**Draft General Comment on Children’s Rights  
in Relation to the Digital Environment**

**Comments by the Government of Finland**

**13 November 2020**

The Government of Finland welcomes this opportunity to contribute to the preparation of the General Comment on Children’s Rights in Relation to the Digital Environment by the Committee on the Rights of the Child. The Government supports the draft General Comment and its aim to clarify the obligations of States parties to ensure the realization of children’s rights in relation to the digital environment.

As a general remark, the Government considers it important that children have the opportunity to interact digitally with the authorities. On a case-by-case basis, and observing the mental maturity of the child, public services should also be available to children in digital format. Authorities should be encouraged to take children and young people into account as a separate user group in their services, particularly in services that are directed to them.

The clarity of the language of the service and its ease of use are key elements. Accessibility also supports the opportunities for children with disabilities to participate, receive support and manage their own affairs online. A sufficient range of languages offered in digital services gives immigrant children better access to services, for example. The target groups of the service should be taken into account in the language options.

The Government emphasises that children should have access to a network and digital services. The State must ensure a low cost of connections and provide free access to digital services, for example, in schools or libraries. The Government also stresses the importance of adequate support for the use of digital services, especially in connection with services provided by public authorities.

In the Government’s view, both the child and the child’s parents or guardian should be informed about the types of decisions related to the child that are made automatically, the effects of such decisions and the appeal process.

The Government also supports the consultation of children through digital services in issues related to them. An alternative opportunity for consultation and inclusion must be provided to children who do not have access to a network.

Finally, the Government notes that the right to development could also include the right to those digital tools that support development, if the child has special needs.

Furthermore, the Government would like to draw the Committee’s attention to the certain specific issues in the draft General Comment outlined below to its possible further consideration.

**Paragraph 2:**

The Government wishes to draw attention to data dependency of technologies. Digital services require large databases, which collect data based on terms and conditions. Children often do not understand what they are agreeing to or they may not be of the required age specified in these agreements. This relates to the information collected from minors and its use in developing the service. In addition, the services often sell the collected data to third parties. The data can be very diverse, including descriptions of the user's activities, sound recordings and, for example, a scan of the user's living space as Lidar and other similar technologies that are becoming more common on consumer devices.

**Paragraph 10:**

The Government proposes that early childhood care and education will be added to the list in the last sentence, and perhaps libraries and cultural institutions. The Government also notes that digital technologies used in early childhood care and education should be age appropriate and pedagogically justified, which also concerns schools.

**Paragraph 17:**

The Government observes that there is no commonly accepted definition or diagnostic criteria for the term “digital addiction”. Hence, the Government proposes the Committee to consider rewording the term, e.g. with the phrasing "the risk of harmful or disproportionate use of digital media".

The Government also finds it important that the paragraph mentions pedagogical justification for the use digital technologies. In this regard, the paragraph should also mention the need for research regarding the impact of pedagogically justified use of digital technologies in education.

**Paragraph 21:**

Digital providers have the freedom to build their own services. This can be recommended but not required.

**Paragraph 22:**

The Government observes the excellent points concerning digital skills. The Government wishes to note, however, that in addition to digital skills, children also need media literacy in the digital environment to be able to critically evaluate the health information provided to them online. This concerns also paragraphs 26, 33, 89, 102, 113 and 114.

**Paragraph 28:**

The Government wishes to note that most countries have children’s online issues included in several administrative branches. This can give the topic more coverage than nominating one single body for this issue.

**Paragraph 31:**

In the Government’s view, it might be relevant to address children's right to privacy and research ethics here, as the digital environment makes it easier for sometimes rather disparate actors to collect data.

**Paragraph 34:**

The Government wishes to propose that the paragraph would include professionals in all levels of education.

**Paragraph 41:**

In the Government’s view, not all marketing needs to be “age appropriate”. The Government suggests it be sufficient that marketing targeted to children is age appropriate.

**Paragraph 42:**

The Government observes that it is not always clear which specific practices belong to neuromarketing as such and which to other marketing. Therefore, the recommendation on neuromarketing should be formulated precisely. Marketing in general may also employ data-driven tools and neuropsychological findings, highlighting the need for regulation of harmful or manipulative forms of marketing more generally, in connection with the digital environment.

**Paragraph 43:**

The Government wishes to note that a clarifying sentence about the importance of children’s consent for processing data (when applicable) might be good to avoid the impressionthat parental consent is the only thing that matters.

The Government wishes to emphasise the importance of the clarity of the language used in describing the collection of the data, the use of the data and the possible selling of the data.

**V. K. Remedies**

In the Government’s view, this section should include a paragraph about child offenders, not just child victims, taking into account the Committee’s General comment No. 24 (2019) on children’s rights in the child justice system.

**Paragraph 49:**

The Government proposes an example of a situation where extra-territorial jurisdiction would be appropriate be included in the paragraph.

**Paragraph 57:**

The Government emphasises that the harmfulness of moderated content is determined in a manner consistent with CRC provisions and the General Comments of the Committee. Children's right to age-appropriate information on issues such as gender issues and sexual health is key to the realization of many of their rights. This is especially important for children in vulnerable situations, e.g. for children who have experienced abuse or harassment.

**VI. B. Freedom of expression**

In the Government’s view, this should also include right to learn media literacy in order to be fully capable of expressing oneself in the digital environment, responsibly, safely and creatively.

**Paragraph 61:**

The Government wonders if the last sentence applies to actions that are illegal in many countries, such as incitement to hatred towards an ethnic group. The Government notes that if so, the groups producing online hate speech could use children as intermediaries to spread hate speech.

**Paragraph 63:**

In the Government’s view, States should also ensure that children are not under extensive digital supervision.

**Paragraph 66:**

The Government considers this a very important and well-formulated point.

**Paragraph 72:**

In the Government’s view, children’s consent should be included also in this paragraph.

**Paragraph 76:**

Moreover, the Government wishes to note that, although there is insufficient evidence on what being subject to constant scrutiny and surveillance can mean for children’s mental development, a precautionary approach should be taken also in this respect (referring to right for development).

**Paragraph 77:**

The Government notes that tracking devices and apps may be relevant for paragraph 77 on children's right to privacy as well, as they consist of digital technologies that enable tracking the child's movements or activities in their physical environment.

**Paragraph 78:**

The Government wishes to note that children also use online avatars and names to build their digital identity. Hence, the prevention of identity theft in this regard becomes relevant.

**Paragraph 80-81**

The Government considers it important that every new-born child has the right to have their personal data registered and recognised by the national authority and to make use of the digital identity certified by the authority in services.

**Paragraph 82:**

The Government notes that it might be justified to require that the need to update legislative frameworks be regularly reviewed, rather than regularly update legislative frameworks.

**Paragraph 90:**

The Government would like to draw attention to the wording of the second sentence of the paragraph, as it might be misinterpreted. The paragraph only discusses the parents and caregivers of children in disadvantaged or vulnerable situations. The Government proposes an alternative phrasing: "Special attention should be paid to children in disadvantaged or vulnerable situations, as well as their parents and caregivers."

**Paragraph 97:**

The Government notes that the Web Accessibility Directive has corrected deficiencies in this area in the EU. In Finland, the Web Accessibility Directive introduced the Act on the Provision of Digital Services, which requires, for example, schools and other public services to provide digital services in an accessible way.

**Paragraph 105:**

The Government considers the sentence structure in paragraph 105, second sentence, somewhat unclear. Perhaps what is meant is "States should regulate targeted or age-inappropriate advertising, marketing and service design in order to prevent...”?

**Paragraph 110-111:**

In the Government’s view, digital tools play an important role for pupils at different skill levels and for the needs of special groups, such as children with disabilities. The development of digital tools plays a significant role for language studies and for lowering the threshold for the use of national, indigenous and minority languages.

**Paragraph 112:**

The Government wishes to emphasise the importance of this paragraph. It is important to strengthen the evidence-based information on impact of using digital technologies in education.

The second sentence of the paragraph is especially important when introducing terminal devices primarily for consumers in education, because consent and privacy protection concerning consumers may not apply in education.

**Paragraph 113**

The Government supports the role of schools in teaching digital skills. Digital skills are essential civic skills today and children need support and training to develop them. For example, the use of digital services may require different skills.

**Paragraph 114:**

This is an excellent formulation of an important issue.

**Paragraph 128:**

In the Government’s view, States should also effectively cooperate with each other in preventing international crime such as child sexual exploitation and dissemination of CSAM.

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