**Save the Children’s submission regarding the Concept Note for General Comment on children’s rights in relation to the digital environment**

**About Save the Children**

Save the Children is the largest independent organization in the world that promotes children's rights in accordance with the United Convention on the Rights of the Child. It comprises Save the Children International and 28 member organisations working to deliver change for children in around 120 countries. Save the Children’s vision is a world in which every child attains the right to survival, protection, development and participation and its mission is to inspire breakthroughs in the way the world treats children and to achieve immediate and lasting change in their lives.

Save the Children, through its various members, is involved in initiatives related to the promotion of online child safety and children empowerment. Save the Children is working with the International Telecommunication Union on its Child Online Protection initiative, which aims at creating an international collaborative network and promote online safety of children around the world. The organisation has also been involved, together with the United Nations Global Compact and UNICEF, in the elaboration of the Children’s Rights and Business Principles, aimed to guide companies on actions they can take in the workplace, marketplace and community to respect and support children’s rights – in line with the corporate responsibilities explained in the UN Guiding Principles on Business and Human Rights (UNGP). Moreover, it is part of the Dynamic Coalition on Child Online Safety, a collaboration that aims to establish a dialogue and address fundamental and practical issues impacting on child safety in the online environment. Save the Children Finland, Save the Children Romania, Save the Children Italy and Save the Children Denmark implement programmes related to child protection online and are all part of the European Insafe network and international Inhope network, both leaders in promoting a better and safer internet for children.

**Context**

The last decades have brought about a huge development in informational and communication technologies, and the establishment and proliferation of Internet has made possible the creation of complex global communication and collaboration networks. These technologies have fundamentally changed the way people learn, communicate, work and live. This evolution has created economic and social opportunities and benefits, but has also created new challenges and risks. Although the Internet was not created with children in mind, a big part of its users are children. An estimated one in three of all Internet users in the world today is below the age of 18[[1]](#footnote-1). Also, children are often the first to pick up on the latest digital technologies and trends, often much earlier than adults.

Children, who constitute more than 30% of the world’s population, are important actors in society and must have their rights realized and their voices heard in matters which affect them. This applies to the digitalised society - each child, as an individual rights-holder, should be able to exercise his or her human rights and fundamental freedoms online as well as offline.

**How can States better realise their obligations to children's rights in relation to the digital environment?**

States should have a balanced approach to children’s rights, considering both the right to participation and the right to protection, while taking into consideration the evolving capacities of the child. Additionally, in all aspects mentioned below the fundamental principle of the child’s right to be heard in matters, which affect them should apply. In order to fulfil and protect children’s rights in the digital environment there are several measures which States should take:

1. Access to the digital environment: For the full realisation of children’s rights, children should have access to the digital environment. Therefore, States should provide children with secure access in educational and other care settings, while providing for online safety policies to be implemented in such settings, with specific measures in place for children in vulnerable situations and children with any type of difficulty (incl. physical, neurological and cognitive).
2. Participation: The online environment provides children with numerous opportunities to express themselves. Competent users and often innovators of on-line information and communication technologies, children must be fully empowered to exercise their right to participation and expression when policies are decided in this matter. This entails, for parents and other care givers, public authorities and the on-line industry, responsibilities in ensuring children's digital literacy and appropriate mechanisms of participation and inclusion.
3. Education: Education has the purpose of developing children’s abilities to their fullest potential. Thus, States should implement strategies to develop children’s competencies (knowledge, skills and attitudes), include teaching digital literacy, including safety skills, critical thinking and human rights education in school curricula and to offer knowledge and resources for children of all ages, while taking into account their evolving capacities and particular needs. Moreover, States should also encourage and support training of teachers and other educational specialists working with children.
4. Protection: States should include in national strategic documents that address children’s rights, well-being and protection provisions for prevention and intervention in risk situations that children might encounter online (e.g. cyberbullying, child sexual abuse images, grooming, excessive use, data protection and online privacy, misleading advertising and marketing). Special attention should be given to combating child sexual abuse and exploitation – tackling sexual violence requires broad cooperation among states, law enforcement, civil society and ICT-industry. States should also ensure there is an effective mechanism to allow any person to report anonymouslysuspected illegal or harmful material found online, especially child sexual abuse images.
5. Awareness: States should develop awareness raising campaigns on the opportunities and risks of ICTs and support civil society and industry who develop such campaigns addressed to parents, teachers, care-givers and specialists who work with children, especially in the field of education, health and social protection.
6. Building capacity of law enforcement: States should build the capacity of law enforcement and increase resources of law enforcement bodies that deal with online child sexual abuse and exploitation. Moreover, states should support the improvement of cooperation between law enforcement and industry for victim identification, investigation and take-down of child sexual abuse materials. Also, States should build the knowledge of professionals and law enforcement on how to deal with cases stemming from online violence. International cooperation between States should be strengthened, considering the transnational nature of online crimes.
7. Industry: States should encourage the adoption of self-regulatory measures by industry in order to fulfil and protect children’s rights in the digital environment and monitor the implementation. If industry fails to deliver, States should consider regulatory measures.

**How can children’s views and experiences be expressed and taken into account when formulating policies and practices which affect their access to, and use of, digital technologies?**

Article 12 of UNCRC imposes an obligation on states to introduce legal frameworks and mechanisms necessary to facilitate active involvement of the child in all actions affecting the child and in decision-making. In order for children to be engaged and to be able to express their views there is a need for them to firstly have access to information about laws, policies, strategies, human rights and the digital environment in a manner in which they understand. Resources and materials should be adapted to their level of understanding and development. Moreover, there is a need for professionals working with children or civil society actors to be involved in such consultations in order to ensure that children have the support and protection of adults. States should create mechanisms for children, including children in vulnerable situations or children most deprived of their rights, to engage and make recommendations on laws or policies that affect them. Child participation principles and access to relevant information about rights should be a must in educational systems. States should promote child participation in public processes and build the capacity of state representatives in order for them to be able to engage with and listen to children. States should also provide adequate support and funding for research in child rights in digital media.

Good practice examples of child participation from Save the Children Romania include: the [Child’s Rights National Forum](https://www.salvaticopiii.ro/ce-facem/drepturile-copilului/participarea-copiilor), organized annually since the year 2000, an event that gathers children from across Romania to analyse and debate relevant issues (e.g. violence, lack of access to education or healthcare, child exploitation) and make recommendations that are then presented by the children to government representatives, and the Digital Literacy European Summer School, where children from across Europe gather to learn, discuss and advocate for children’s rights online. Some of the children's proposals have been transformed into normative acts over time, and are integrated into strategic documents and legislation. Another good practice of promoting child participation is run by Save the Children in Kosovo through the national child rights monitoring group ‘Respect our Rights ([ROR](http://www.ror-rks.net/en/))’ created in 2014. ROR is composed of 24 children, ages 14-17, from different municipalities, ethnic backgrounds, and children with disabilities. ROR seeks to improve systems to deliver children’s rights by developing a meaningful child participation mechanism, which is regulated at the local and national level to monitor children rights. Establishing such a mechanism requires work with different stakeholders. To this end, SCiK signed an MOU of collaboration between ROR and the Ombudsman, and has held yearly advocacy meetings with the prime minister, and parliament, as well as contributed to the development of ‘National Child Rights Strategy 2019-2023’. Further, SCiK continuously develop peer-to-peer research to reflect the child rights situation in Kosovo, such as ’the Curriculum and its implementation’; or measuring the level of child participation in decision-making processes in ‘[Our Reality’](http://www.ror-rks.net/repository/docs/2016_03_17_115810_Raporti-i-Monitorimit-Realiteti-Yn_alb-bosn-eng_20141.pdf).

**How can discrimination (originating offline or online) be effectively addressed, to ensure all children have their rights realised in a digital world?**

Whilst digitalisation increases opportunities for the realisation of children’s rights, it can also pose challenges to their well-being, their right to be protected and could further expand inequality and social exclusion. Challenges that children face may be often transferred, extended or amplified in the online environment. In order to mitigate these risks, a number of aspects should be taken into consideration (in addition to the evolving capacities of the child, and the active mediation of parents or care givers):

1. Access to the digital environment – Children should have affordable, where possible free, and secure access to the digital environment. In this regard, infrastructure and adapted resources and information should be freely available to children, especially children in vulnerable situations. States should have the duty to actively remove any structural obstacles to children's access to public services.
2. Digital literacy education – Children should be given the digital literacy and competencies needed to thrive in the digital environment. States should consider the development of children’s digital literacy, safety skills, social and civic competencies and critical thinking priorities in education, in order for children to both be able to confidently and critically use ICT, but also be able to report or react to forms of online discrimination, abuse, harassment, misinformation or extremist viewpoints. Emphasis should be placed on early childhood digital literacy.

Protection and Well-being – Child protection and online safety policies should be implemented in educational and other care settings and capacity building should be made for law enforcement and professionals in the field of education, health and social protection working with children, in order for adults to be able to offer support to children at risk, particularly children in vulnerable situations. States should consider putting in place a National Action Plan of Actions for implementation and protection of children from all kinds of discrimination and violence in digital media.

**How should the General Comment treat the role of parents and other caregivers?**

Parents and other caregivers should receive appropriate guidance and training in order to ensure their digital literacy and improve their digital skills. Parents and caregivers with stronger digital skills have better capacities to provide guidance and orientation to children and adolescents to face the risks that exist in digital environments.

States should promote policies and programs directed to parents and caregivers, including teachers, to promote their digital literacy, development of digital skills and training on how to face risks and violence in the use of digital technology. States should also support and encourage school and protection system collaboration in order to give community support to parents.

Parents and well-informed caregivers who share their experiences of using the Internet with children, promote safer navigation by children. In addition, active parent mediation minimizes risks without limiting the capacities or opportunities of children and adolescents in the use of ICT. However, it should be noted that children do not usually see their parents or caregivers as the first resource to turn to in case of concerns about their safety in cyberspace and children’s experiences online are often different from their parents. This is particularly relevant in developing countries where the digital gap between generations is larger. Therefore, the promotion of public policies to improve the digital skills of parents should also encourage intergenerational dialogue and active mediation, so that bonds of trust can be created.

**How should the practices of businesses operating in the digital environment support the realisation of children's rights?**

When speaking about the business sector, it is important to mention that States have an important normative and policy function. States should develop action plans to promote positive behaviour in ICT and other relevant industries, in line with CRC General Comment no. 16. There are several ways that the business sector could contribute to the realization of children´s rights in the digital environment:

a) Promotion of child participation: Children and adolescents should be consulted about new products or services related to digital technologies that are created by ICT companies. Consultations could include: the participation of children in the planning and design stages of a particular product or service in order to ensure child-friendly digital environments and user interfaces. Likewise, child participation in market studies, carried out in appropriate, safe and friendly environments. States should encourage companies to implement these consultation processes. States should also create the legal framework to ensure consultation processes carried out by companies to take into account the views and perceptions of children and adolescents, when launching a new product or service. Companies must also analyse how their products or services could be used to improve and finance projects and activities designed and initiated by children.

b) Creation of safer online environments: The ICT companies should support law enforcement actors and civil society in order to identify, remove and report inadequate contents that would affect the health and security of children (e.g. child sexual abuse materials, incidents of grooming, etc.). Industry should create child-friendly mechanism to report violent or discriminatory incidents online and should actively mitigate commercial and privacy risks faced by children online.

c) Collaboration with law enforcement authorities: Companies should actively collaborate with law enforcement entities in order to investigate crimes against children in cyberspace. The creation of child friendly content and abuse reporting mechanisms that are connected with law enforcement authorities is a good practice that should be promoted.

d) Develop programs to promote digital skills of children and adults: Given their expertise, ICT companies are in a very good position to facilitate and implement training programs directed to children and adults in order to improve their digital skills. ICT companies could provide relevant information about how to deal with risks, how to protect personal data and how their own tools (where available) could be used to protect children against any kind of violence in the cyberspace.

e) Participate in the efforts of Governments and civil society: Companies should be actively involved in the public discussions around how to improve the protection of children in online environments and also how to maximize their opportunities in the use of technology.

f) Provide information and raise awareness about online security: The ICT companies should in collaboration with States and civil society, use their own virtual platforms in order to raise-awareness and provide information about online safety. In this sense, the information about online safety should have a child friendly language and must be easy to access.

f) Innovation: Considering their knowledge and expertise, companies could play a key role in the creation of new tools, software or mobile applications that could contribute to enhancing participation and prevention of any kind of violence against children in digital environments.

g) Implementation of the Children´s Rights and Business Principles: ICT companies should receive appropriate information about the advantages of implementing the Children´s Rights and Business Principles and the positive implications of this instrument for their business model.

**Is the realisation of children’s rights in the digital environment necessary to realise children’s rights in other environments?**

Children’s rights should apply equally offline and online. People, public authorities and industry rely on the Internet to supply services, thus the Internet has significant value as a public service. With the digitalisation of both public and private services, lack of access to the digital environment or lack of digital knowledge and competencies might limit or hamper the realization of children’s rights. Lack of competencies also pose a threat to participation and democratic values (e.g. fake news, hate speech) and might hinder access to economic opportunities.

**General Observations**

The Council of Europe’s “Guidelines to respect, protect and fulfil the rights of the child in the digital environment” provide a good starting point for drafting of the General Comment.

However, in order to remain relevant over a longer period of time, the interpretation of child rights in the digital world should look beyond what’s often referred to as “the digital environment”, typically referring to digital channels (the web, social media, digital broadcasting etc.) or devices (computers, smartphones, game consoles etc). The impact of digital technology on children’s lives is much wider. The General Comment should therefore consider, for example, embedded systems (smart homes, wearable biofeedback devices/implants etc), the Internet of Things, artificial intelligence and big data, in addition to the new societal structures driven by the digital revolution, which present both new challenges and opportunities for the participation, safety and well-being of children. The General Comment should be forward looking, and move away from the increasingly obsolete conceptual division to digital and non-digital environments. Instead of the “digital environment” the General Comment should use concepts like “digital society” or “digital age”. The General Comment should also recognize the global and omnipresent nature of the Internet and the challenges this brings to fulfilling children’s rights.

The guiding principle for the General Comment should be the need to balance the right to participation against that to protection, measured against the evolving capacities of the child. Moreover, the right to the health (and wellbeing) should be given special treatment, keeping in mind that digital technology may have both beneficial and adverse effects on a child’s health and mental well-being.

**Relevant research**

Relevant research that should be taken into consideration in the drafting of the General Comment includes, but should not be limited to:

* [EU Kids Online](http://www.lse.ac.uk/media-and-communications/research/research-projects/eu-kids-online/reports-and-findings)
* [Joint Research Centre’s Young Children (0-8) and Digital Technology - A qualitative study across Europe](https://ec.europa.eu/jrc/en/publication/eur-scientific-and-technical-research-reports/young-children-0-8-and-digital-technology-qualitative-study-across-europe)
* [Save the Children Finland’s Research: Sexual harassment and the related bullying in digital media as experienced by children and adolescents](https://drive.google.com/open?id=1dQ0vY-A7tc7lxxlphfkvg07iiLIZTJiB)
* [Save the Children Romania’s: Study regarding Internet use by children in Romania](https://drive.google.com/open?id=17hrmN9WV9r7-6Tms8mxc9iKp_u8mtlNG)

**Examples of laws, policies or programmes**

The following documents should be taken into consideration in drafting the General Comment:

* [Council of Europe’s Guidelines to respect, protect and fulfil the rights of the child in the digital environment](https://rm.coe.int/guidelines-to-respect-protect-and-fulfil-the-rights-of-the-child-in-th/16808d881a)
* [Council of Europe’s Guide to Human Rights For Internet Users](https://rm.coe.int/16804d5b31)
* [European Union’s European Strategy for a Better Internet for Children](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52012DC0196&from=EN)
* [Directive 2011/92/EU of The European Parliament and of The Council on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0093)
* [DigComp 2.1: The Digital Competence Framework for Citizens](http://publications.jrc.ec.europa.eu/repository/bitstream/JRC106281/web-digcomp2.1pdf_(online).pdf)
* [DRAFT Guidelines on 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](https://www.ohchr.org/EN/HRBodies/CRC/Pages/DraftGuidelinesOPs.aspx)
* [#netsmart: A handbook for grown-ups on how to protect children from sexual abuse on the internet](https://resourcecentre.savethechildren.net/library/netsmart-handbook-grown-ups-how-protect-children-sexual-abuse-internet)
* [White Paper regarding Online Environments (UK)](https://www.gov.uk/government/consultations/online-harms-white-paper/online-harms-white-paper-executive-summary--2)

**Evidence of good practice**

[Insafe](https://www.betterinternetforkids.eu/) is a European network which has the mission to empower children to use the Internet, the mobile phone, as well as other online technologies, positively, safely and effectively. The network calls for shared responsibility for the protection of the rights and needs of citizens, in particular children and youngsters, by government, educators, parents, media, industry and all other relevant actors. Through its partner international network [Inhope](http://www.inhope.org/gns/home.aspx) particular emphasis is given towards the elimination of child abuse materials online. Through close cooperation between partners and other actors, Insafe and Inhope aim to raise Internet safety-awareness standards and support the development of digital literacy.

1. Livingstone, S., Carr, J. and Byrne, J. (2016). One in Three: Internet Governance and Children’s Rights. Innocenti Discussion Paper No.2016-01, UNICEF Office of Research, Florence. [↑](#footnote-ref-1)