**Statement on the General Comment on Children’s Rights in Relation to the Digital Environment**

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Today 1 in 3 internet users worldwide is a child.[[1]](#footnote-1) An estimated 800 million children use social media and children are the fastest growing demographic.[[2]](#footnote-2) It is estimated that by 2022 there will be 6 billion individuals using the internet.[[3]](#footnote-3) If 1 in every 3 internet users continues to be a child in 2022, approximately 2 billion internet users will be children.

The internet provides children with a wealth of opportunities, but it can also expose them to risks of harm which may have a profoundly detrimental impact on their lives.

The UNCRC was adopted in 1989. The internet as it existed then was unrecognizably different from the internet we know today. The boom in usage that was to be stimulated by the emergence of web browsers was several years off. Social media did not exist. Inexpensive, easy-to-use handheld devices which children could carry in their school bag or keep in their bedroom, were nowhere in sight. Connection speeds were slow and connection costs were high. It is doubtful if, in 1989, even the most prescient futurologists could have anticipated the internet and its associated technologies were destined to become so central to and so entwined with children’s lives in every country in the world.

Against such a background it is hardly surprising the language of the United Nations Convention on the Rights of the Child (UNCRC) now seems dated. However, the principles and values embedded in the Convention have lost none of their vitality or relevance. They are eternal. They endure. That is precisely why this process for developing a General Comment is of such supreme importance.

It is crucial that the actions of Governments, policy makers, children themselves, parents and the internet industry have an authoritative point of reference which speaks to them in contemporary language. The final version of the General Comment can be just that.

For that reason, among many other things, the General Comment should find a way to standardize the terminology used in discussions about policies and issues connected with children’s rights online with a particular emphasis on children’s health and welfare in the digital environment.

Perhaps the Committee on the Rights of the Child could publish an Appendix or some other document which sets out agreed definitions of important terms commonly used in debates about children’s rights online?

In an endeavor of that nature the UNCRC Committee may wish to refer to the Luxembourg Guidelines, compiled under the leadership of ECPAT International but engaging a great many key organizations and experts from all parts of the world. [[4]](#footnote-4)

Without agreed terms of reference conversations across nations, language and cultures become extremely difficult. This is particularly relevant when trying to formulate legislative and regulatory proposals which different countries can adopt and follow.

Furthermore, as outlined in the Recommendation by the Committee of Ministers of the Council of Europe, all States should ensure they keep policies under constant review and “evaluate their effectiveness … at regular intervals, with the participation of relevant stakeholders”.[[5]](#footnote-5)

This latter statement raises an important issue which should be taken up and given prominence within the final version of the General Comment. It is touched upon specifically in paragraph 35 of the draft but also arises in connection with paragraphs 31 and 32.

The effective evaluation of policies, particularly in the still relatively new area of internet policy, continues to be far too dependent on internet businesses themselves and the research which they choose to fund or support.

Setting aside the hopefully temporary crisis precipitated by the pandemic, children’s organizations have been and remain woefully underfunded and under supported to carry out independent research. This has had a major negative impact on their ability to provide well-informed, research-based contributions to the analysis and further development of policy. The playing field is a long way from being level. States should therefore increase their level of support to children’s organizations working to make the online environment better, safer and more rights-respecting for children.

We support the Committee’s comments on this topic in paragraph 24 of the General Comment. Furthermore, we agree and highlight the importance of paragraph 82 of the General Comment. Perhaps more emphasis should, however, be placed on the specific means and ways in which States are to fulfil their duties in the protection of children under the meaning of this paragraph. Whilst it is important to ensure that the platforms the children use are safe, and relevant legislation is in place to protect the children’s rights, the protection efforts should also reach the children themselves. This could better be enforced through educating children directly, rather just attempting to ensure a platform is “safe”. Even the safest platform will fail from time to time so children must have a deeper understanding of how to keep themselves safe when they go online.

Furthermore, paragraph 82 of the General Comment deals with the protection of children from all physical and psychological harm in the digital environment. We refer back to our earlier comments on the correct terminology in the protection of the rights of the child. Terminology, such as “child pornography” and “child prostitution” continue to harm children and their rights. The terms in use should rather represent the violations of the rights of the child and the harm done to a child. The problem lies deep, however, as such terminology is in use in the UNCRC itself in Article 34.[[6]](#footnote-6)

We support the message of paragraph 27 of the General Comment, but wish to stress the importance of clarity in the matter. In order to better ensure that the States Parties’ national legislation allows for the relevant organizations to exist, this paragraph is of immense importance. National legislation of each State must be amended in such a way as to not prohibit or make more difficult the existence or effective operation of organizations working to protect children and their rights. National legislation must be amended to include a clause allowing for organizations and bodies to access or sort through material which violates the rights of the child (i.e., e.g. material portraying a child for sexually motivated purposes). As the matter stands at the moment, the important work of such organizations is in danger of being, or has been criminalized.

With reference to paragraphs 63- 68 and paragraphs 107 -120 “Fake news” and the intentional distribution of misinformation should be considered in the context of children’s rights.

Social media tends to create “filter bubbles” or “echo chambers” where it is very easy to avoid the full richness the internet can offer by remaining within closed circles of like-minded people. This is important in its own right insofar as it might limit children’s exposure to different points of view or different cultural perspectives, but it is also not healthy in a liberal democracy which values and respects difference. It can become positively dangerous for the individual child and society as a whole if the filter bubble or echo chamber in which a child might be encased is itself based on extremist propaganda or is part of a political project which deliberately distorts the truth to further its ends.

Children do not have the funds to sign up for sound sources of news and while digital literacy can play an important part in inoculating children against ahistorical, extremist or bigoted points of view, much greater pressure needs to be put on the social media platforms to address this highly corrosive and dangerous dimension.

With reference to paragraphs 69-79 it is important not to overlook an emerging trend towards the deployment of end to end encryption. A huge gain for online businesses of moving in that direction is that it substantially reduces the cost and complexity of moderation. You cannot moderate what you cannot see. Crimes against children do not reduce or disappear because end to end encryption is being used. It just disappears from view and therefore may even increase.

With reference to paragraphs 96-100, all of the research that has been carried out shows that children with disabilities can be particularly susceptible to being victimized in the online environment, either by sexual predators or bullies, or both. For that reason much greater emphasis needs to be given to taking care of their specific needs and interests.

1. Jasmina Byrne, John Carr and Sonia Livingstone, ‘One in Three: Internet Governance and Children’s Rights’ (2016) Office of Research Innocenti Discussion Paper 1/2016, 7 <https://www.unicef-irc.org/publications/795-one-in-three-internet-governance-and-childrens-rights.html> accessed 10 November 2020. [↑](#footnote-ref-1)
2. End Violence Against Children, ‘Safe Online’ (End Violence) < https://www.end-violence.org/safe-online > accessed 10 November 2020. [↑](#footnote-ref-2)
3. Steven Morgan, ‘Humans on the Internet Will Triple From 2015 to 2022 and Hit 6 Billion’ (Cybercrime Magazine, 2019) <https://cybersecurityventures.com/how-many-internet-users-will-the-world-have-in-2022-and-in-2030/> accessed 5 November 2020. [↑](#footnote-ref-3)
4. Interagency Working Group, *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse* (ECPAT International, 2016) available online <http://luxembourgguidelines.org/>. [↑](#footnote-ref-4)
5. CM/Rec (2018)7 of the Committee of Ministers, Council of Europe ‘Guidelines to Respect, Protect and Fulfil the Rights of the Child in the Digital Environment’ available online < https://rm.coe.int/guidelines-to-respect-protect-and-fulfil-the-rights-of-the-child-in-th/16808d881a> 9. [↑](#footnote-ref-5)
6. Hanna-Leena Laitinen and Nina Vaaranen-Valkonen, *Seksuaalinen Häirintä, Houkuttelu ja Seksuaaliväkivalta Digitaalisessa Mediassa* in *Väkivallaton Lapsuus, Toimenpidesuunnitelma Lapsiin Kohdistuvan Väkivallan Ehkäisystä 2020-2025* (Sosiaali- ja terveysministeriö, 2019) available online <https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161899/STM\_2019\_27\_J.pdf > 351, ECPAT, ‘Explanatory Report to the Guidelines Regarding the Implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography’ (ECPAT International, 2019) available online < https://www.ohchr.org/Documents/HRBodies/CRC/OPSC-Guidelines-Explanatory-Report-ECPAT-International-2019.pdf > 24. [↑](#footnote-ref-6)