

Subject: Study on the solutions to promote digital education for young people and to ensure their protection from online threats - Human Rights Council Resolution 51/17

1) What are the main challenges that young people in your country face in accessing digital education? Please consider the specific situation of marginalized young people and those in vulnerable situations in your response.

During the COVID-19 pandemic, many young people experienced problems connected with school closures and distance learning. Many families did not have enough devices with network access for children to take full advantage of digital education. A big number of students participated in distance learning using smartphones. Since then, many measures have been taken by public authorities to address this issue.

In 2023, 93.3% of households in Poland had internet access at home. Households with children are significantly more likely to have access to the internet at home than households without children. From 2020 onwards, the percentage of households with children having a broadband internet connection is over 99% (households without children 89.6%). The gap in global broadband access by place of residence is narrowing. The highest proportion of regular users was found among 16-24 year olds (98.9%), pupils and students (99.8%), people with higher education (98.4%), and residents of large cities (91.7%)¹.

Experts point to the negative consequences of inappropriate internet use, mainly social, cognitive, behavioural and psychological developmental disorders. There is also the risk of increased educational inequalities (and, in the long term, social inequalities) linked to the impact of differences in access to the internet and the level of digital literacy of parents/carers on children's educational outcomes.

Children's needs should be addressed mainly in the following areas: learning to code, learning digital hygiene, strengthening parents' digital literacy, psychological work². Special attention should be paid to the situation of children with disabilities.

¹ Information society in Poland in 2023, Statistics Poland Statistical Office in Szczecin; Warszawa, Szczecin 2023, <https://stat.gov.pl/obszary-tematyczne/nauka-i-technika-spoleczenstwo-informacyjne/spoleczenstwo-informacyjne/spoleczenstwo-informacyjne-w-polsce-w-2023-roku,2,13.html>

² A. Bartol, J. Herbst, A. Pierścińska Fundacja Stocznia; Wykluczenie społeczno-cyfrowe w Polsce Stan zjawiska, trendy, rekomendacje; 2021; https://fundacja.orange.pl/app/uploads/2021/11/RAPORT_WYKLUCZENIE-SPOLECZNO-CYFROWE-W-POLSCE_2021.pdf

2) What steps is the Government taking to ensure that digital education is accessible and promoted among young people? Please provide examples of specific laws and regulations, measures, policies, and programmes directed at ensuring young people's universal access to digital education.

Every year, the Minister of National Education sets directions for the implementation of the state's education policy. For the 2023/2024 school year, one such direction was "Supporting the development of digital skills among students and teachers, with special emphasis on safe navigation on the Internet and critical analysis of information available on the Internet". Attention has also been paid to the methodological use of tools and materials available online, in particular those based on artificial intelligence, and to the development of students' and teachers' skills through the use of equipment purchased under the "Labs of the Future" programme.

The core curricula for general education set out in the Regulations emphasise the development of students' key competences, including digital competences. The efficient and responsible use of information and communication technologies in the learning process has been identified as one of the most important competences. These objectives are pursued, inter alia, in IT education in primary and secondary schools. The issue of safe and responsible use of social networks and media is also addressed in other subjects: Polish, Modern Foreign Language, Social Studies, Ethics, Family Life.

The Ministry of Digitisation, in cooperation with the Ministry of National Education, under the Act of 27 October 2017, created a public telecommunications network programme giving schools access to fast, free and secure internet. The operator of this network is the Scientific and Academic Computer Network - National Research Institute (NASK). NASK undertakes activities related to ensuring Internet security, reacts to incidents of violating network security and coordinates activities in this area. It conducts research and development activities in the field of developing solutions that increase the efficiency, reliability and security of ICT networks and other complex network systems.

In 2019 the Minister of Education and Science launched the Integrated Education Platform³. Among other things, it provides free e-materials for general and vocational education and constitutes a tool recommended by the Minister for the implementation of the distance learning process. The Platform's legitimacy is based on Article 44a of the Education Act.

³ <https://zpe.gov.pl/>

On the basis of the law of 7 July 2023 on support for the development of the digital competences of pupils and teachers, the "Laptop for Students" programme was set up. Its aim was to support children and young people in the development of digital literacy. The programme, implemented by the Ministry of Digitisation, envisaged that every fourth-grade primary school pupil would have a laptop. The devices, intended for children from both public and non-public schools, are to be used for learning, developing digital literacy, talents and interests⁴.

3) What steps is the Government taking to ensure that young people can realize their human rights online in a safe, empowering, and inclusive way?

Disseminating knowledge about cyber-safety among children and young people and developing appropriate attitudes towards risks, including those related to the use of ICT, is an important task of the education system. Detailed measures can be included in the educational and preventive programme of each school, which provides for preventive measures aimed not only at pupils but also at parents. In schools, lessons are organised on phenomena that are important for the safety and harmonious development of pupils, e.g. methods of resisting peer pressure and the dangers of the sexual sphere in cyberspace.

The Ministry of Education has developed the guide "Safe School. Threats and recommended preventive measures for the physical and digital safety of pupils"⁵. The document was created in cooperation with non-governmental organisations, other ministries and institutions responsible for security, including the Ministry of Digitalisation, the Ministry of Internal Affairs and Administration, the Scientific and Academic Computer Network - National Research Institute (NASK) and the Centre for Education Development. One chapter deals with digital security, including threats (cyberpornography, online prostitution, sexting, sponsoring, etc.).

Dyżurnet.pl is a team of experts from NASK that acts as a contact point for reporting illegal content on the Internet, especially related to child sexual abuse. Under the National Cyber Security System Act, NASK has been designated as one of the Computer Incident Response Teams. Its tasks include the provision of a telephone line or Internet service for reporting and analysing the distribution, dissemination or transmission of child pornography by means of information and communication technologies, as referred to in the Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual

⁴ <https://laptopdlauczni.gov.pl/o-projekcie>

⁵ <https://www.gov.pl/web/edukacja/bezpieczenstwo-fizyczne-i-cyfrowe-uczniow--poradnik-men>

exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA⁶.

The experts of Dyżurnet.pl, supported by the knowledge and experience of other specialised teams of NASK, as well as transparent working procedures, guarantee the effectiveness of interventions and the full safety of users reporting violations. Membership of the INHOPE Association allows for global action against the distribution of child sexual abuse material and exchange of experience between members of the Association. The Dyżurnet.pl team works in accordance with the standards adopted by INHOPE.

The Children's Ombudsman's Helpline has been operational since 1 November 2002. Children and young people can call the freephone number 800 12 12 12 for information and psychological support. It provides the opportunity to intervene in matters concerning the mental health and general safety of children and young people.

4) What are the main gaps and challenges to young people's protection from online threats in law, policy, and practice in your country and the impacts on young people's human rights? Please consider the specific situation of marginalized young people and those in vulnerable situations in your response.

In Poland, the phenomenon of "patostreaming", which consists of showing violent and vulgar content on the Internet, sometimes in violation of the law, has become highly visible. The broadcasters of this content make money from the people recorded, who are often exploited by the "patostreamers". Internet users also pay them to do something disgusting or cruel (abuse of a loved one, beatings, humiliation). This content can be viewed by children, often without their parents' knowledge. NGOs, educators, psychologists and social activists are alarmed by the extent of this phenomenon⁷.

5) What steps is the Government taking to ensure that young people are protected from online threats? Please provide examples of specific laws and regulations, measures, policies, and programmes.

One tool is the aforementioned Dyżurnet.pl. The Central Bureau for Combating Cybercrime (CBZC), a unit of the police responsible for combating cybercrime, has also been established. In addition, the National Broadcasting Council has statutory powers to

⁶ <https://dyzurnet.pl/>

⁷ <https://bip.brpo.gov.pl/pl/content/patotresci-w-internecie-niebezpieczna-codziennosc-naszych-dzieci>

combat the phenomenon of piracy under the Act of 29 December 1992 on the National Broadcasting Council.

6) Can you provide information on any programs or activities your organization has implemented regarding solutions to protect digital education for young people and to ensure their protection from online threats?

In April 2020, the Commissioner's Office produced a guide for teachers and school principals entitled "How to teach online lessons safely?". The guide outlined the rules to be established with students before an online lesson and described online tools that can be used to ensure safety. It included tips on what to do if a lesson is violated, as well as the rights of teachers teaching online lessons regarding the protection of personal data, image and good name. It offered support for school principals in organising an online learning system⁸.

The Commissioner directed general speeches on access to digital education and online safety of children and youth (to the Minister of Education and Science, the Minister of Digitisation, the Director of NASK, etc.). These addressed, inter alia, problems related to distance learning during the pandemic⁹, the situation of pupils with disabilities¹⁰, the dangers of the Internet¹¹, and the monitoring of pupils' online activities¹².

Since 2018, The Commissioner, as the initiator of "round table" meetings, has undertaken a series of activities aimed at spreading awareness of the problem of "patostreaming". During the meetings organised at the Commissioner's Office, a declaration was signed in which, among others, the Ministry of Digitisation and the Ombudsman for Children declared their willingness to act against this dangerous phenomenon, including cooperation among themselves and with other bodies¹³. The meetings at the Ombudsman's Office also resulted in a report by the Ombudsman and the Dajemy Dzieciom Siłę Foundation, with the support of Orange Poland: "Patostreaming in Internet. Report on the problem"¹⁴.

⁸ https://bip.brpo.gov.pl/sites/default/files/Poradnik_nauczyciele_dyrektorzy.pdf

⁹ <https://bip.brpo.gov.pl/pl/content/nauczanie-zdalne-w-szkolach-RPO-do-men-w-zwiazku-z-covid-19>

¹⁰ <https://bip.brpo.gov.pl/pl/content/edukacja-dyskryminujaca-dzieci-i-mlodziez-z-niepelnosprawnosciami-w-czasie-pandemii>

¹¹ <https://bip.brpo.gov.pl/pl/content/rpo-internet-zagrozenia-dzieci-seksualnosc-mein-odpowiedz>

¹² <https://bip.brpo.gov.pl/pl/content/rpo-uczniowie-ose-monitoring-mc-mein-mein-odpowiedz>

¹³ <https://bip.brpo.gov.pl/pl/content/deklaracja-uczestnikow-okraglego-stolu-rpo-do-walki-z-patotresciami-w-internecie>

¹⁴ <https://bip.brpo.gov.pl/pl/content/patotresci-w-internecie-niebezpieczna-codziennosc-naszyc-dzieci>