**To: The Committee on the Rights of the Child**

**RE: The forthcoming General Comment on children’s rights in relation to the
 digital environment**

The following comment respectfully submitted by Anne Collier (brief bio following), largely concerns these two questions in the Concept Note:

* Is the realisation of children’s rights in the digital environment necessary to realise children’s rights in other environments?
* How can States better realise their obligations to children's rights in relation to the digital environment? [This comment suggests States are not the only actors needing to realise their obligations but are joined by corporations and all adults in civil society who work with and care for children. It also offers some social context and reasons for a reframing that’s called for in the research on youth digital rights, in hopes of reinforcing the more balanced approach to youth rights for which researchers have called.]

If we fear what we don’t understand — and in this time of high-velocity change and low understanding—it seems there’s considerable fear in the air concerning technology’s impacts on our children. Many parents, educators and policymakers feel our understanding of digital tech and media can’t keep up. Even as those who do understand, researchers, advise us to maintain perspective (<https://blogs.lse.ac.uk/parenting4digitalfuture/2017/06/21/how-dropping-screen-time-rules-can-fuel-extraordinary-learning/>), we seem locked in a state of perpetual uncertainty. Sometimes there are spikes of fear, but more typically it’s continuous low-grade, gut-level concern.

So it can be helpful to remember that scholars call what we’ve been experiencing a “moral panic” (<https://www.thoughtco.com/moral-panic-3026420>). Not all moral panics are about tech or media, but all new tech and media developments seem to bring moral panic with them — from Socrates’s concern about writing things down (<http://neamathisi.com/literacies/chapter-1-literacies-on-a-human-scale/socrates-on-the-forgetfulness-that-comes-with-writing>) to Americans’ concerns about telephones (<https://www.zdnet.com/pictures/photos-top-10-technology-induced-moral-panics/5/>) and comic books (<https://www.cnbc.com/2018/06/10/comic-books-fredric-wertham-william-gaines-censorship-comics-code-authority-comics.html>) to seemingly everybody’s concern about today’s tech and media. What’s singularly different about today is that new tech and media just keep on coming, with no breaks. We don’t even have time to think about how little we worry anymore about writing and comic books. We have too much to read and watch about smartphones (<https://www.netfamilynews.org/generation-destroying-smartphone-researchers-push-back>), “screen time” (<https://blogs.lse.ac.uk/parenting4digitalfuture/2017/06/08/the-trouble-with-screen-time-rules/>) and “tech addiction” (<https://www.wired.com/story/year-in-review-tech-addiction-debate-all-wrong/>).

So we — everybody who cares about children, including governments all over the world — have long been concerned about protecting kids from technology, treating it largely as a public threat. It’s understandable and completely true to form, historically — and there simply is no question we must protect our children — but we and our children are missing a vital piece of this equation, and it has a lot to do with their rights.

This is a pivotal year for children’s rights. Both the World Wide Web (<https://webfoundation.org/2019/03/web-birthday-30/>) and the UN Convention on the Rights of the Child (<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>) are years old this year. Also, the Committee on the Rights of the Child has announced it will issue a new General Comment on children’s digital rights—important because it’s the first about digital, the Committee’s reach is global, and “general comments constitute an authoritative interpretation as to what is expected of States parties as they implement the obligations contained in the CRC,” as Child Rights International Network explains (<https://archive.crin.org/en/library/publications/crc-general-comments.html>). [For readers not already aware of this, the “States parties” to the CRC are all the countries that have ratified it—every country in the world but the United States (<https://www.aclu.org/blog/human-rights/treaty-ratification/theres-only-one-country-hasnt-ratified-convention-childrens>).]

**The missing piece**

What we — and especially our children — have been missing is significant: their participatory rights in digital environments (expression, conscience, assembly and participation). “In practical terms children do not enjoy such rights, and over and again efforts to protect them unthinkingly curtail their participation rights in ways that they themselves are unable to contest,” wrote Profs. Sonia Livingstone and Amanda Third in the journal New Media & Society in 2017 (<http://eprints.lse.ac.uk/68759/7/Livingstone_Children%20and%20young%20peoples%20rights_2017_author%20LSERO.pdf>).

Why have we been doing this? Two metaphors come to mind as I think about the rolling techno-moral panic we’ve been experiencing worldwide: a deer in a car’s headlights (when we’re afraid, we freeze and fixate on the object of our fear, stuck in our amygdalae) and triage in a hospital Emergency Room (dealing with the most urgent first, with “first” potentially becoming “forever” if we never get past the urgency). What has happened in societies all over the world is that honoring children’s rights of participation gets swamped by fears fueled by continuous rapid change.

But “children,” referred to in the CRC as everybody under 18, represent fully one-third of the world’s Internet users (<https://www.unicef-irc.org/publications/pdf/idp_2016_01.pdf>), so that last part about children being “unable to contest” means decisions — such as the GDPR, Europe’s massive (88-page) new data privacy law, which affects youth greatly (<https://www.netfamilynews.org/what-does-gdpr-mean-for-our-kids>) was drafted without consulting either youth or youth advocates — are made ostensibly for children’s own good without any input or perspective from them. This is actually a violation of Art. 12 of the CRC (<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>), as Dr. Livingstone points out (<https://blogs.lse.ac.uk/mediapolicyproject/2019/03/18/rethinking-the-rights-of-children-for-the-internet-age/>).

**Fear not helpful**

However, in a media environment that’s almost impossible to control — or in which it’s nearly impossible to control young media users to the degree many of us would like — triaging for pure protection can actually *limit* their protection. Because their protection online can’t possibly come entirely from their parents. Our protection won’t suffice — not in a time when the devices we give them allow them to access and carry around virtually the whole world in their pockets. Especially not in a time when it’s so easy for kids to go underground, away from fearful adults trying to monitor and/or control what youth see as their social lives (and do we really want to teach them that control and surveillance are how we keep people safe?). Besides what we hear from child development specialists about kids’ need to do their developmentally appropriate risk assessment and identity production with a reasonable degree of privacy (because it’s hard for anybody besides an amoeba to develop under a microscope), we know intuitively that fear freezes communication. Kids need love, mentoring and support, not fear.

As University of Southern California media professor Henry Jenkins has said (<http://henryjenkins.org/blog/2007/12/reconsidering_digital_immigran.html>) and written many times, young people don’t need us looking over their shoulders; they need us to watch their backs as they navigate life in a digital world. They’re less likely to turn to us if we’re all about restriction rather than communication. There was remarkable uniformity in what EU Kids Online researchers in more than 2 dozen countries (<https://lsedesignunit.com/EUKidsOnline/html5/index.html>) said about the need for parent-child communication channels to be wide open not only to maintain trust but also to allow for the mentoring and media skill-building children need to navigate their media environment safely and effectively — to maximize the opportunities it presents. Teaching them the social-emotional skills of social literacy, the Internet search and security skills of digital literacy and the critical thinking skills of media literacy, to name a few examples, not only honors their provision rights, it prepares this 1/3 of the Internet population for their future.

**Reasons for reframing**

If those aren’t enough reasons for a balanced approach, here are three possibly even more important ones:

1. **The credibility factor** — credibility with our children. By supporting their participation rights, at the very least we’re allowing them to do what we actually teach them to do in bullying and cyberbullying prevention programs: Don’t just wait for adults to fix things; be upstanders, stand up for each other when someone’s being harmed. We want them to have agency, to be able to effect change for the better and exercise their participation rights so they actually can exercise their rights of protection by keeping themselves, each other and their communities safe in digital spaces. We want them to be able to exercise these rights too, as well as come to us when they need to.

2. **Not just bystanders**: They already are potential upstanders, or first responders, just by the nature of social media. Way back in the days of MySpace, the US’s Suicide Prevention Lifeline experts reported in 2006 that the Lifeline was getting more referrals nationwide from social media users about troubling self-harm posts of their peers than from the hotline’s toll-free phone number. Because of the very social, peer-to-peer nature of our media environment now, our children are each other’s first responders. A more accurate term is suicide prevention experts’ term: they’re each other’s “gatekeepers.” More than ever, they need us to support their agency and teach them effective gatekeeping — what signs of self-harm to be aware of, where to report them so experts can provide care, and what to say to be helpful when expert help is on the way — possibly the most important way they would exercise their participation rights.

3. **Internet safety actually becomes inspiring to them** if placed in the framework of their rights — it starts to feel authentically in their best interests in this context. “Digital citizenship” was and still is potentially a step in the right direction, because it implies rights, but in many cases it too has been used as an instrument of control, aimed at “good digital behavior,” or what is called in U.S. schools “classroom management.” Author and University of Oslo researcher Tijana Milosevic wrote in her book *Protecting Children Online?* (<https://mitpress.mit.edu/books/protecting-children-online>) that “child rights advocates agree the most important contribution of the UNCRC has been to change the public perception of children from ‘passive objects of charity’ [or potential victimization] to ‘independent holders of rights’.” What child — or for that matter what human being — could draw dignity or respect from being seen or represented only as a passive bystander, potential victim or a bad actor?

**Where should the focus be?**

This discussion has to go beyond what we want for our children, though. Of course we want them to be safe and to grow up to be independent, self-actualized human beings who can care about and take care of themselves and others. But what do *they* want? Their human rights, in digital as well as physical spaces, provide the perfect framework for discovering and delivering that, as *well* as the protection we want for them.

One of their basic human rights is to be heard, the CRC says — to express their own views “in all matters affecting [them]” — including this General Comment, as the Committee on the Rights of the Child intends to make happen. With this process of consulting children for the General Comment, the Committee is modeling for States, societies and individuals how children’s rights are upheld. I propose that, in this process, the Committee ask the children it consults for their views on what their rights of protection, provision and participation look like in digital terms or environments and how the adults in their lives and governments can uphold them in digital as well as physical spaces in a balanced way.

*Anne Collier is founder and executive director of The Net Safety Collaborative, home of the U.S.’s*[*social media helpline for schools*](https://socialmediahelpline.com/) *(https://socialmediahelpline.com). She has been writing about youth and digital media at NetFamilyNews.org (https://netfamilynews.org) since 1997 and has to date served on the online safety advisories of eight Internet companies (a more complete bio can be found here:* <https://www.netfamilynews.org/about/anne-colliers-bio>).