Privacy Policy* and *Disclaimer* features.

It is further alleged that the owner of the *Omegle* is reported to have said that the site was moderated and that his team did block users who "appear to be under 13" and that he had expanded monitoring efforts in 2020. He is further reported to have said that the website has generated reports that have led to arrests and prosecution of numerous predators without providing further evidence on this claim. The owner of Omegle has reportedly claimed that the website's porn adverts were age-restricted without giving details on the age verification feature. He has reportedly described these explicit pornographic ads as "discreet" and said that showing them was a "classic 'life gives you lemons' situation".

There are increasing concerns among global child protection groups about predators using Omegle to gather self-generated child sexual abuse material. There are also concerns that the speed in which child sexual abuse material is found, underscores the necessity of age verification on social media platforms.

The Internet Watch Foundation (IWF), a registered charity based organization known for detecting, reporting and removing online child sexual abuse imagery and child online sexual abuse hosted anywhere in the world, has reportedly found self-generated abuse material elsewhere on the Internet which has been created by predators who have captured and distributed footage from Omegle. Some of the videos detected, showed individuals self-penetrating on webcam, performing in a household setting often where parents were heard in the background. In 2020, the IWF said analysts actioned 68,000 reports which were tagged as including self-generated child sexual abuse content - a 77% increase on the previous year.

According to new research collected by data analyst Semrush, Omegle grew globally from about 34 million visits a month in January 2020 to 65 million in January 2021.

It is further reported that interest towards Omegle has spiked particularly in the USA, United Kingdom (UK), India and Mexico. In the UK alone, the traffic

⁵ <https://www.omegle.com/>

⁶ Ibid

has reportedly increased by 61%, with 3.7 million visits in December 2020 from predominantly people under the age of 34, many of whom were reportedly teenagers. Omegle has reportedly been the subject of recent viral videos from popular social media influencers. On TikTok alone, videos tagged with “Omegle” have reportedly been viewed more than 9.4 billion times.

In this regard, reportedly, TikTok had now banned sharing links to Omegle; its safety teams had not found any harmful Omegle content on its platform but have committed to continue monitoring the videos.

In relation to the above-mentioned allegations, we are concerned that in the absence of a strong State response which includes preventive actions, regulations and sanctions for all those involved in moderating this online platform, it might lead to the global exposure of children to cyber sexual abuse and exploitation online, in violation of their fundamental rights such as the right to liberty and security, privacy, and the right to be free from physical, psychological and mental abuse. Furthermore, according to article 3 (b) of the Worst Forms of Child Labour Convention, 1999 (No. 182), ratified by China on 8 August 2002, the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances is considered a worst form of child labour. Worst forms of child labour amount to contemporary forms of slavery.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations, including where available the results, of any investigation, judicial or other inquiries which may have been carried out in relation to the above mentioned allegations. If no inquiries have taken place, or if they have been inconclusive, please explain why.
2. Please highlight the steps that your Excellency’s government has taken, or is considering to take, to protect against human rights abuses by business enterprises based in your territory and/or jurisdiction and to ensure that business enterprises domiciled in your territory and /or jurisdiction, including Tiktok, respect human rights throughout their operations. This includes conducting effective human rights due diligence to identify, prevent, mitigate an account for the online content hosting websites and applications, and for how they address their impacts on human rights throughout their operations (including abroad), as set forth by the UN Guiding Principles on Business and Human Rights.

3. Please provide information about measures, including legislative and policy, taken to protect children against harmful content online, including online risks of sexual abuse and exploitation, including specifically in relation to trafficking of children for the purpose of sexual exploitation online. Please provide information about measures in place providing for Information and Communication Technologies (ICTs) and social media platforms to monitor, review and remove inappropriate contents by users, and share digital forensic evidence with law enforcement authorities.
4. Please provide information on measures taken to protect children from sexual offenders seeking to connect with and solicit children for sexual purposes (“grooming”), to view and participate in online child sexual abuse via live video streaming, to distribute child sexual abuse material, including self-generated content produced out of “sexting”, and to commit the sexual extortion of children. In addition, please provide information on measures taken to monitor and prevent offenders to connect and share encrypted information with one another through the use of the darknet for committing or facilitating such offences.
5. Please provide information about measures taken to effectively investigate and prosecute sexual extortion of children online, as well as other acts related to producing, distributing, disseminating, importing, exporting, offering, selling or possessing, for the purposes of sexual exploitation child sexual abuse material, including self-generated sexually explicit content. Given the increased use of ICT to commit sexual offences against children and the new challenges to territoriality, what measures are taken to establish universal jurisdiction to enable the investigation and prosecution of such offences regardless of the nationality or habitual residence of the alleged offender and victim.
6. Please provide information on what measures of specialized assistance and support are put in place for children, in particular young girls who are affected and what child-friendly procedures are in place to facilitate their participation in any investigations undertaken, including in investigations relating to child trafficking for the purpose of sexual exploitation.
7. Please provide information on cases reported, prosecutions, convictions and sanctions, preferably including redress provided to victims, disaggregated by the nature of the offence including with regard to online and offline activity, the category of perpetrator and the relationship between the perpetrator and the victim, and the sex and age of the child victims.
8. Please provide information on measures taken to promote online literacy and safety among children and their families; as well as steps taken to inform, support and engage parents, teachers and other caregivers so that they can support, advise and protect children when

they access and use ICT and help them build the capacity to adopt online safety and coping strategies. Please provide information on public education programmes to increase awareness, knowledge and reporting of cases of the sale, sexual exploitation and sexual abuse of children and the availability of online tools to facilitate victim identification techniques and rescue operations.

9. Please provide information on the availability of screening and technological tools used by law enforcement to tackle online child sexual abuse, identify, locate and rescue victims, as well as bring perpetrators to justice.
10. Please indicate the steps that your Excellency's Government has taken, or is considering to take, to ensure effective access to child-friendly, widely available, easily accessible, child- and gender- sensitive and age-appropriate confidential psychosocial counselling and reporting mechanisms, such as online and telephone helplines to facilitate the disclosure of abuse by child victims of sexual abuse, but also to seek advice or help regarding self-generated sexually explicit content.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please be informed that a letter on this subject matter has also been sent to the Governments of the United States of America, Mexico, India, United Kingdom and the companies related to the abovementioned allegations.

Please accept, Excellency, the assurances of our highest consideration.

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Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your Excellency's attention to the following human rights standards:

Article 5 of the Convention on Elimination of Discrimination Against Women, ratified by China on 4 November 1980, sets forth that States Parties shall take all appropriate measures: (a) to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

Article 10 (h) of the same Convention includes the obligation of State Parties to take all appropriate measures to eliminate discrimination against women in order to ensure women (and girls, by analogy), access to specific educational information to help to ensure the health and well-being of families.

Article 19 of the Convention on the Rights of the Child, ratified by China on 2 March 1992, provides that States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Article 34 of the Convention also foresees that States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For those purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (c) the exploitative use of children in pornographic performances and materials.

In addition, Article 2 (c) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which China has ratified on 3 December 2002, provides that child pornography means any representation, by whatever means, of a child engaged in real or explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes. The same Protocol in its Article 3 stresses that each State Party shall make such offences punishable by appropriate penalties that take into account their grave nature.

In its General Comment n° 13 on the right of the child to freedom from all forms of violence, the Committee on the Rights of the Child recognizes the direct relevance of Article 19 to the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict. However, the Committee hold that Article 19 forms the core provision for discussions and strategies to address and eliminate all forms of violence in the context of the Convention more broadly.

Furthermore, according to the Guidelines regarding the implementation of the OPSC to the Convention on the Rights of the Child (CRC/C/156), child sexual abuse material is covered under article 2 of the Optional Protocol as “child pornography” and is defined as any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes (art. 2 (c)). The qualification “by whatever means” reflects the broad range of material available in a variety of media, both online and offline. Such material is increasingly being circulated online, and States parties should ensure that the relevant provisions of their criminal or penal codes cover all forms of material, including when any of the acts listed in article 3 (1) (c) of the Optional Protocol are committed online. The phrase “simulated explicit sexual activities” includes any material, online or offline, that depicts or otherwise represents a child appearing to engage in sexually explicit conduct. Moreover, “any representation of the sexual parts of a child for primarily sexual purposes” falls under the definition of this offence. Where it may be complicated to establish with certainty whether the representation is intended or used for primarily sexual purposes, the Committee deems it necessary to consider the context in which it is being used. (CRC/C/156, paras. 60-62).

Furthermore, the Committee notes that the term “grooming” is often used to refer to the solicitation of children for sexual purposes. It refers to the process of establishing a relationship with a child either in person or through the use of ICT to facilitate online or offline sexual contact. Although grooming or the solicitation of children for sexual purposes is not covered explicitly in the Optional Protocol, it is a form of child sexual exploitation that may constitute an offence covered by the Optional Protocol. For instance, the grooming of children often involves the production and dissemination of child sexual abuse material (“child pornography”). Sexual extortion, sometimes referred to as “sextortion”, of children is a practice whereby a child is forced into agreeing to give sexual favours, money or other benefits under the threat of sexual material depicting the child being shared on, for example, social media. This practice is often linked to grooming and sexting, and the Committee is concerned by the increase in more extreme, violent, sadistic and degrading demands by offenders, which expose children to severe risks. (CRC/C/156, paras. 68, 69). Given the increase in the use of ICT to commit or facilitate the offences covered by the Optional Protocol, States parties need to pay close attention to the different electronic means, including both hardware and software, used to commit such offences. The Committee emphasizes the need to apply article 7 of the Optional Protocol to these new ways of committing such offences, which may involve online “premises”, such as chat rooms, online forums and other online spaces that are not physical premises in the traditional sense of the term (CRC/C/156, para. 75).

Furthermore, the detection of online sexual exploitation and abuse does not necessarily lead to identifiable offenders and child victims. States parties should adopt clear measures to strengthen the identification of victims, including through mutual legal assistance and international cooperation and INTERPOL, and to guide their rescue and repatriation. States parties should also use similar means, including image analysis systems, to identify offenders. In many cases where ICT has been used to commit or facilitate an offence covered by the Optional Protocol, a permanent record exists in the form of child sexual abuse material. The Committee is deeply concerned about the continued impact that this can have on the child’s recovery and reintegration.

States parties should increase awareness about such situations and take adequate measures to provide long-term social and psychological services as needed. The continued existence and circulation online of material depicting the sexual abuse of a child also risks exacerbating the child's stigmatization and increasing the shame that the child and her or his family may feel, making reintegration back into the home and community more difficult. The Committee recommends that States parties provide fast and effective procedures for blocking and removing harmful material involving children, in order to prevent such material from continuing to be accessed and shared. Such procedures should be established in collaboration with law enforcement and reporting hotlines, as well as the private sector, in particular Internet service providers and social networks. States parties should provide victims with the possibility of claiming compensation through legal action regardless of their economic status, including through the provision of legal aid or the establishment of a State-operated compensation system, and ensure that they cannot be deemed ineligible due to their involvement in the offences in question. If such legal proceedings are based on civil action, they should integrate the same child- and gender-sensitive measures as those described for criminal proceedings, as appropriate. The issue of compensation is particularly complex in cases where the sale, sexual exploitation and sexual abuse of a child are committed or facilitated through the use of ICT. Children suffer serious harm when they are being sexually abused in front of the camera, but also each time those images or other representations of their abuse are accessed online by others. Even in countries where compensation for victims who are depicted in child sexual abuse material is required by statute, it has proven difficult for courts to calculate the amount of compensation each viewer should pay to the child. (CRC/C/156, paras. 101- 105). The Committee reminds States parties that the investigation and prosecution of offenders can also serve as a means of rehabilitation of their victims, who gain justice, and prevention of other similar offences through deterrence. In that context, the Committee encourages States parties to demonstrate political will and be proactive in ensuring accountability for offences covered by the Optional Protocol and fighting against impunity (ibid, para. 107).

In relation to jurisdiction, as a minimum, States parties must establish criminal jurisdiction over all offences mentioned in article 3 (1) of the Optional Protocol, , when the offences are committed in their territory or on board a ship or aircraft registered in that State, regardless of the location of the ship or aircraft. Such jurisdiction allows the State to investigate and prosecute all these offences regardless of whether the alleged perpetrator or the victim is a national of that State. If necessary, the State can issue an international warrant for the arrest of an alleged perpetrator. The Committee urges States parties to ensure that legislation is in place to comply with this obligation. The Committee encourages States parties to expand the investigatory capacity of police to find and rescue child victims and make it possible for law enforcement to be trained in and conduct undercover operations, which are vital in investigating crimes such as the production and distribution of child sexual abuse material. The Committee also encourages States parties to strengthen international cooperation in this regard, and to make use of the specialized skills and resources developed by the International Criminal Police Organization (INTERPOL) to tackle crimes against children. In accordance with article 4 (2) of the Optional Protocol, each State party should also establish its jurisdiction over offences covered by the Optional Protocol that are committed outside its territory (extraterritorial jurisdiction) when the alleged offender is a national of that State or a person whose habitual residence is in its territory, or

when the child victim is a national of that State. Under extraterritorial jurisdiction, a State can initiate the investigation and prosecution of alleged offenders if the above criteria are met. For this action, it is not necessary for the alleged offender to be present in the territory of the State. While the State in which the offence was committed is primarily responsible for the investigation and prosecution of the offender, the State of which the alleged offender is a national or in which she or he has her or his habitual residence has the authority to investigate and prosecute, which may include issuing an international warrant for the alleged offender's arrest. Regarding legislation on extraterritorial jurisdiction, the Committee encourages States parties to include cases in which a child victim is not a national but has her or his habitual residence in the territory of the State. States parties should remove the requirement of double criminality, making it possible to exercise extraterritorial jurisdiction over offences covered by the Optional Protocol committed in another State even if the relevant offence is not criminalized in that State. The principle of double criminality creates a gap in the law which enables impunity and should not be applied. Extraterritorial jurisdiction is particularly important for offences constituting the sale or sexual exploitation of children where the offender is likely to travel to another country, such as in the case of sale for trade in organs or for illegal international adoption, or sexual exploitation in travel and tourism. As the exploitation may not be detected until the offender has departed the country in which the offence took place, it is essential to ensure that States parties have the capability to prosecute the offender. The Committee reminds States parties that they must, as a minimum, establish their jurisdiction over offences covered by the Optional Protocol committed abroad when the alleged offender is present in their territory and would not be extradited because she or he is one of their nationals (art. 4 (3)). The Committee urges States parties to make all legislative adjustments necessary to comply with this obligation. In situations of porous borders, where offenders can easily move and cross back and forth between different countries, regional law enforcement and judicial cooperation is essential to fight impunity (CRC/C/156, paras. 80-86).

In relation to mutual legal assistance and international cooperation, it is important to recall that States parties are required, under article 6 (1) of the Optional Protocol, to afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences covered by the Protocol, including assistance in obtaining evidence at their disposal necessary for the proceedings. In concrete terms, States parties should share information that may be useful in the investigation of offences, and contribute in any way possible to facilitating investigations in their territory. In accordance with article 10 of the Optional Protocol, States parties are required to cooperate more broadly for the prevention, detection, investigation, prosecution and punishment of those responsible for offences covered by the Optional Protocol. Such cooperation should cover, inter alia, effective detection and reporting systems, information sharing, and safeguarding and transmission of evidence of crimes, including electronic evidence, in a timely manner. Cooperation should also cover assistance to victims in their recovery, reintegration and repatriation, as appropriate (ibid. paras. 108-109). The Committee strongly encourages States parties to enter into bilateral and multilateral agreements involving State agencies, law enforcement actors, judicial authorities and other relevant stakeholders. Partnerships should also be established with the private sector and specialized non-governmental organizations to develop the technological tools necessary to enable the identification, investigation and prosecution of offenders

before the courts, as well as the identification of victims. States parties should, through increased cooperation, remove obstacles to effective investigations of and prosecutions for the sale of children, child sexual exploitation and sexual abuse both online and offline by facilitating access by authorized actors to evidence of crimes committed across borders. The private sector should collaborate and comply with the law enforcement measures taken in that respect. The Committee encourages States parties to support national and international alliances to protect children from sale and sexual exploitation and to ensure effective cooperation in the investigation and prosecution of criminal networks and perpetrators. (CRC/C/156, paras. 111-113).

In addition, the Special Rapporteur on Violence against women, its causes and consequences mentioned in her report on online violence against women and girls from a human rights perspective (A/HR/38/47) that in many States, the non-consensual online dissemination of intimate or sexually explicit images of an adult person, even if identifying information is included with the image, is not per se illegal. In States where such acts are not criminalized, prosecutors are limited to charging perpetrators with other crimes, such as stalking, harassment, unlawful surveillance or the dissemination of child pornography. Without criminalization, victims cannot protect their human rights to privacy and dignity. Even where criminal laws specifically criminalize the non-consensual distribution of sexually explicit images, many such laws have shortcomings; for example, many criminal laws require evidence of the intent to cause harm or emotional distress to the victim, which may be difficult to prove, making convictions harder to achieve. Moreover, many laws currently in place do not address threats to release a certain image or video. In the same report, she recommended States Parties to promote digital literacy in the use of the Internet and ICT for all, without sex- or gender-based discrimination, and promote gender equality at all levels of education, including online education, from early childhood onwards.

She further recommended that States should inform children and teenagers about the risks of taking, or allowing others to take, intimate images, and that the dissemination of such images is a form of gender-based violence and a crime. Girls should also learn about safety on social media platforms and the Internet, and how to protect their own privacy online.

We would like finally to remind your Excellency's Government of the report of the Special Rapporteur on the sale of children, child prostitution and child pornography, presented to the Human Rights Council in 2015 on the issue of information and communication technologies (A/HRC728/56), the use of information and communication technologies pose a great risk in creating new threats or forms of abuse, such as the solicitation of children and the live streaming of child abuse.

Furthermore, we would like to draw the attention of your Excellency's Government to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), acceded by your Excellency's Government on 8 February 2010.

According to the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking, States have an international obligation not only to identify traffickers but also to identify victims of trafficking. It is highlighted that a

failure to identify a trafficked person correctly is likely to result in a further denial of that person's rights. We also would like to refer to Principle 13 of these recommended Principles and Guidelines, which provide that "States shall effectively investigate, prosecute and adjudicate trafficking, including its component acts and related conduct, whether committed by governmental or by non-State actors".

In addition, we would also like to bring to your attention the work of the Special rapporteur on trafficking in persons, especially women and children and in particular her recommendations to private sector companies to address trafficking in persons and risk of trafficking in persons in their activities and those of their suppliers and contractors, particularly the recommendations made in her report to the Human Rights Council in 2017, A/HRC/35/37 and her report to the General Assembly in 2019, A/74/189, and her submission on the draft General Comment on children's rights in relation to the digital environment.

In addition, we would like to highlight the report of the Secretary-General in 2018 on trafficking in women and girls, A/73/263, specifically his recommendation that States work with technology companies to prevent and address trafficking, especially in women and girls. "States, together with technology providers and relevant United Nations entities, should further examine the opportunities of technology for enhancing efforts to prevent and respond to the trafficking of women and girls. States should undertake further research into the opportunities and risks presented by technological advances, and the gender dimensions thereof, for the prevention and response to trafficking with a focus on data protection, privacy and ethical standards. Greater efforts should also be made to prevent the use of technology and, in particular, the Internet and social media, for trafficking."

Finally, we would like to highlight the UN Guiding Principles on Business and Human Rights (A/HRC/17/31), which were unanimously endorsed by the Human Rights Council in June 2011, are relevant to the impact of business activities on human rights. These Guiding Principles are grounded in recognition of:

- a. "States' existing obligations to respect, protect and fulfil human rights and fundamental freedoms;
- b. The role of business enterprises as specialized organs or society performing specialized functions, required to comply with all applicable laws and to respect human rights;
- c. The need for rights and obligations to be matched to appropriate and effective remedies when breached."

According to the Guiding Principles, States have a duty to protect against human rights abuses within their territory and/or jurisdiction by third parties, including business enterprises.

The obligation to protect, respect, and fulfill human rights, recognized under treaty and customary law entails a duty on the part of the State not only to refrain from violating human rights, but to exercise due diligence to prevent and protect individuals from abuse committed by non-State actors (see for example Human Rights Committee, General Comment no. 31 para. 8).

It is a recognized principle that States must protect against human rights abuse by business enterprises within their territory. As part of their duty to protect against

business-related human rights abuse, States are required to take appropriate steps to “prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication” (Guiding Principle 1). This requires States to “state clearly that all companies domiciled within their territory and/or jurisdiction are expected to respect human rights in all their activities” (Guiding Principle 2). In addition, States should “enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights...” (Guiding Principle 3). The Guiding Principles also require States to ensure that victims have access to effective remedy in instances where adverse human rights impacts linked to business activities occur.

Moreover, Principle 26 stipulates that “States should take appropriate steps to ensure the effectiveness of domestic judicial mechanisms when addressing business-related human rights abuses, including considering ways to reduce legal, practical and other relevant barriers that could lead to a denial of access to remedy.”

States may be considered to have breached their international human law obligations where they fail to take appropriate steps to prevent, investigate and redress human rights violations committed by private actors. While States generally have discretion in deciding upon these steps, they should consider the full range of permissible preventative and remedial measures.