

## HUMAN RIGHTS COUNCIL – 52nd SESSION

### Annual full-day meeting on the Rights of the Child: The rights of the child and the digital environment

10 March 2023

#### Part I

**Philip Jaffé, Member of the Committee on the Rights of the Child and Director of the Centre for Children's Rights Studies at the University of Geneva** moderated the panel. He said much of the world is either fully or already in the digital age: some are digital natives, and some are Neanderthals. The Committee on the Rights of the Child had to guide on these matters, hence its general comment 25.

**Volker Türk, United Nations High Commissioner for Human Rights** stressed that for the first time, a High Commissioner for Human Rights has had the chance to have a conversation with children in this format. The international community has seen firsthand the promise of technology. But the international community knows that the rapid rate of progress is not without risk. With rapid digital progress comes mounting risks and challenges. Online bullying and harassment are rampant; toxic influencers may share dangerous misogynistic or racist views or calls to action; as well as personal data can be used for illicit purposes. Restrictive laws, censorship and internet shutdowns around the world continue to impact children's rights to information, freedom of expression privacy and education. He called on governments to take more decisive measures and to firmly put children's interests and rights at the centre of their policies and approaches. Governments must also do more to hold businesses to account. Tech companies must incorporate respect for children's rights into the design and implementation of digital tools and platforms, providing adequate and sophisticated guardrails for their protection. We need to strive for online environments that allow children to interact and grow, away from harmful and addictive online habits or relentless comparison with their peers. And governments and businesses also have a responsibility to close the digital divide, a chasm that is driving discrimination and inequality deeper.

**Mariana, a human rights defender from Colombia and an Afro-descendant girl who lives in the middle of the mountains**, mentioned that there are situations that affect the village substantially because there are people and armed groups that make them feel afraid. In Colombia, there is a lot of digital inequality: in large cities, 70 out of 100 families have internet access, while in rural areas like the one where I live only 29 out of 100 families have internet. The rights of children in the digital environment require greater attention from decision-makers in her territory and in Colombia. States need to give priority to educational institutions in the most remote areas so that they could have Internet and technology for every girl and boy. Rural areas are most impacted as they do not have Internet access. In many cases, children are exposed to pornography, bullying, and sexual harassment, sometimes between peers, but also by unknown people in the region. There is a need to create inclusive policies for children which recognized their diversity. A full commitment from States to the Convention on the Rights of the Child is needed. Mariana said there were children with dreams in rural areas who needed support.

**Kidus, a human rights defender from Ethiopia**, stressed that children around the world suffer from various forms of violence, abuse and exploitation because they are deprived of participation in issues that matter to them. Digital technology is bringing unlimited opportunities for children to educate and express themselves, socialize with others and define themselves in terms of who they are in the future. He mentioned that in Africa, not only is digital access limited but safety issues are mounting because of a lack of preventive mechanisms. As much as digital technology is providing great opportunities for children, it also poses serious challenges affecting their well-being and rights. Children are vulnerable to sexual exploitation, prostitution, bullying, trafficking, labor exploitation, and ethnic/race-based



violence including, insults, naming and shaming, discrimination, intimidation, hate speech, cyberaggression, etc. Bad content like pornography, exploitative information, attacking others based on a false narrative, misinformation and disinformation, and information encouraging children to engage in unlawful or harmful activities like joining armed groups are causing harm to children. Well-designed preventive mechanisms put in place ensured the well-being of children online and should be at the top of priorities to ensure the future generation is holistically well, more productive, and peaceful. The international community should take all legislative and administrative measures to protect children from all forms of violence, abuse and exploitation in the digital environment.

**Nidhi, a youth advocate, author and podcaster from India**, expressed her concerns about the risks that children were subject to, and how unsafe they were whilst using the Internet. Data protection is important for children, especially now that everything is online. One in every three online users worldwide is a child. Most of the time, they do not know how to use online tools safely or preserve their personal information, which made them extremely vulnerable. Digital companies through apps, online tools, social media and websites should constantly track and store data. Terms and conditions easily make it legal for companies to do whatever they pleased with a user's data, however, only one percent of digital users read the terms and conditions before they start using any new application. In the context of children, this means that they could see things they are not ready for.

### Intermediate Remarks

**Nidhi** said that on the impact of social media on children, algorithms are very invasive. Extended screen time is tempting, could harm physical and mental health, and could also present inappropriate content. It is important to protect children when building algorithms. Age restrictions are important to avoid inappropriate content on social media. Instead of putting an entry aid restriction, child-friendly versions should be created that filtered out what was inappropriate. Another key aspect she mentioned is that online advertisers and influencers could have a negative impact, promoting false aspirations in children, and leading to physical and mental issues. She also stressed that even when children left, the data stayed stored. This interferes with the right of being forgotten. **Kidus** said that for children to enjoy all aspects of the Internet, they should have access to it. It was the best place to find what the world could offer. Children could not imagine their future without access to online space. Access to the Internet needed to be expanded. Some countries were depriving people of access to the Internet for various reasons, including financial resources. On the other hand, repressive Governments shut down online access, depriving children of their rights to digital space, and resulting in a negative economic and educational impact on their future life. International bodies needed to take a serious stance on this. States needed to provide access and be held accountable if they failed to do so.

**Philip Jaffé** affirmed that the key was that collaboration and participation of children will improve their conditions, and the Human Rights Council had taken a big step forward in that direction. **Volker Türk** said it has been an important discussion, focusing on the issues that children considered important themselves. In the context of the seventy-fifth anniversary of the Universal Declaration of Human Rights and the thirtieth anniversary of the Vienna Declaration and Programme of Action, there should be consultations with young people and children to ensure better communication and better connectivity for young children around the world. Addressing how to promote better and safer use of digital tools, he affirmed that the general comment 25 provides the best answer. **Mariana** answered how children could help to ensure that there was safer online access, and affirmed that sharing things with other children is the key to protection. The Internet helped her to learn how to participate in many different areas and spaces and speak about things of interest to children, and promote their rights. Of course, there are many risks, but there are also so many opportunities to work together to ensure that everyone used the Internet properly and benefits from all the opportunities provided appropriately.



## Conclusive Remarks

**Mariana** concluded that closing the digital gap would help young people be empowered and learn to communicate. In a safe environment, the most important thing was to be connected safely. **Kidus** concluded by saying that the international community should ensure children's participation in issues that mattered to them, and their voices must be listened to when governments developed legislation, policies, programs, and services on children's rights in the digital environment. States parties should prohibit by law the profiling or targeting of children of any age for commercial purposes, ensure that appropriate enforcement mechanisms and legislation were put in place to protect children from the crimes that occurred in the digital environment, and also regularly review, adopt, and update national legislation in line with international human rights standards. There should be reporting mechanisms put in place such as hotlines for children, parents/guardians, caregivers, etc. to report incidents to law enforcement bodies. Finally, **Nidhi** said the digital world is invented for adults, and the protections needed for children are too often missing. Online services do not deliberately aim to put children at risk, but the risks were often not accidental, putting a barrier in the way for the online environment to be a positive force. Rather than limiting children to protect them, companies and institutions should make changes. The best interests of the child should be the primary consideration in all decisions affecting them. Safety measures should be taken in advance, in design. Children should have access online but should be treated fairly when there. These points should be taken into account by Governments and digital organizations, with all countries involved to ensure the further safety of children.

**Philip Jaffé, Member of the Committee on the Rights of the Child and Director of the Centre for Children's Rights Studies at the University of Geneva, moderator of the panel,** concluded that States must listen to the children's points and proposals made today. This will improve the situation. Moreover, it is imperative to provide the framework for them to grow without their mental health being put at risk, as this has future repercussions.

## Part II

**Philip Jaffé, Member of the Committee on the Rights of the Child and Director of the Centre for Children's Rights Studies at the University of Geneva,** affirmed that the second part aimed to discuss how legal and policy frameworks could be strengthened to uphold children's rights in the digital environment. States and stakeholders should implement the recommendations contained in general comment 25. States parties should ensure that regulation, design, management, and use of the digital environment, the best interests of every child were a primary consideration.

**Baroness Beeban Kidron, Crossbench Peer in the United Kingdom's House of Lords and Chair of 5Rights Foundation,** mentioned that since the draft General Comment No. 25, he continues to pursue the main aim of building the digital world that children deserve in collaboration with children, experts, policymakers and fellow travelers around the world. The most important change over the last few years has been as regards language and the narrative. Now, it is common to hear leaders and lawmakers assert that what is illegal offline should be illegal online, and that rights apply equally online as offline. Education and parental controls have their place, but first and foremost, States and tech companies have the responsibility to uphold children's rights. The practical experience of children in the digital environment remains woefully disrespectful of their rights. The impact on their safety, their health, and their well-being is enormous. States parties must have in place a comprehensive policy for children's rights in the digital environment. This means undertaking a thorough review of national policy frameworks, filling in the gaps, and setting up the structures for a sustainable approach henceforth. Building the digital world that children deserved was not a question of technological developments or resources, but first and foremost of political will.



**Konstantinos Karachalios, Managing Director of the Institute of Electrical and Electronics Engineers Standards Association**, citing the story of “Frankenstein,” affirmed that back then there was no wonder that the world is plagued by the same fears and anxieties about technology today. The international community experiences time and again just how powerful, creative and enabling technology can be in our lives and our actions, especially for children and youth. Technological developments present children with a treasure trove of information, it enables them to become independent learners, boost their creativity, hone their problem-solving skills and connect with the outside world in an unprecedented manner. However, technology is rarely neutral and a simple app can be equally dangerous as a loaded gun. Childhood becomes a public record as children’s privacy is continuously and consistently compromised through the collection of their data points by ad companies, home technologies, educational platforms, online portals at their physician’s office, online games, social media and the list goes on and on and on.

**Julie Inman Grant, eSafety Commissioner of Australia**, affirmed that today the international community is on the cusp of what may be the next great digital revolution. The future held enormous potential, even as it carried significant risks. Two years ago, states, businesses and regulators were given a blueprint on how to respect, protect and fulfill the rights of all children in the digital environment. The internet was not developed with children in mind. Today, the international community is listening to children and young people. They are telling us that the internet is their playground, schoolroom and their friendship circle. As the world’s first dedicated online safety regulator, eSafety had been exploring and mapping the online experiences of children and young people for more than seven years to ensure that it was providing authentic resources and advice. eSafety took a holistic, harms-based and trauma-informed approach to protect human rights. This approach is based on a 3P model: prevention, protection and proactive and systemic change.

#### Intermediate Remarks

**Philip Jaffé** affirmed that when children’s rights are violated, the barriers need to be reduced for children to come forward and make complaints. Often children are forced to disclose sensitive information and feared reprisal from peers and exclusion. Compliant mechanisms must be developed that were free of charge, private, and child-friendly. Appropriate reparations, including financial compensation, also should be introduced, and apologies from corporations need to take place. **Konstantinos Karachalios** said there are three categories of problems: the first is technical, connected and unconnected. Secondly, it is an issue of safety: the world would never be safe, billions and trillions were poured into it, and it did not change. The third is addiction, which was very low on the radar, despite being a pandemic that was immeasurable in human history.

#### Conclusive Remarks

In conclusion, **Philip Jaffé** affirmed that the Internet and technologies have a dark side. The digital world is one where children were demonstrating incredible creativity, new ideas and ways of problem-solving, which needed to be harnessed. **Baroness Beeban Kidron** said not all harms to children are in the digital environment. Emerging technology is immersive in nature. People are urged to take the best of what was out there and implement it swiftly with one eye on the future. She hoped that the international community would act in the interest of girls to ensure they could become the women that others had been allowed to be. Finally, **Konstantinos Karachalios** said that there is a need to understand the social impact of technology. Technical and scientific communities should assume their responsibilities. His presence was a sounding of an alarm bell to that effect. It is a simple step to reduce the addiction epidemic: stop collecting children’s data online, and make this a law. This can be done within two years from now: the international community should do this, and stop the pandemic now.



## Interactive dialogue

43 country delegations took the floor during the interactive dialogue. **In the first part of the discussion, the majority of countries** affirmed that Children's rights should be fully protected and implemented in the digital environment. Their voices need to be heard on this topic as their lives were almost entirely characterized by the use of the digital space. Children's lives and rights were increasingly connected with the digital environment. **Among others, the EU, Argentina, and Chile** stated that the digital environment plays an increasingly significant role across most aspects of children's lives. The Internet offers access to unlimited information, unlimited opportunities, and unlimited entertainment. It also presents unlimited dangers. It is therefore crucial to enable children to develop the necessary knowledge to access and use the internet. At the same time, as **Paraguay and Luxemburg** affirmed the digital environment must be safe for children and respect their full range of rights. Countries must prioritize the best interests of children and adolescents in the digital environment.

**NGOs** shared experiences and best practices in the field of protection of children in the digital space. They also stressed the number of challenges related to artificial intelligence and the digital environment, including child sexual exploitation abuse. All stakeholders mentioned the importance of coming up with the best solutions to an evolving field, and the international community needed to keep thinking about solutions and bring all the stakeholders together.

**In the second part of the discussion, the majority of the countries** said that children and young people should be protected and empowered online. This requires applying a child's rights approach to the development and implementation of legal and policy frameworks in the digital environment. The international community had a responsibility to help provide meaningful and equal access to safe digital technologies to children, in a way that helped them realize their human rights. Among others, **Switzerland** affirmed that only by listening to their voices the international community can formulate adequate responses to current and future challenges. The digital environment offers new opportunities for the realization of children's rights, but also presents risks of violation or abuse.

**Countries, including Namibia,** raised, among other points, that requisite actions should be undertaken to facilitate the development of technological products aimed to improve living conditions. Roadmaps need to be developed to involve all stakeholders, aiming to create safer environments and provide multi-disciplinary services. At the height of the COVID-19 pandemic, schools were closed across the world: nine out of ten countries around the world used online services to continue children's education. Digital technology development created unprecedented opportunities for children and young people but also posed several challenges and risks to their safety and development. These perplexing challenges and threats persisted due to the borderless nature of the online environment. The digital environment can be an enriching and conducive environment for children provided the right safeguards were in place for the protection of children from online exploitation and abuse. However, the development and implementation of child online protection policies and legislation was lagging.

**NGOs** mentioned that to ensure that no one is left behind, the digital world still offers fewer options to children, girls, young women, and individuals with diverse abilities. Children have the same right to protection and privacy in the digital sphere as they do in the physical world. Technology affects children's relationships, health, general concentration, and social skills development. In the internet age, children are vulnerable to cyberbullying, sexual harassment, and other sorts of abuse. **NGOs** recommend that member states put in place global rules and standards for the protection of children's rights in the digital environment; as well as that parents have open communication with their children about their digital lives, so that they discuss the risks and benefits of technology, set rules and boundaries together, and establish a culture of trust and respect.

Delegations that took the floor during the Interactive Dialogue (43 country delegations):

*Argentina, Bulgaria, Chile, Côte d'Ivoire (on behalf of Group of African States), Egypt, European Union, Ireland, Kyrgyzstan (on behalf of Organization of Turkic States), Lithuania, Luxembourg, Morocco, Paraguay, Romania, Slovenia, Benin, Bolivia (Plurinational State of), Botswana, Croatia (on behalf of Austria, Croatia and Slovenia), Ecuador, Estonia (on behalf of Nordic-Baltic countries), Luxembourg (on behalf of Benelux), Mexico, Namibia, South Sudan, Switzerland, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Timor Leste, Republic of Korea, Poland, Uruguay, Afghanistan, France, Netherlands, Monaco, Israel, Spain, Sierra Leone, United States, Georgia, Costa Rica, Malawi.*

NHRIs and NGOs that took the floor during the Interactive Dialogue (16):

*Council of Human Rights of the Kingdom of Morocco, Equality Now, Save the Children International, Organization of Islamic Cooperation Delegation, The Spanish Children's Rights Coalition (Plataforma de Infancia), Arigatou International, Asian-Pacific Resource and Research Centre for Women (ARROW), Association HazteOir.org, Beijing NGO Association for International Exchanges, Child Rights Connect, Chongqing Centre for Equal Social Development, International Organization for the Right to Education and Freedom of Education (OIDE), Make Mothers Matter, Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique, Internationale - OCAPROCE Internationale, Plan International, Inc.*

International organizations (1): *United Nations Population Fund, United Nations of Children's Fund, UNICEF*

To watch the full meeting refer to UN WEB TV ([Part I](#)) plus ([Part II](#)).