Annex III

Recommendations from the 2014 day of general discussion on children’s rights and digital media

1. In the light of the objective for the day of general discussion of it being a forum for raising awareness about, and discussing, children’s rights in order to identify issues for States to take account of in their policies and programmes, as well as to provide guidance to other relevant actors on the respect, promotion and fulfilment of children’s rights in the context of digital media, the Committee issues the following recommendations. The recommendations below, while addressed to the primary duty bearers — States — also require the active engagement and participation of other stakeholders, including families, schools, civil society and the private sector.

General recommendations, including legislation, policies and coordination

2. States should recognize the importance of access to, and use of, digital media and information and communications technologies for children and their potential to promote all children’s rights, in particular the rights to freedom of expression, access to appropriate information, participation and education, as well as rest, leisure, play, recreational activities, cultural life and the arts. In addition, States should ensure that equal and safe access to digital media and information and communications technologies, including the Internet, is integrated in the post-2015 development agenda.

3. States should adopt and effectively implement comprehensive human rights-based laws and policies which integrate children’s access to digital media and information and communications technologies and ensure the full protection under the Convention and its Optional Protocols when using digital media and information and communications technologies. In the light of the evolving nature of the issue, States should also ensure regular monitoring of implementation and assessment of legislation and policies.

4. States are called upon to promote and facilitate regular public debates and the active involvement of all stakeholders, in particular children, parents and other caretakers, professionals working with or for children, including in the educational field, civil society and information and communications technology and other relevant industries, before adopting draft laws, policies, strategies and programmes and when setting up services for child victims. It is furthermore recommended that States effectively evaluate the impact of digital media and information and communications technology-related policies, programmes, practices and decisions on the rights, well-being and development of all children. States should thereby ensure that the fundamental principles of the Convention, including the right to non-discrimination, the right to have the child’s best interests taken as a primary consideration, the right to life, survival and development and children’s right to express their views in matters affecting them, are effectively prioritized and meaningfully implemented.

5. States should adopt a national coordinating framework with a clear mandate and sufficient authority to coordinate all activities related to children’s rights and digital media and information and communications technologies at cross-sectoral, national, regional and local levels and facilitate international cooperation. States should also ensure that said coordinating body is provided with the necessary human, technical and financial resources for its effective operation.

Data collection and research, monitoring and evaluation of efforts

6. States should undertake research, data collection and analysis on an ongoing basis to better understand how children access and use digital and social media, as well as their impact on children’s lives. The data should cover both risks and opportunities for children and should be disaggregated by age, sex, geographic location, socioeconomic background, disability, membership of a minority and/or indigenous group, ethnic origin or any other category considered appropriate in order to facilitate analysis of the situation of all children, particularly those in situations of vulnerability.

7. The Committee recommends that the data be used for establishing baselines against which progress can be measured, for the formulation and evaluation of relevant laws, policies, programmes and projects and for the monitoring of their implementation. States should also ensure safeguards for guaranteeing that these data are not used by authorities to encourage censorship or any other political and economic interference.

8. The Committee furthermore recommends that States promote the exchange and sharing of ideas, information, experiences and good practices, including through the creation of platforms, with all stakeholders, especially children, at the national, regional and international level.

Independent monitoring

9. States should empower and provide adequate resources to national institutions responsible for guaranteeing human rights (such as national human rights institutions, ombudspersons or equality bodies) to allow them to play a key role in monitoring compliance with the Convention and the Optional Protocols thereto. Such an institution should have a specific mandate to address the rights of children in relation to digital media and information and communications technologies, and be able to receive, investigate and address complaints by children in a child-sensitive manner, ensure the privacy and protection of victims, and undertake monitoring, follow-up and verification activities for child victims.

Cooperation with civil society

10. The Committee recognizes the important role played by non-governmental organizations (NGOs) in ensuring access of children to information and communications technologies and digital media and protecting their rights when using these means. It recommends that States systematically involve all NGOs working in the field of digital media and children’s rights in the development, implementation, monitoring and evaluation of relevant laws, policies and programmes, as well as in research and data collection.

Awareness-raising and training

11. The Committee recommends that States carry out age appropriate awareness-raising programmes to sensitize the public in general and children in particular to opportunities and risks, including unintended consequences of self-generated content, relating to the use of information and communications technologies and digital media. States should distribute relevant information material tailored specifically to children, and tailored to specific age-groups, as well as to parents and other caregivers, and all professionals working with or for children, and seek close cooperation with civil society in the organization and implementation of awareness-raising programmes.

12. The Committee further recommends that States provide adequate training and support for children to ensure the development of their digital and social literacy skills with a view to enhancing a responsible use of digital media and information and communications technologies, as well as their capacity to avoid risks and protect themselves from harm. States should also provide adequate training and support to parents and other caregivers, as well as professionals working with and for children including in the educational field, to enhance their technical skills, inform them about risks and potential harm, learn about how children use technology and be able to support children in using digital media and information and communications technologies in a responsible and safe manner.

Children’s rights and the business sector

13. In the light of the Committee’s general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children’s rights, as well as other international norms and standards in that area, States should ensure a clear and predictable legal and regulatory environment that requires information and communications technologies and other relevant industries operating in the State party to respect children’s rights. States should also establish monitoring mechanisms for the investigation and redress of children’s rights violations, with a view to improving accountability of information and communications technology and other relevant companies, as well as strengthen regulatory agencies’ responsibility for the development of standards relevant to children’s rights and information and communications technologies.

14. The Committee recommends that States require businesses to undertake child-rights due diligence with a view to identifying, preventing and mitigating their impact on children’s rights when using digital media and information and communications technologies. Moreover, States should encourage and facilitate the development of voluntary, self-regulatory, professional and ethical guidelines and standards of conduct and other initiatives, such as the development of technical solutions promoting online safety and the adoption of child-friendly terms and conditions for the use of information and communications technologies and digital media, as well as developing age-appropriate content, by information and communications technology and other relevant industries to ensure that their practices are in full compliance with the Convention and the Optional Protocols thereto and other international human rights norms and standards. In addition, it is recommended that States ensure space for discussion and cooperation with information and communications technology and other relevant industry.

Non-discrimination

15. States should ensure that all children within their jurisdiction, in particular girls, children with disabilities, children living in remote areas, children living in poverty, children belonging to minorities, indigenous children, children living in street situations, children living in institutions and other children in vulnerable and marginalized situations, have access to digital media and information and communications technologies without discrimination. In particular, the Committee recommends that States inter alia:

(a) Take measures to improve the coverage of Internet infrastructure to include rural communities;

(b) Promote inclusive accessibility to digital media and information and communications technologies and affordable design of technology and digital content, taking into consideration age, and ensure that intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by children to cultural materials, in particular children with disabilities and children belonging to minorities or indigenous groups;

(c) Promote linguistic and cultural diversity of digital content;

(d) Intensify efforts to ensure the effective elimination of all forms of discrimination against girls and address gender stereotypes and social norms that limit girls’ access and use of technology, including through awareness-raising programmes;

(e) Provide assistance to schools and communities to cover the costs of computer equipment and connectivity and promote the development of low-cost technical solutions;

(f) Include in non-discrimination laws, policies, strategies and programmes aspects dealing with access for children to digital media and information and communications technologies, in particular children belonging to most vulnerable and disadvantaged groups. In that regard, the Committee recommends that States seek technical cooperation from, among others, the United Nations Children’s Fund (UNICEF), the United Nations Educational, Scientific and Cultural Organization, the International Telecommunications Union and the Office of the United Nations High Commissioner for Human Rights.

Respect for the views of the child

16. States should ensure that children are consulted in order to take into account their views and experiences in developing laws, policies and programmes and in the setting up of services, and other measures relating to digital media and information and communications technologies. That should include girls as well as boys, and children in vulnerable or marginalized situations. Children should also be actively engaged in the design and implementation of initiatives aimed at fostering safe use of digital media and information and communications technologies, including online safety. In particular, States are encouraged to establish online spaces, where children can express their views and opinions in a responsible and safe manner.

Rights to freedom of expression, access to appropriate information, freedom of association and peaceful assembly

17. The Committee calls upon States to revise their national laws, regulations and policies that limit children’s rights to freedom of expression, access to appropriate information as well as association and peaceful assembly in any setting, including the online environment, to align them with the Convention and other international human rights norms and standards.

18. States should furthermore actively promote children’s rights to freedom of expression, access to appropriate information and association and peaceful assembly in all settings, including the online environment. In particular, States should promote the creation of channels for child-led activism, as well as educational and recreational content for children of different ages, including content produced by children themselves.

Right to privacy

19. States should guarantee the protection of children’s rights to privacy in relation to digital media and information and communications technologies and develop effective safeguards against abuse without unduly restricting the full enjoyment of their rights laid down under the Convention. States should also develop and strengthen awareness-raising programmes for children on privacy risks related to the use of digital media and information and communications technologies and regarding self-generated content.

20. The Committee moreover recommends that States ensure that all children have meaningful and child-friendly information about how their data is being gathered, stored, used and potentially shared with others. In this regard, States should ensure that age-appropriate privacy settings, with clear information and warnings, are available for children using digital media and information and communications technologies.

Access to appropriate information

21. States should encourage the mass media, including private media, to disseminate information and materials of social and cultural benefit to the child, for example regarding healthy lifestyles.

Protection against harm, including violence, exploitation and abuse of children

22. States should address the risks posed by digital media and information and communications technologies to the safety of children, including online harassment, sexual exploitation of children, access to violent and sexual content, grooming and self-generated sexual content, through holistic strategies that ensure the full enjoyment of their rights laid down under the Convention and the Optional Protocols thereto. States should thereby always ensure a balance between promoting the opportunities provided by digital media and information and communications technologies, and protecting children from harm. In particular, States should:

(a) Develop and strengthen programmes aimed at preventing harm and tackling risks posed by digital media and information and communications technologies, including by involving children, former victims, relevant NGOs and the information and communications technology and other relevant industries;

(b) Provide children with age-appropriate information regarding safety when using digital media and information and communications technologies, so they can manage the risks and know where to go for help;

(c) Coordinate with the information and communications technology industry so that it develops and puts in place adequate measures to protect children from violent and inappropriate material and other risks posed by digital media and information and communications technologies to children;

(d) Further strengthen awareness-raising and education programmes for children on preventing and responding to risks when they use digital media and information and communications technologies, with the involvement of children, including through the development of child-friendly information material;

(e) Provide adequate and continuous training for law enforcement personnel, members of the judiciary and professionals working with and for children with the aim to enhance their technical skills;

(f) Ensure accessible, safe, confidential, age-appropriate, child-friendly and effective reporting channels, such as child hotlines, for reporting violations of children’s rights in relation to digital media and information and communications technologies;

(g) Provide safe, child-friendly and confidential points of contact for children to report self-generated sexual content to a relevant authority;

(h) Provide fast and effective procedures for removal of prejudicial or harmful material involving children;

(i) Strengthen identification of victims as well as detection, investigation, prosecution and punishment of those responsible for any of the offences covered under the Convention and the Optional Protocols thereto;

(j) Strengthen coordination between all actors and sectors in the protection system ensuring referral of cases and effective support to children victims;

(k) Promote and facilitate international and regional coordination and collaboration to ensure effective enforcement of the applicable legal framework.

Effective remedies and reparation, and assistance to victims

23. States should ensure access to effective remedies for child victims, including assistance to seek prompt and appropriate reparation for the harm suffered, through providing State compensation where appropriate. States should also provide adequate support and assistance for child victims of violations related to digital media and information and communications technologies, including comprehensive services to ensure the child’s full recovery and reintegration, and prevent revictimization of child victims.

Family environment

24. States should provide training, assistance and support services to parents, other caretakers and legal guardians to enable them to guide their children to a responsible and safe use of digital media and information and communications technologies, with respect for their evolving capacities. Training and support should not be limited to technical competence but should also include support in the performance of their general child-rearing responsibilities.

Children with disabilities

25. The Committee recommends that States develop, implement and monitor legislation and policies to ensure the accessibility of digital media and information and communications technologies for children with disabilities including by incorporating accessibility requirements in policies related to the private sector, international cooperation and public procurement. In that context, States should ensure that public funds are used solely to promote the enjoyment and use of digital media and information and communications technologies and explicitly avoid creating or perpetuating discrimination resulting from inaccessible services and products. Moreover, States should promote the use of digital media and information and communications technologies to reinforce the creation of inclusive communities and education systems and to combat the dissemination of negative stereotypes, including by actively consulting with children with disabilities. The Committee also recommends that States ratify the Convention on the Rights of Persons with Disabilities and the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled.

Education

26. The Committee recommends that States promote the development of digital literacy as part of the basic education curricula in accordance with children’s evolving capacities. Training and education should not be limited to technical competence but should also include awareness of ethical principles and values and teach children skills to behave responsibly when they engage and relate to each other online, and to respond to risks appropriately and safely (social literacy). In addition, the Committee recommends that States ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys.

Periodic reporting under the Convention on the Rights of the Child and the Optional Protocols thereto

27. The Committee recommends that States parties systematically include information on children’s rights and digital media and information and communications technologies in their periodic reports under the Convention and the Optional Protocols thereto.

Conclusion

28. The Committee appreciates the valuable input provided by all participants both during the discussions or as written submissions for the day of general discussion. The Committee urges all stakeholders to take account of the recommendations above. All children should be able to safely access information and communications technologies and digital media, and be empowered to fully participate, express themselves, seek information and enjoy all the rights enshrined in the Convention on the Rights of the Child and the Optional Protocols thereto without discrimination of any kind.