**Comments on the Concept Note of the General Comment on children’s rights in relation to the digital environment**

**Republic of Korea**

Submitted by: International Child Rights Center (InCRC)

Contact Details: incrc@incrc.org, +82 2 741 3132



Definition of Digital Environment

We welcome the Committee decided in 2018 to develop a General Comment on children’s rights in relation to the digital environmental. But Concept Note only provides the outcome and impact of children’s rights in relation to the digital environment as possible structure.

The digital environment is a broad concept and the range of the concept will be expanded continually in the future, so that we think a clear definition of digital environment is needed prior to the text. This can be ground that Committee encourages state parties’ obligation to ensure children’s rights to use digital media and to protect children from the hazardous materials.

Protection from violence, sexual exploitation and other harm

The rapid development and spread of ICTs have exposed more children to the risk of sale and sexual exploitation. It has opened up new ways for sexual offenders to view and participate in online child sexual abuse via live video streaming, to distribute child sexual abuse material, including self-generated content produced out of “sexting”, and to undertake sexual extortion of children. “Grooming” offenders are those who use online facilities to talk to children with the ultimate goal of meeting them for the purpose of committing a sex offence. In this situation, the age of children who are sexually exploited in prostitution or involved in other violence is gradually decreasing.

**In the Republic of Korea**, according to a research on prostitution and human rights on 103 children and adolescent under the age of 19 (National Human Rights Commission of Korea, 2016), for the first venue of sex trade for children, 59.2% of the respondents used smart phone chatting apps, followed by internet communities and chatting at 27.2%. Also, 66% respondents were “below age of 16” at the time of their first prostitution experience. In addition, 51.5% of the respondents answered that they had been investigated under law enforcement agencies. Among 63.6% of the latter group were children aged 13-14 (But the survey respondents were recruited from the organizations supporting victims from prostitution, thus the number of young children who were involved in prostitution may be larger).[[1]](#footnote-2) Though crimes against exploitation of children through applications are on the rise, no legislative and administrative measures to the operators have been taken.

Considering that information and communication technologies (ICTs) give positive influence for children, the States have to find a balance between empowerment and protection of children, as well how to regulate and monitor the public and private industry within the Internet, including websites, cloud servers, search engines, social media outlets, mobile apps, audio and video, and other web-based resources. It is the way to realize the children’s right to survival and development based on the best interest of the child.

Protection of privacy, identify and data processing

The right to privacy and control of personal information has been settled as one of basic human rights, and our society has become more sensitive and careful to deal with personal data. Accordingly, the press and media also try to deal carefully with adults’ personal data, unfortunately however, they don’t seem to with those of children. Children’s privacy and personal data should be more thoroughly respected due to their vulnerability. The press and media should meet high ethical standards and act as social agents and duty bearers to protect and promote child rights.

Furthermore, in numerous cases, a considerable number of laws related to digital environment violate the rights to privacy and information self-determination of children.

**In the Republic of Korea**, according to the Telecommunications Business Act,[[2]](#footnote-3) mobile carriers must provide means to block contents harmful to minors (under 19 years old by the Civil Act) and obscene information on all minors’ smartphones. But these applications not only block harmful contents but also have monitoring and control features such as monitoring of the usage, of the contents of communication, and location tracking.

Realization of children's rights is possible in an environment where freedom is guaranteed. The State Parties should develop standards that ensure that smartphone applications developed to protect children are not abused beyond their intended use, and Promote the implementation of standards through monitoring.

1. National Human Rights Commission of Korea (2016), Research on Environment of Sex trafficking of Children and Adolescents and their Human Rights (Source: <https://www.humanrights.go.kr/site/program/board/basicboard/view?menuid=001003001004001&searchselect=boardtitle&searchword=%EC%84%B1%EB%A7%A4%EB%A7%A4&pagesize=10&boardtypeid=16&boardid=616234>) [↑](#footnote-ref-2)
2. Article 32-7 (Blocking of Media Products Harmful to Juveniles)

(1) Any telecommunication business operator using allocated frequencies under the Radio Waves Act must provide the means to block the media products harmful to juveniles under Article 2 Subparagraph 3 of the Juvenile Protection Act and the obscene information under Article 44-7(1)1 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, Etc. when entering into a contract on telecommunications service with a juvenile under the Juvenile Protection Act.

(2) The Korea Communications Commission may inspect the practice of providing blocking means under (1).

(3) Necessary matters such as methods and procedures in providing the blocking means under (1) shall be prescribed by Presidential Decree. [↑](#footnote-ref-3)