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Dear Australian Colleagues,

Thank you for inviting commentary on Australia's proposed online safety regulations. In 2019, the New York Times published a news article titled, *The Internet is Overrun with Images of Child Sexual Abuse. What Went Wrong?* The article stated, "Tech companies, the government and the authorities are no match." The world has to change that David v. Goliath dynamic when it comes to protecting children online and I applaud Australia for endeavoring to do so. Your country is demonstrating extraordinary leadership, courage and vision and you can count on my strong support for the eSafety's Commission's proposed online safety standards to address child sexual abuse content.

I am both a full professor of pediatrics with tenure and a professor of law with an endowed chair in pediatric, law, policy, and ethics. I first became involved in this issue in 2012 when I represented the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children in a U.S. Supreme Court case regarding trafficking in child sexual abuse material (formerly referred to as "child pornography"). That case exposed me to the explosion of child sex abuse material worldwide and led me to conduct research on the phenomenon, especially its impacts on victims, survivors, and frontline workers. What we discovered is deeply concerning and compels a strong international response to protect not only children, but law enforcement personnel, prosecutors, social workers, behavioral health and medical providers, and others who serve this population. Many frontline professionals are reporting moral distress and secondary trauma because of their inability to effectively support children and families affected by online sex abuse crimes due to their insidious nature. On 21st century platforms, as well as the dark web, these crimes can continue to be committed across a child's entire lifespan and include millions of criminal offenders across hundreds of jurisdictions.

My body of research, scholarship, and scholarship in this area led to me being called to serve as an expert witness to the U.K.'s Independent Inquiry into Child Sex Abuse and recruited in 2020 to serve as the Director of Pediatric Law, Policy & Ethics at the Kempe Center for the Prevention and Treatment of Child Abuse and Neglect, based at the University of Colorado School of

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Medicine. The Center was founded by the late Dr. Henry Kempe, author of *The Battered Child Syndrome*. It was the first academic program in the world focused specifically on child abuse and neglect and 51 years later, we are working hard to understand, and ensure the world understands, the changing nature of child abuse and neglect in the 21st century.

To this end, the Kempe Center convened an historic, international conference bringing together physicians, pediatricians, psychologists, researchers, nurses, social workers, child welfare workers, and many other experts, child-protection leaders and advocates worldwide. A key focus of that historic conference was “21st Century Child Abuse & Neglect” and we were deeply honored and grateful to host Australia’s brilliant e-Safety Commissioner, Julie Inman Grant, as the closing speaker.

Commissioner Inman Grant, as well as the other experts who spoke that day, made clear that the ways in which children are being accessed, abused and exploited are changing. Technology has fundamentally altered the nature and complexity of the problems we are trying to address and remedy. Today, millions of children are being abused and harmed, facilitated by technology, and we have not yet come to grips with this new phenomenon.

The range and scope of the harms to children in this digital age are massive. Technology makes our lives easier, more enjoyable, and more connected, but it also puts a child’s safety at greater risk than ever before. As we struggle to prevent child abuse, we must recognize how child abuse has changed in the 21st century, with the proliferation and dominance of technology in the modern world. It is essential that we adjust our strategies and responses accordingly.

In 2022 there were 5.3 billion people, 2/3 of the world’s population, on the Internet. UNICEF estimates that “1 in 3 internet users is a child.” Thus, nearly 1.8 billion children are online today. Social media had 4.7 billion users in 2022, 59% of all the people on Earth. And during the pandemic, online sexual solicitation and grooming of children more than doubled.

We used to tell parents to put their family’s computer in a public area in the home so they can monitor their child’s internet use. That is still good advice, but not nearly as effective as just a decade ago. Today, 92% of the world’s internet users use a mobile phone to go online at least some of the time.

Of particular concern is violence against children. A growing share of such violence is committed and/or facilitated online. It is a complex problem, which includes (1) the production and trafficking of child sexual abuse images; (2) the online sexual solicitation and grooming of children; (3) the live-streaming of children being sexually abused; (4) the trafficking of sexual images of children without their consent; (5) “sextortion”—extorting money or sexual favors from a child by threatening to disclose images; (6) exposing children to violent or harmful sexual content; (7) child trafficking or smuggling; (8) cyberbullying and harassment; (9) promotion of

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suicide or self-harm; (10) discrimination, racism and xenophobia; (11) hate crimes; and there are others.

It is a complex and growing problem. For example, today, live-streaming child sexual abuse is a global business reaching customers worldwide. A Filipino religious leader said poor families face an “excruciating choice”: do they allow their children to be sexually abused for money, broadcast live worldwide, but keep them in the home, or do they sell them into slavery where they will never see them again?

The FBI tells us sextortion is an epidemic. Research found that most victims are teenagers, but at least 1 in 4 is 13 years old or younger. Globally, less than 1 in 5 cases is ever reported to law enforcement. These are hidden victims. A 2022 UN report found that 50 million people were living in modern slavery in 2021; 1 in 4 were children. Human traffickers have migrated from the streets to the internet. Why? It is easier, less risky, and much more profitable. A study in 28 countries found that 1 in 6 parents reported their child had experienced cyberbullying. 65% took place on social media sites. The World Health Organization reported that suicide is now the fourth leading cause of death for 15 – 19-year-olds. In 2021, Facebook alone removed 16.8 million pieces of suicide and self-harm content, including instructional videos and online challenges or hoaxes. And in 2021, Facebook alone removed 96 million pieces of hate-speech. How did we get here, to this place in time in which technology has become such a double-edged sword? That question was a central focus of the Kempe Center’s October 2023 Conference sessions focused on 21st century forms of child abuse. And of course, our conference participants also asked, “How can we respond?”

Commissioner Inman Grant and Australia are the global pioneers for responding with meaningful, balanced, common-sense regulation. Australia has called for global adoption of “Safety by Design” (i.e., building safety into the basic product design of technology products). Commissioner Inman Grant argued that there is an obligation for tech companies to address the misuse of their technologies to harm children. She called it our “Seat Belt Moment.” A generation ago, governments began to mandate commonsense safety protections into product design, innovations like seat belts, child safety seats, bicycle helmets, food safety standards and others. Many industries opposed such requirements, but the end result has been millions of lives saved and no harm being done to the core product. In fact, these regulations strengthened the products.

In our fight against online child sexual abuse and exploitation, we have seen great progress through voluntary innovations, like Microsoft’s PhotoDNA to use hashing technology to identify and remove child sexual abuse material (CSAM) on tech platforms. There have been many other impressive and voluntary innovations. But we ask, is voluntary good enough? Relying on

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voluntary compliance ensures that some will choose not to participate and that non-participating platforms will become safe havens for child sexual abuse and exploitation.

Thus, we a “Seat Belt Moment”— a true global movement to begin to adopt standards and impose reasonable regulations on tech companies. Since 2021, first steps have been taken. Leading the way is Australia. But others are beginning to act as well. The UK Parliament just enacted comprehensive online harms legislation, as has Ireland. There is progress in Nigeria, the European Union, the Philippines, Singapore, several U.S. states (most notably California), Fiji, France, Germany, New Zealand, and others. The Digital India Act is pending, as is the EU’s proposed mandatory regulation on CSAM, numerous proposed federal laws in the United States, like the Kids Online Safety Act, legislation in Canada, and elsewhere. Our hope is that not only will individual countries take action and enact new laws, but that these legislative responses will be consistent with one another and common international standards will be pursued.

Australia is the unquestioned global leader. That is why I am enthusiastic about the proposed mandatory standards just released for comment by the eSafety Commissioner. The standards are tough but reasonable, requiring operators of cloud or messaging services to detect and remove known child abuse material and pro-terror material where technically feasible, as well as disrupting and deterring new material.

I also view it as important and globally significant that the new standards do not compromise end-to-end-encryption (E2EE), which many argue is essential for protecting user privacy. However, the standards also make it clear that E2EE does not absolve companies of responsibility. It is also significant that neither do the new standards constitute an effort to create a “back-door” for authorities to other content.

In sum, the proposed standards are reasonable, balanced and provide an important first step toward addressing the complex and growing challenge of 21st Century Child Abuse. As an expert in this field, you have my enthusiastic support.

All the best,

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