**UN CRC General Comment on children’s rights in relation to the digital environment**

Inputs from Child Rights Coalition Asia (CRC Asia)

15 November 2020

CRC Asia submits the following inputs informed by recommendations from children[[1]](#footnote-1) and civil society:[[2]](#footnote-2)

**I. Introduction**

**Para.1** – We commend the presentation of actual quotes from children. To strengthen this paragraph, we suggest the inclusion of quotes from children coming from different regions or countries, especially since the children’s consultations for this General Comment were conducted in different parts of the world.

**Paras.1-5** – We suggest to also mention the common message that the children conveyed in our previous consultations: Children see the positive aspects of the internet and of being online, but children, especially if they have been informed and empowered, also understand that the digital environment poses risks for them and their peers.

**III. General Principles**

**A. Right to non-discrimination**

**Paras.10-11** –We understand that this section aims to address the different types of digital divide and the role of the digital environment in exacerbating inequalities. However, the digital environment can help also in preventing discrimination because it exposes children to different cultures, beliefs, and situations. As such, this section can be improved by recognizing that the digital environment has this potential and that this potential must be maximized.

**Para.12** – We suggest the recognition of discrimination on the grounds of language, especially because only a few of the languages in the world are represented online.

We also suggest that “children in stateless situations” be mentioned as one of the specific groups of children that may require particular measures because the lack of nationality prevents them from accessing support and services.

Furthermore, we recommend strengthening the last sentence by acknowledging that the digital environment does not only provide unique access to vital resources, but also serves as a crucial platform for expression for specific groups of children, such children who identify as LGBT.

**D. The right to be heard**

**Para.18** – The third sentence can be improved by saying that States should provide access not only to child-friendly platforms, but also to child-friendly information.

The last sentence can be strengthened by stating that the consultative processes should be inclusive not only to children who lack access to technology, but also to children who do not have the skills to use the technology.

**IV. Evolving capacities**

We support the allotment of a specific section on children’s evolving capacities in this General Comment.

**V. General measures of implementation by States**

**B. Comprehensive policy and strategy**

**Para.25** – This paragraph can be improved by adding that children are not a homogenous group (CRC/C/GC/14 para.55) and that diversity, backgrounds, and contexts of children must be taken into account in the development, implementation, and monitoring of national policies or strategies related to children’s rights in the digital environment.

**E. Data collection and research**

**Para.31** – The data and information from children participating in research should be securely stored and should only be used for research purposes.

**H. Cooperation with civil society**

We support the allotment of a specific section on the importance of cooperation and collaboration between States with civil society.

**I. The business sector**

**Para.37** – The advice and remedy should also be accessible to children. One of the ways to ensure this is by presenting the safety advice and information on reporting mechanisms and remedies in an age-appropriate manner and in the children’s own language.

**J. Commercial advertising and marketing**

**Para.41 –** We suggest to mention that the particular advice in this paragraph pertains not only to advertisements and marketing products that target children, but also to those that involve children and children’s statements and messages, even if the children are not the main target market.

**Para.42 –** The prohibition should also cover unsolicited direct mail marketing and targeted telemarketing that infringe on adolescents’ privacy, especially in relation to their sexual and reproductive health and rights.

**K. Remedies**

**Para.48** – The specialized trainings of service providers should be specific not only to issues related to the digital environment, but also to issues involving children in the digital environment. Service providers should be trained on applying a child rights-based approach. In addition, capacity building efforts should be extended to all actors in the justice system, including the court clerks and officers, probation officers, paralegals, and other legal personnel.

**VI. Civil rights and freedoms**

**A. Access to information**

**Para.52** – The child-friendly, age-appropriate, and diverse digital content and information should be available in different languages.

**B. Freedom of expression**

**Para.59 –** We would like to add that some children, even though they are not in disadvantaged or vulnerable situations, are able to express their opinions more freely and more easily online.

**D. Freedom of association and peaceful assembly**

**Para.60** – We support the recognition of the role of the digital environment in enabling children human rights defenders.

**E. Right to privacy**

**Paras.70 and 73** – We agree with the last sentence of para.70 that children want to better understand how their data is collected and used. As such, para.73 can be improved by recommending States to ensure also that the children are informed about how their data is collected, used, stored, and/or deleted.

**Para.72** – We support the adoption of privacy-by-design approach.

**Para.74** – The advice on this paragraph should also cover metadata contained in digital files. The metadata may include children’s private information, such as their names and locations, which individuals may unknowingly share, including children themselves.

**Para.78** – We support the safety-by-design approach to anonymity.

**VII. Violence against children**

**Paras.82-87** – This section can be further improved by giving recognition to the role of children in protecting themselves and their peers, especially if the children have been empowered to do so.

**Para.87** – This paragraph can be further strengthened by emphasizing the role of the private sector to control, block, and remove child sexual abuse materials and prevent them from resurfacing, as mentioned in paras. 41 & 79 of the Guidelines regarding the implementation of OPSC (CRC/C/156).

**VIII. Family environment and alternative care**

**Para.89** – We support the advice to ensure the digital literacy of parents and caregivers. This could be further strengthened by adding that parents and caregivers should also be provided with human rights education in order to understand and support the enjoyment of children’s rights in the digital environment.

**Para.93** – The guidance to parents and caregivers should also mention that the children themselves can help in the digital literacy of adults, and that this kind of interaction can have a positive impact on the children and on their relationship with their parents/caregivers. Some of the children we talked to expressed pride and confidence when they are able to teach their online world to their parents/caregivers.

**Para.94** – We suggest to include “ethnic and indigenous children” and “children left behind by migrant worker parents”[[3]](#footnote-3) in the examples of children separated from their families. Digital technology plays a crucial role in transnational parenting. States should support digital access of children and parents through investments in infrastructure for internet and electricity in different parts of the country, and through inclusive labor policies affecting the use of digital communication tools by parents/caregivers working abroad.

**X. Basic health and welfare**

**Para.106** – The last sentence can be improved by indicating that the States’ development of guidance regarding the healthy balance of digital and non-digital activities should be done with the participation of children.

**XI. Education, leisure and cultural activities**

**A. Right to education**

**Para.108** – The paragraph can be improved by recognizing the digital divide that should be addressed in upholding the right to education. As evident in the experiences of several countries in addressing the COVID-19 pandemic, online learning is possible, but it is not for all children from different backgrounds and situations.

In addition, all learning activities by educational institutions carried out through digital platforms should not cause burden to children, especially to those who do not have the digital access, skills, and support.

**Para.113** – We suggest this paragraph to provide advice on teaching digital literacy to children in school and to children who are out of school.

**B. Right to culture, leisure and play**

**Para.116** – This paragraph can be further improved by expounding on the role of the digital environment in shaping the individual and community identities of children as mentioned in CRC/C/GC/20 paras.10 & 47. Children utilize online spaces in constructing, exploring, and expressing their identities.

**Para.118** – The non-digital alternatives for culture, leisure, and play should not only be attractive, but also accessible. Children[[4]](#footnote-4) mentioned that there is a lack of free or affordable parks and places where they can go to relax or learn new skills outside the online space.

**Para.119** – Another example that may expose children to harm pertains to the role of the digital environment in creating and facilitating social relationships among adolescents. Safety-by-design and other regulatory measures should be applied also to dating applications and websites.[[5]](#footnote-5)

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**About Child Rights Coalition Asia (CRC Asia)**

CRC Asia is a network of child rights organizations working together for the fulfillment of child rights. Its members include Child Rights Coalition Cambodia, Hong Kong Committee on Children's Rights, Yayasan KKSP, Yayasan SEJIWA, Village Focus International, Protect and Save the Children, Equality Myanmar, CWIN Nepal, Group Development Pakistan, Civil Society Coalition on the Convention on the Rights of the Child Philippines, Mindanao Action Group for Children's Rights and Protection, ChildFund Korea, Child Welfare League Foundation, The Life Skills Development Foundation, Childline Thailand Foundation, and Vietnam Association for the Protection of Children's Rights.

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1. Gathered during the 2019 Asian Children’s Summit held in November 2019 in Bangkok, Thailand; the ASEAN Regional Children’s Consultation on Online Child Protection held in February 2018 in Jakarta, Indonesia; and the 2019 children’s consultations for the development of the UN CRC General Comment on children’s rights in relation to the digital environment [↑](#footnote-ref-1)
2. Gathered during the 2019 Asia-Pacific Partnership Meeting of Child Rights Coalitions and Networks held in July 2019 in Bangkok, Thailand [↑](#footnote-ref-2)
3. International Organization for Migration. 6 Dec 2018. *Health of Families Left Behind*. Retrieved from [www.iom.int/health-families-left-behind](http://www.iom.int/health-families-left-behind) [↑](#footnote-ref-3)
4. From the 2019 Asian Children’s Summit held in November 2019 in Bangkok, Thailand [↑](#footnote-ref-4)
5. From the 2019 Asian Children’s Summit held in November 2019 in Bangkok, Thailand. Children said that adolescents use dating mobile apps to compensate for the lack of warmth and belongingness at home [↑](#footnote-ref-5)