



## Protecting Children Online

June 2020

*"That these videos and photos were taken makes me feel worthless (in addition to the acts themselves). A thing you can do with what you want. Of course, these thoughts influence my daily life. Relationship with a partner. Self-confidence at university/at work. Family planning. Almost all areas in my life are influenced by it, but it improved after trauma therapy."*

Survivor of child sexual abuse where images and videos of the abuse were shared online

*"Child sexual abuse is a life-changing adversity, and an injury which research now reveals can manifest a harmful impact upon a child's physical health, immunity, ability to learn, to grow, and mental well-being.... Survivors tell us that the memorialisation of child sexual abuse through the production of abusive images and videos and even worse, its distribution, constitutes a most egregious insult to an already severe injury."*<sup>2</sup>

Dr Sharon Cooper, Development and Forensic Paediatrician and Adjunct Professor of Paediatrics, the University of North Carolina at Chapel Hill School of Medicine

In 1991 the National Assembly of the Uniting Church resolved:

*(a) That sexual violence be deplored as a sin against God and humanity....*

*(d) That it be acknowledged that in the past, the church has often made inappropriate responses or no response to victims/survivors of sexual violence. This has been experienced by many as a further violation;*

*(e) That the church be committed to hearing the voices of those who are victims of sexual violence;*

*(f) That the actions of people who work for the end of such violence and who support its victims/survivors be supported;*

*(g) That the urgent need for the church community to become part of a "network of prevention" in the area of sexual violence be recognised;*

As technology has developed, it has improved our ability to share information and be more connected. This has created many positive outcomes in our lives but has its negative side. Technology has provided new tools to those that seek to do harm to others, including those who engage in child sexual abuse. In 2019, the Australian Centre to Counter Child Exploitation received about 17,000 reports of online child sexual abuse activity and online child abuse material involving an Australian victim, offender or location. These reports include a growing number of cases where Australians connect with human traffickers in the Philippines via social media to arrange for the live streaming of a child being sexually abused. In these cases, a web camera located in the Philippines is used to stream live video of a child being subjected to sexual abuse. The Australian gives real-time instructions on what abuse should be carried out. Hundreds of Australians have been detected involved in this abuse, with any single Australian perpetrator paying for hundreds of sessions of abuse for several years.

Currently, there are two matters before the Australian Parliament that would assist police in preventing online child sexual abuse and rescuing children from on-going abuse, rape, torture and exploitation. One is the laws covering metadata retention. The other is legislation to allow Australian police to get information from technology corporations where the technology corporation decides the data is located on a server located overseas.

Metadata includes names and addresses, telephone number, e-mail address, the IP address allocated to an internet account, the destination of a communication, the location of the communication and the date, time and duration of a communication. Metadata excludes the content of messages, calls and e-mails, subject lines of e-mails, website addresses, posts on social media sites and web-browsing history.

Access to metadata allows police to:

- Locate and rescue children from on-going rape, torture and sexual abuse;
- Eliminate suspects in serious crimes like murder;

<sup>1</sup> Canadian Centre for Child Protection, 'Survivors' Survey. Full Report 2017', 2017, 163.

<sup>2</sup> Canadian Centre for Child Protection, 'How we are failing children: Changing the paradigm', 2019, 3.



- Build up knowledge of criminal networks and organisations and how they are operating and recruiting; and
- Provide courts with evidence of the extent of an offender's activities, which is an essential factor in considering the severity of the offending when it comes to sentencing.

Currently, Australian law requires technology corporations to store metadata for only two years. Keeping metadata and assisting police with investigations into serious human rights violations comes at a cost to the corporations. Therefore, many of the technology corporations are wanting to reduce or eliminate the requirement to keep metadata to boost their profits.

On the second matter, the current online world allows technology corporations to arbitrarily decide where the server holding relevant evidence of serious human rights abuses and criminal activity is hosted, regardless of where the perpetrator or the victim is located. To obtain information located on a server overseas, police are required to file a Mutual Legal Assistance request. A Mutual Legal Assistance request takes, on average, 10 to 12 months to receive even basic communication data. The delay in obtaining the information results in people who have committed severe human rights abuses or serious criminal activity escaping justice as police and prosecutors are forced to abandon investigations and prosecutions.

The Commonwealth Government is seeking to put in place a law, the *Telecommunications Legislation Amendment (International Production Orders) Bill 2020*, that will allow Australian police to obtain a warrant that can be issued directly to technology corporations to gain access to data stored on servers located overseas. The ability to issue the warrant will only be possible where the Australian Government has a treaty with the government of the country where the servers are located.

It is not clear with the Labor Party at the Federal level will support these reforms. We need to make it clear that the community cares about preventing child sexual abuse in the online world and rescuing children from on-going abuse.

### What You Can Do

Write polite and respectful letters to:

**The Hon Anthony Albanese MP**

Leader of the Opposition  
PO Box 6022  
House of Representatives  
Parliament House  
Canberra ACT 2600

**The Hon Mark Dreyfus, QC MP**

Shadow Attorney-General  
PO Box 6022  
House of Representatives  
Parliament House  
Canberra ACT 2600

Salutation: Dear Mr Albanese

Salutation: Dear Mr Dreyfus

Points to make in your letter:

- Express deep concern at serious harms that are facilitated in the online world, especially child sexual abuse.
- Seek assurance that Labor will not seek to weaken the current requirement for technology corporations to retain metadata to address serious online harms, including child sexual abuse.
- Ask that Labor support increasing the period for which metadata needs to be retained to three years.
- Seek assurances that Labor will support reforms to the existing Mutual Legal Assistance Treaty regime so that information vital to police rescuing children from sexual abuse and preventing other serious human rights violations can be obtained without any unnecessary delays. Their support should include support for the general direction of the *Telecommunications Legislation Amendment (International Production Orders) Bill 2020*.
- Note that currently, delays in the Mutual Legal Assistance request processes means a large number of cases of severe criminal harm in the online world are not able to be effectively investigated or prosecuted.
- Ask that Labor support police being able to rapidly obtain subscriber data (identifying who they are) of people suspected of being involved in serious crimes. Obtaining subscriber data should not be subject to the same level of judicial safeguards as police seeking to gain access to the content of a person's communications.