**Plan International, Inc.**

**WRITTEN SUBMISSION TO THE DRAFT GENERAL COMMENT No. 25 OF THE COMMITTEE ON THE RIGHTS OF THE CHILD ON CHILDREN’S RIGHTS IN RELATION TO THE DIGITAL ENVIRONMENT**

**Geneva, November 2020**

1. INTRODUCTION

[Plan International](https://plan-international.org/), Inc. is an independent non-governmental organisation and is in General Consultative Status with ECOSOC. Founded in 1937, Plan International is one of the oldest and largest children’s rights organisations in the world. We strive to advance children’s rights and equality for girls in both development and humanitarian contexts. Working with children and young people in more than 75 countries around the world, we tackle the root causes of inequality faced by children, especially girls, through our programme and influencing activities.

Plan International advocates for the inclusion of a gender perspective and life cycle approach throughout the draft General Comment on children’s rights in relation to the digital environment. Indeed, it is fundamental to recognise the disadvantages and discrimination faced by girls at every level of the digital environment from access and use to creation. It is also crucial to acknowledge how the experience of the digital environment is very different depending on children’s age.

Gender-neutral language in international law does not give due attention to the way the lives of girls are shaped specifically by gender as well as age. The rights and needs of girls need to be recognised if in reality girls are disproportionately affected.[[1]](#footnote-2)

1. SUGGESTIONS FOR ADDITIONAL AREAS OF FOCUS:
   1. Gender

Guidance on children’s rights in relation to the digital environment has to take into account a gender perspective in order to truly strive for change. It is specifically important to acknowledge children in all their diversity. Indeed, the digital environment is predominantly created by a relatively small and homogenous group of men. Girls are consumers of this environment, rarely creators. This environment is unlikely to have been developed with their specific needs and wants in mind.

Recent studies confirm this trend with women accounting only for 35 percent of science, technology, engineering, and math (STEM) students in higher education, around the world. Moreover, women are significantly underrepresented in tech jobs, with less than 20 percent of tech workers being female in developed economies. In OECD countries, only 1.4 percent of female work in development, maintenance, or operation of information and communications systems, compared to 5.5 percent of males.[[2]](#footnote-3)

Furthermore, the digital divide addressed in paragraph 3 of the draft as digital inequality is also a gender digital divide. This is attested by the usage of internet globally which is 48 per cent for women compared to 58 per cent of men. This translates to a global internet user gap of 17 per cent. Regional trends also show significant disparities. From 2013 to 2019, the gender gap has been shrinking in Europe and Central Asia and has disappeared in the Americas. Nonetheless, the gender gap has been growing in Arab States, in Africa as well as in Asia and the Pacific.[[3]](#footnote-4)

Moreover, there is a gender gap in respect to access to meaningful connectivity. The quality of internet, as per the criteria of regular access, an appropriate device, enough data and a fast connection, is worse for women.[[4]](#footnote-5)

This disparity in access to the digital environment reflects existing harmful social norms which already prevent girls from being considered as equals. Boys’ access and digital skills are prioritised, both explicitly and implicitly, including in education.

This gender digital divide leads to a vicious circle with girls and young women unable to see their perspective, priorities and needs reflected and accommodated in the digital sector, and therefore shying away from pursuing careers in information, communication and technology (ICT). Furthermore, devices and content produced predominantly by men often do not reflect the needs of women and girls, and may even contribute to the reproduction of gender biases and inequality. This may be further exacerbated as machine learning and artificial intelligence (AI) become ubiquitous, and AI systems are programmed to learn from the status quo. For this reason, it is also important to ensure that we do not only empower girls and women to use technology and digital content, but to design and create it as well.[[5]](#footnote-6)

In addition to access, there is discrimination in the way girls are moderated online. Underlying gender/social norms influence content moderation. Moderators may hold girls to a different degree of moderation, view their content more harshly and censor girls and women if they believe the authors do not adhere to standards set by society.

The centrality of a gender perspective within the digital environment is also recognised in a variety of international norms and standards. To begin with, the Sustainable Development Goals make a direct link between gender equality and ICTs. Indeed, under Goal 5 on achieving gender equality target 5.b specifically calls to “enhance the use of enabling technology, in particular information and communication technology, to promote the empowerment of women”.

In addition, the Office of the High Commissioner for Human Rights in a report to the Human Rights Council recommended that States “include ICT literacy skills in educational curricula for girls, and support similar learning modules outside of schools”.[[6]](#footnote-7)

The gender digital divide also leads to concrete violations of the rights of the girls. Abuse and harassment facing girls are rampant, which affects their freedom of expression and right to be heard. Girls’ voices are consequently regularly shut out of civic and societal discussions, which in turn makes the digital environment an increasingly male domain.

The Committee itself recognised this factor in its recommendations after its Day of General Discussion on digital media and children’s rights. Under its recommendations on non-discrimination, the Committee called on States to “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”.[[7]](#footnote-8)

What is more, Plan International, through its 2020 State of the world’s girls report, has been able to bring further attention to the issue of online abuse and harassment. A 2020 global survey of young people’s experience of online abuse and harassment found that 52 per cent of young women and girls have experienced online abuse, including threatening messages, sexual harassment and the sharing of private images without consent; 64 per cent of all respondents know someone who has experienced harassment, abuse or violence and young people’s top concern is the sharing of private images, videos or messages without their consent – 30 per cent said it is what worries them most.[[8]](#footnote-9)

Through the following bullet points, Plan International wishes to highlight concrete suggestions. Moreover, recognising that, in striving for a concise and streamlined text, it may not be possible to refer to “girls” throughout the draft, we have made the following general comments and specific additions/amendments to existing text in red:

* **Paragraph 6:** In the last sentence of this paragraph, it would be important to reflect that girls were also part of the children’s consultation. As different children in vulnerable situations are listed in this sentence, it would be important to highlight that girls are part of these children in the context of the digital environment.
* **Paragraph 10:** “The right to non-discrimination requires that States ensure all children, including girls, children of lower income families and children living in rural and remote areas, have equal and effective access to the digital environment in ways that are meaningful for them.”
  + Reflecting gender discrimination under section A on the right to non-discrimination is fundamental as outlined in the arguments above. Girls are discriminated against in terms of access. Even where there is access, girls are often kept from accessing the digital environment due to social norms.
* **Paragraph 12:** “Specific groups of children may require particular measures to prevent discrimination on the grounds of ~~sex~~ gender, sexual orientation, disability, socioeconomic background, ethnic or national origin, or any other ground. This includes girls, minority and indigenous children, asylum-seeking, refugee and migrant children, LGBTI children, child victims of sexual exploitation, children in poverty and children in alternative care, including institutions, and children from other vulnerable situations”.
* **Paragraph 19:** In view of the gender digital divide, it is key for this paragraph to call on States to specifically ensure that the involvement of children is gender-balanced and that girls have adapted space for participation.
* **Paragraph 31:** As data is a central consideration, it would be vital for this paragraph to specifically call on States to collect disaggregated data, as this would enable to reflect a gender perspective.
* **Paragraph 41:** “States should ensure that advertising and marketing are age appropriate and gender-sensitive and all forms of commercially driven content are clearly distinguished from other content.”
* **Paragraph 52:** “States should provide and support the creation of child-friendly, age-appropriate, and gender-sensitive digital content for children in accordance with their evolving capacities, and ensure that children are able to access a wide diversity of information, including information about culture, sports, arts, health, civil and political affairs, and children’s rights, from a plurality of media and other sources including information held by public bodies.”
* **Paragraph 68:** “The Committee recognises that the digital environment enables child human rights defenders, girls rights defenders, vulnerable children, including children with disabilities, children in street situations or from indigenous/minority communities or disadvantaged groups to advocate for their rights, to communicate with each other and form associations.”
* **Paragraph 82:** “As digital technologies continue to expand their role in the lives of children, States should regularly update and enforce legislative, regulatory and institutional frameworks that protect children from recognized and emerging risks of violence, including gender-based violence and psychological harm, in the digital environment.”
* **Paragraph 89:** This paragraph or an additional paragraph are necessary to underline the importance of including a gender responsive approach in the development of digital literacy of parents. Indeed, it is essential to reflect the abovementioned gender digital divide affecting mothers.
* **Paragraph 108:** At the end of the paragraph it would be important to add the following sentence “Given the gender digital divide, States should ensure all children in their diversity are able to benefit from online learning.”
  1. Age

Research undertaken by Plan International, through its 2020 State of the world’s girls report, has brought to the fore how the usage and perception of the digital environment vary with age and the evolving capacity of children.

Over 14,000 girls and young women across 22 countries included in the survey were asked about their social media use: 98 per cent of them use social media. Social media use is most frequent among 15-year-old girls (72 per cent) and least frequent among 25-year-old women (57 per cent).[[9]](#footnote-10) The online tools and platforms that are used by most girls across all 22 survey countries are WhatsApp (60 per cent), Instagram (59 per cent) and Facebook (53 per cent). Platform use varies by age: WhatsApp is one of the most frequently used messaging platforms across all ages but young women use Facebook more frequently than adolescent girls who prefer Instagram. Adolescent girls also use Snapchat and the increasingly popular TikTok much more than young women. Not all these platforms are open public chat spaces, WhatsApp, for example, is a closed messaging service, whereas Facebook, TikTok and Instagram have significant open interaction and carry a greater risk of harassment by unknown perpetrators.[[10]](#footnote-11)

In certain paragraphs, Plan International would argue that it is essential to reflect the specificities of different age groups. These paragraphs are:

* **Paragraph 31:** As data is a central consideration, it would be vital for this paragraph to specifically call on States to collect disaggregated data, as this would enable to reflect the different age groups of users.
* **Paragraph 35:** “States should systematically involve civil society, including child-led groups and non-governmental organizations working both in the field of children’s rights and in the field of the digital environment, in the development, implementation, monitoring and evaluation of laws, policies, plans and programmes related to children’s rights and ensure that civil society organizations are able to implement their activities related to the promotion and protection of the rights of children.”
  + The integration of an age perspective enables to reflect the growing agency of children as they evolve. A reference to child-led groups is an important recognition of the leading role children can take in defending their rights.
* **Paragraph 68:** This paragraph could be the opportunity to expand on the call on States to support child-led groups and activism. It would be in particular important to resource such initiatives.
  1. Child protection

In view of the abovementioned threats to girls and other general child rights violations in the digital environment, Plan International wishes to make the following general comments and specific additions/amendments to existing text in red:

* **Paragraph 10:** In the last sentence of this paragraph, it would be important to link the responsibility of States to support “all children’s use of digital technologies” with the need to invest in digital literacy as part of essential safeguarding measures.
* **Paragraph 11:** It would be important to make an explicit reference in the last sentence of the paragraph to algorithms and how these can reflect either racist or gender biases.
* **Paragraph 16:** “These include content, contact and conduct risks, and threats that include bullying, harassment, gambling, sexual exploitation and abuse, persuasion relating to suicide and other life-threatening activities including by criminals, armed groups and those designated as terrorist groups.”
* **Paragraph 24:** As the digital environment is mainly a private sector led domain, it would be vital for this paragraph on legislation to reference the human rights responsibilities of private actors. This has been detailed in several Human Rights Council reports[[11]](#footnote-12) and the United Nations Guiding Principles on Business and Human Rights could also be referenced.
* **Paragraph 26:** “Such measures should protect children, including from online sexual abuse and exploitation as well as harassment, and provide remedy and support for child victims and measures to meet the needs of children in disadvantaged or vulnerable situations, including resource materials translated into relevant minority languages.”
* **Paragraphs 36 & 49:** A reference in these paragraphs to the United Nations Guiding Principles on Business and Human Rights would illustrate how the responsibility of business enterprises is already being codified.
* **Paragraph 61:** “When children express their political or other views and identities in the digital environment, this may attract criticism, hostility, threats or punishment. This is especially true of those with intersecting identities including race, ability, gender identity and sexual orientation. The experience of harassment or abuse has significant impact on their confidence and well-being and can also impact their lives offline with many exposed to harassment left fearing for their physical safety. States should protect children from online harassment and threats, censorship, data breaches and digital surveillance. States should develop and implement initiatives that support a safe online environment. This includes educational and awareness programmes on digital citizenship, a broad range of support services such as helplines for victims, trainings for officials on protection of children human rights defenders and the collection and publishing of disaggregated data by age, gender and other characteristics on online harassment.”
* **Paragraphs 87:** A reference in this paragraph to the United Nations Guiding Principles on Business and Human Rights would illustrate how the responsibility of business enterprises is already being codified.
* **Paragraph 103:** When highlighting the potential benefits of digital services in the provision of health services to children, it is necessary to make a clear reference to the previous section on the right to privacy as an essential consideration in this sensitive domain.
* **Paragraph 128:** This paragraph should be linked to paragraph 49 in order to highlight the importance of implementing the Optional Protocol on the sale of children, child prostitution and child pornography and its applicability in respect to extraterritoriality and extradition.

1. Structure and terminology

As part of its constructive engagement with the draft General Comment, Plan International also wishes to share some suggestions on the structure and language of the text.

Firstly, Plan International would suggest to merge paragraph 7 with paragraph 8 under the section on Objectives. Indeed, paragraph 7 describes the purpose of the General Comment and repeats the purpose mentioned in the next paragraph.

Secondly, in paragraph 10 it would be important to expand the notion of meaningful access to the digital environment to include meaningful connectivity as defined by the Alliance for affordable internet. The elements of meaningful connectivity comprise the essentiality of regular access, an appropriate device, enough data and a fast connection.[[12]](#footnote-13)

In several paragraphs (28, 34, 36) there are references to “businesses” which Plan International would suggest replacing by “business enterprises” or “private sector” in order to align with standard human rights terminology.

In the context of sexual and reproductive health addressed in paragraph 102, Plan International would strongly recommend the use of “age-responsive” rather than “age-appropriate” as the latter terminology could be interpreted in a restrictive manner and as a justification to limit the access of children to comprehensive sexual education.

Lastly, in paragraph 113, it would be clearer to refer to “comprehensive sexual education” instead of “sexual and reproductive health issues”.

1. Additional resources

* [Free to be online](https://plan-international.org/publications/freetobeonline), Plan International, 2020
* [Briefing Paper](https://plan-international.org/publications/digital-empowerment-of-girls): Digital Empowerment of Girls, Plan International, April 2018
* [Girls’ Rights are Human Rights](https://www.planinternational.be/sites/default/files/2018-02/report_girlsrightsarehumanrights_en.pdf), Plan International, 2017

1. Plan International, Girls’ Rights are Human Rights, 2017, pg.109 [↑](#footnote-ref-2)
2. McKinsey Global Institute, The future of women at work: Transitions in the age of automation, pg.25, <https://www.mckinsey.com/~/media/McKinsey/Featured%20Insights/Gender%20Equality/The%20future%20of%20women%20at%20work%20Transitions%20in%20the%20age%20of%20automation/MGI-The-future-of-women-at-work-Report-July-2019.pdf> [↑](#footnote-ref-3)
3. <https://itu.foleon.com/itu/measuring-digital-development/gender-gap/> [↑](#footnote-ref-4)
4. World Wide Web Foundation, Women’s rights online: Closing the digital gender gap for a more equal world, October 2020, p.4 [↑](#footnote-ref-5)
5. Plan International, Briefing Paper: Digital Empowerment of Girls, April 2018, pg. 4 [↑](#footnote-ref-6)
6. A/HRC/35/9 [↑](#footnote-ref-7)
7. <https://www.ohchr.org/EN/HRBodies/CRC/Pages/Discussion2014.aspx> [↑](#footnote-ref-8)
8. Plan International, Free to be online, 2020, pg.11 [↑](#footnote-ref-9)
9. Plan International, Free to be online, 2020, pp.14-15 [↑](#footnote-ref-10)
10. Plan International, Free to be online, 2020, pg. -15 [↑](#footnote-ref-11)
11. A/HRC/31/58, §73-77; A/HRC/31/34, §61-63 & A/HRC/35/9, §15, 37 [↑](#footnote-ref-12)
12. <https://a4ai.org/meaningful-connectivity/> [↑](#footnote-ref-13)