



Protecting Human Rights Online

April 2021

Warning: The following action contains references to child sexual abuse, but not any explicit detail.

"He made me hold signs with messages on them for other paedophiles so that he could get what he wanted from them by making custom videos."

"I call upon the governments around the world to hold industry accountable for the activity that they allow to occur on their networks. There should be penalties for networks found to be non-compliant, with public notices of these compliance reports.... I believe if we can work together to fight this issue, we can make a difference and save and protect children globally."

Survivors of online child sexual abuse

The February 2021 Synod meeting resolved:

The Synod acknowledges:

The gospel calls us to relate to each other with love, treating each other with dignity and respect, and to condemn exploitation and abuse of vulnerable people. God's people are called to pursue justice, including by empowering those who are exploited and abused....

In our age, there is a need to prevent and address human rights abuses online, including acting against the promotion and facilitation of child sexual abuse.

It is the role of Parliament, through the laws it passes, to provide the framework for how law enforcement agencies and the courts can access information and people's communication online.

This is not a role for technology corporations.

The resolution continued to call on the Commonwealth Government to continue to pursue laws to put the above into effect.

As technology has developed, it has improved our ability to share information and be more connected. The online world has created many positive outcomes in our lives but has its negative side. Technology has provided new tools to those seeking to harm 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 abuse sessions for several years.

There are currently two matters before the Australian Parliament that would help make the online world a safer place and prevent human rights abuses.

The *Surveillance Legislation Amendment (Identify and Disrupt) Bill 2020* would give the Australian Federal Police and the Australian Criminal Intelligence Commission powers to:

- Intervene online to prevent a serious crime from taking place, such as blocking online child sexual abuse, removing child sexual abuse material or preventing a transfer of the profits of crime to deny criminals the profits from their crime;
- Conduct online surveillance to identify the members of criminal networks; and
- Take over a criminal's online account to interact with other criminals to determine who they are and what crimes they are involved with.

To use the powers, the police will need to obtain a warrant and demonstrate there is no less intrusive way to prevent the crime or gather intelligence on those involved in the crimes.

Human rights abusers and those engaged in serious criminal activity often operate in networks in the online world. The anonymity that technology corporations allow online has permitted thousands of people to be



part of networks of people that sexually abuse children. The Virtual Global Taskforce 2019 assessment of online child sexual exploitation reported an increase in the number of organised forums and groups of offenders online in the preceding three years. Those engaged in child sexual abuse online teach each other how to become anonymous online. They are more commonly educating each other on using private chats, Internet voice and video chat software, forums and anonymisation software. Thus, police need the powers to conduct surveillance of such networks, identify who are involved to stop their activities and rescue children from further abuse.

Examples of when police would need to take over a person's account have occurred where the police have arrested someone in a child sexual abuse network. The police can then access the person's account. However, the law forbids them from then taking control of the account to identify the other abusers in the network, unless the person who has been arrested gives their permission.

The second Bill before Parliament at the moment is the *Online Safety Bill*. The Bill will give the eSafety Commissioner the power to demand the removal of child sexual abuse material being hosted online, demand removal of images of someone who is naked that have been posted without their permission, and deal with complaints about online bullying.

The new powers are needed as the corporations controlling the online world often do not assist in addressing human rights abuses. For example, the Canadian Centre for Child Protection has reported that some corporations that host content will use any signs of physical maturity in images of victims of child sexual abuse as a reason not to remove a child sexual abuse image. The refusal to remove the image will be despite the request to remove the image coming from an expert on determining that the image is child sexual abuse.

It is not clear if the Labor Party at the Federal level will support these reforms. We need to make it clear that the community cares about preventing human rights abuses, especially child sexual abuse, in the online world.

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 proposed capabilities of the Australian Federal Police and the Australian Criminal Intelligence Commission contained within the *Surveillance Legislation Amendment (Identify and Disrupt) Bill 2020*.
- Acknowledge the important role that Labor plays in seeking to ensure there are transparency and accountability for the way police use powers in the online world, but requirements for transparency and accountability must not undermine the ability of police to prevent human rights abuses and rescue victims from further abuse.
- Seek assurances that Labor will support the Bill's powers being available to tackle crimes such as tax evasion, money laundering, serious fraud, foreign bribery and corruption. Note these crimes have severe impacts on human rights.
- Also, seek assurances that Labor will support the additional powers of the eSafety Commissioner in the *Online Safety Bill* to demand hosting corporations remove child sexual abuse material and intimate images of adults posted online without the person's consent.