## UNICEF’s submission to the Committee on the Rights of the Child

## General Comment on the rights of the child in relation to the digital environment

UNICEF welcomes the development of the General Comment on children’s rights in relation to the digital environment. As we mark 30 years of the adoption of the Convention on the Rights of the Child we recognise that the environment in which children’s rights are realised is very different from the environment in which the Convention was drafted. Children nowadays constitute a large proportion of all internet users, one third globally, while in the lower income countries they are almost half of all users.

While the Convention places primary responsibility to realize child rights on the States or parents/guardians, the current digital environment is primarily shaped by the private sector. The roles of multiple actors, including tech companies, therefore need to be clearly defined and the role of traditional duty bearers (States, parents) need to be re-defined to reflect the new realities.

1. **Access to information and freedom of expression and thought**

**Ensuring internet access for all children**: Digital access is increasingly a determinant of equal opportunity for children. It enables them to benefit from access to information, educational and cultural materials, many of which are now only available online. The internet can thus be seen as an avenue to democratize and equalize access, both to accumulated knowledge and contemporary developments.[[1]](#footnote-1) Still a great number of children are not connected online (more than 360 million of those between ages 15-24)[[2]](#footnote-2) or do not have access to devices that can connect to the network in ways which are appropriate to the intended use. Ensuring internet access for children should be a priority for States. This requires paying attention to challenges of cost and infrastructure, but also parenting practices. Evidence from Global Kids Online shows that parents could also be a barrier to access for children for lack of understanding of benefits and fear of risks to children. At the same time, when children have free access, overcoming barriers such as cost, connectivity or parenting, home use seems fairly egalitarian in some countries, providing equal opportunities to boys and girls.[[3]](#footnote-3) It would also be important to collect data on children’s connectivity, disaggregated by gender, disability and other factors to track disparities in and barriers to connectivity.

**Support the development of creative and participatory opportunities:** While most children engage in entertainment or educational activities online, creative and civic activities are relatively rare. It is a challenge for States, policy makers and child rights actors to find ways to better enable children to enjoy creative and civic opportunities, thereby allowing children to exercise their civic and expressive rights in the digital environment. Restrictive parenting, in addition to being a barrier to access, is also associated with reduced participation in online activities and digital skills. School use could act as an equalizer, but some countries still struggle to provide school access to children, especially the younger ones. Global Kids Online findings suggest that in many countries, older children are much more likely than younger children to access the internet from school, which could explain why younger children are behind in terms of skills. States should work to ensure equal school access for boys and girls, and children of all age groups.

**Provision of high quality online content in multiple languages:** Access to information is also hampered by shortage of high quality, culturally relevant content in different languages. As governments and non-state actors are racing to provide connectivity to the ‘bottom billion’, ensuring that those who will be connected to the internet for the first time are able to access relevant context is paramount consideration.

1. **Right to education and digital literacy**

Closely linked to access to information is children’s ability to use the technology in a safe and empowering way and their competencies to make the best use of information and to recognise online misinformation. Acquiring digital skills and becoming digitally literate should no longer be viewed independently of the acquisition of other foundational skills.

The General Comment should call for stronger investments in developing children’s digital literacies through multiple pathways by strengthening education systems including literacies of teachers. Girls have more barriers to access to and use of technology than boys (which is often because of lower levels of access to education and because of social norms), and without regular access, girls can’t develop digital literacy in the same way as boys by familiarising themselves with technology and exploring its uses.

1. **Protection from violence, sexual exploitation and other harm**

**Invest in understanding harm and offline/online vulnerability, including from the perspective of children:** While children have a right to protection from harm, there is a need to distinguish between experiences that children find harmful, and experiences that adults believe are harmful for children. The issues such as ‘stranger danger’ and ‘screen time’ has dominated the public discourse for years; while such risks persist, they do not appear to cause considerable harm to the majority of children. (Global Kids Online, forthcoming). For those who actually experience harm, the consequences can be devastating. Policy makers and non-state actors should also focus on what children themselves find upsetting such as encountering unwanted sexual or violent content, hate-speech, bullying, privacy violations, exploitation of children’s data, crimes against children such as grooming, sexual exploitation, and sextortion, or technological challenges that may provide them with flawed information, like algorithm biases.

**Invest in understanding perpetrators’ behavior and children’s vulnerability:** On the other hand, it has never been easier for those who harm children to contact potential victims around the world, share images of their abuse and encourage each other to commit further crimes. Digital connectivity has made children more accessible through unprotected social media profiles and online game forums. It also allows offenders to be anonymous, reducing their risk of identification and prosecution, expand their networks, increase profits and pursue many victims at once. Advancement in the technologies, for example, encrypted services and the development of the darknet, have brought particular advantages to the offenders. They have helped them to cover their digital tracks, create false identities, pursue many victims at once and monitor their whereabouts. Understanding why risk translates into actual harm for certain children, and not for others, is crucial. It opens our eyes to the underlying vulnerabilities in the child’s life that can place him or her at greater risk in the digital age.

Some key considerations for the General Comment:

* Development of recommendations on how to balance the freedom of expression and the rights of the child to protection from online violence, sexual abuse and exploitation.
* Greater accountability of the tech industry, particularly stringent follow up and actioning on the policies that are published externally. This could be an opportunity to initiate the development of a global accountability framework that is not tied to one jurisdiction only.
* Development of measures to facilitate harmonization of the legal frameworks. Currently many countries do not have their national laws aligned with international standards on issues related to child sexual abuse materials.
* Investment from the national governments in the implementation of the model national response to address online child sexual abuse and exploitation. The General Comment needs to address the disparate capacity and resources between global North and South, while the Internet connectivity has clearly shown that no countries are exempted from the risks online.
* More evidence-based research on interventions that has proven to be effective in informing parents, children and caregivers on the online risks and measures that clearly delineates the distinction between risks and harms. The General Comment should emphasise that we need geographic and culture sensitive approach and not merely replicate approaches that may have worked in a given socio economic context.
1. **Health and well-being**

If we hope to understand how the digital environment impacts children’s health and wellbeing, it is imperative to account for both online and offline experiences. What impacts a child online has implications offline, and vice versa. Evidence generation efforts related to child health and well-being need to focus on linkages between online and offline experiences and their individual and cumulative impacts, rather than treating online and offline environments as separate. There is a need for sustained longitudinal evidence generation in an area that has so far been dominated by cross-sectional, low quality research, as recognized in multiple evidence reviews and consultations.

1. **Children’s right to culture, leisure and play**

Children have an extraordinary capacity to learn and develop when motivated by genuine interest and provided the right opportunities. Play is a powerful way to cultivate intrinsic motivation in children, recognised as being essential to the development of creativity, imagination, self-confidence, self-efficacy, and a range of social, cognitive and emotional skills. Digital play can facilitate their development, sometimes in new ways that we do not yet fully understand, the extent of which depends on a young person’s evolving capacities – maturity, skills and abilities. Digital play provides children with autonomy, a chance to participate and make their own choices, express their own views, and take responsibility for their actions – with potential beyond what non-digital play provides. While a balancing act needs to be considered, protection concerns should not infringe unduly on children’s right to the progressive autonomy that online play affords them.

1. **Privacy and data protection**

**Elucidating concrete impacts**: Privacy-related harms and risks to children are not widely appreciated and often conflated with other issues. The General Comment should take the opportunity to clearly enumerate the reasons why data processing is itself a concrete concern for children’s rights. The Children’s Commissioner for England has recently published a report that explores what data about children is being collected, how this data might be used, and the resulting risks under the themes of ‘safety and wellbeing’; ‘child development and social impacts’; ‘identity theft and fraud’; and ‘impact on opportunities and life chances’.[[4]](#footnote-4) For example, data collected during childhood has the potential to influence high-stakes domains including access to finance, education, insurance and health-care. Much more needs to be done to understand these current and potential future risks, particularly as the development and adoption of new analytical techniques including natural language processing and machine learning increase the scope of data impacts.

**Businesses processing of children’s data:** Private companies play a central role in shaping the digital environment, with profound implications on privacy. The General Comment should closely examine governments’ obligations deriving from the ratification of the UNCRC and its Optional Protocols with respect to businesses’ data processing practices. The UK’s Age-Appropriate Design Code is an example of such efforts.[[5]](#footnote-5)

**Governments’ own data processing:** The General Comment should consider government’s obligations with regard to the handling of data within the public sector (e.g. in schools). This is a setting in which the boundaries between private sector responsibilities (as companies often provide the software deployed) and government duties are blurred. For example, Defend Digital Me produced ‘The State of Data’ report in 2018 which examines data impacts in the UK education system, including concerns associated with the rising use of biometrics.[[6]](#footnote-6) Government surveillance is also a key topic to examine with respect to its potential impacts on children’s rights. For example, the UK Government’s Prevent strategy requires schools to track children and identify those considered to be at risk of violent extremism.[[7]](#footnote-7)

**Data of children in vulnerable situations:** The General Comment should acknowledge that all children have the right to privacy, including the most vulnerable. For example, children on the move may be particularly vulnerable to invasions of privacy in the form of data surveillance as well as dangers resulting from data-leaks or misuses.[[8]](#footnote-8)

**Sensitive data**: Sensitive data, including biometrics, present unique challenges (for example, stolen biometric data can potentially have serious long-term consequences for children). The General Comment should consider highlighting the need for additional vigilance and safeguards with regards to these data types.

**Cybersecurity and data breaches**: Several recent high-profile data scandals have involved children’s personal information. For example, there has been particular attention on the data collection practices of connected toys[[9]](#footnote-9) and security flaws in baby monitors.[[10]](#footnote-10) The General Comment should consider governments’ obligations with regards to data security, including their role in ensuring that businesses create products that are safe for children with respect to cybersecurity risks.

**Best interests of the child:** Data privacy is often framed as a threat to children’s safety online. The General Comment should underline governments’ obligations to protect children’s right to privacy in addition to all other rights. In the case of the UK’s draft Age-Appropriate Design Code, this is mediated by the use of the ‘best interests of the child’ principle as the leading standard.[[11]](#footnote-11) This attempts to maximise data privacy protections without narrowing the scope for safeguarding efforts. The General Comment would also be an opportunity to clearly unpack the ‘best interests’ principle and provide guidance on how it can be upheld in the context of mass digital services and technologies.

**Role of parents and caregivers**: Parents and caregivers have a critical role in protecting children’s rights. However, they can only play this role within in an enabling environment. More specifically, the importance of designing systems, products, and services that permit privacy cannot be underestimated as a prerequisite to parents and caregivers being able to fulfil their duties.

1. **Accessibility & disability**

ICTs help remove barriers, open opportunities, and are essential enabling tools to assist children and young people with disabilities or with functional limitations to live healthy, productive, independent and dignified lives, participating in education, the labor market and social life. Most children and young persons with disabilities living in low- and middle-income countries don’t have access to ICTs because they live in rural areas without access to the technology; they can’t afford it; their parents are not aware of it; or appropriate devices for their needs are not yet available.[[12]](#footnote-12) In some countries, the gap between persons with and without disabilities reaches 30 percentage points for internet use, 10 percentage points in access to internet in the household, 5 percentage points in radio and TV use.[[13]](#footnote-13) Technology and connectivity can mean the difference between social exclusion and equal opportunity by facilitating communication and access to information. Children and young people with disabilities are also among the most vulnerable population who go online. Here are some suggested considerations for the General Comment:

1. Give children and young people a voice in the development of digital policies that affect their lives, including through disability and age appropriate assistance.[[14]](#footnote-14) Children with disabilities and their families must be involved at every stage of ICT development, including the design and evaluation of services and products, and the development of policies.[[15]](#footnote-15) ,[[16]](#footnote-16)
2. Adopt legislation, policies and regulations on accessibility standards. Accessibility should be mainstreamed in all digital products, contents, environments and services while leveraging innovation in assistive technologies and supporting end-users.[[17]](#footnote-17) In Latin America and the Caribbean, ICT and persons with disabilities are mentioned under the general disability law in 13 countries and territories, and are a provision of the general telecommunication law in 6 countries. [[18]](#footnote-18) In Norway, universal design of ICT is a legal requirement for both public and private sector.[[19]](#footnote-19)
3. Provide and publish all government public information, services, records, and forums in accessible digital formats by adopting guidelines on accessibility for providers of information.
4. Involve all relevant stakeholders and increase funding to support universal design and low-cost ICTs for persons with disabilities, including the development of open-source software.
5. Raise awareness and enhance knowledge of ICT accessibility.
6. Promote the principles of Universal Design in the mainstream ICT industry and the public sector. In education, accessible and assistive technologies, including digital technologies and communication aids, can play a significant role in this regard by enhancing the accessibility of teaching and learning materials.[[20]](#footnote-20) UNICEF and partners are developing an innovative solution called the Accessible Digital Textbook for Learners with Disabilities to make textbooks available, affordable and accessible for all children in development and humanitarian contexts. Textbooks developed under a “Universal Design for Learning” approach are developed in accessible digital formats where users can customize and combine features like narration, sign language, interactivity and audio-description of images and other features to suit different access needs or preferences.
7. Ensure access to affordable assistive technologies, including ICTs. Some innovative apps facilitate communication between deaf students, teachers and peers who do not know sign language by translating signs into captioning or uses voice recognition to convert voice to text; others help improve socialization skills for autistic children or simplifies daily routines into pictures to make sense of schedules or stories for children with intellectual disabilities; and creative apps connect blind people who need assistance to volunteers around the world who want to help via a direct video connection.

**Additional considerations**

**The importance of the private sector.** All the previous general comments have been targeted at governments as the primary duty-bearers. However, directions for the digital world and the development of digital devices, products, services, platforms etc., is set by businesses and not by governments. Furthermore, regulation often cannot always keep up with the speed at which technology is developing, so the traditional duty-bearer approach may not work so well in this context. Given that largest tech companies are much larger and more powerful than most governments, they should be considered as duty-bearers as well. We hope that the General Comment recognizes the difficulty in the traditional approach, and sets clear roles for each stakeholder (governments, businesses that develop and offer services directly to children, businesses that are part of the value chains of companies developing products/solutions/services that affect children, parents etc.). It is suggested that the General Comment translates theoretical high-level principles into concrete recommendations that speaks well to the private sector.

**The issue needs to be addressed in multiple levels within businesses.** UNICEF has engaged with the private sector at the corporate level through development of child rights business principles and guidelines. In addition, UNICEF has worked with designers and developersof digital products and services, targeted at the actual doers. While we need strategic level commitment from companies, we also need commitment from the practitioners who develop the products and services that children use.[[21]](#footnote-21)

**Emerging technologies.** Emerging technologies such as AI, virtual reality, augmented reality and others are rapidly developing and their application bears relevance for children’s rights in great many fields (education, health, welfare). However, we are also concerned about a world in which AI remains unchecked. AI systems, often working as “black boxes”, raise issues of privacy, accountability, recourse and exclusion, particularly for children. Without a human-centered foundation to AI development, children’s rights to learn, play and participate freely are at risk. Children need to be protected in an AI world, but they also need to be prepared to fully engage it. Development of standards to guide these technologies is key to the realization of the rights of the child in 21st century. UNICEF has begun the process of the development of Global Policy Guidance on AI and Child Rights.

**Gender.** It is essential that the General Comment highlights the differences in the way boys and girls access and experience digital technology and pay particular attention to its related effect on children’s rights in a digital age and digital environment. We suggest ensuring there is a gender perspective throughout the General Comment, but particularly in some key groups of rights (as the suggested structure for the GC) where the evidence shows that girls have different online and digital experiences compared to boys, namely: (1) **Removal of gender barriers to access:** Many girls don’t own phones or digital devices, or they are denied online activity as parents/care-givers/communities worry about their online safety, and or place less confidence in girls’ abilities to navigate the online world. Girls also face a range of social restrictions (or stricter oversight from adults), based on gender norms, when using digital devices and accessing online information. Online engagement can have gendered consequences (e.g trolling, cyber-bullying) and be experienced differently by girls and boys and gender diverse children; (2) **Protection of privacy**: girls and boys manage their privacy settings differently; girls have more concerns about their personal information online being more exposed to risky situations; they are also more likely to suffer negative consequences from this than boys (non-consensual disclosure of nude photos appears to be a common practice that affects youths’ lives, and this is gender-based); (3) **Protection from violence, sexual exploitation and other harm**: this is more of a risk and a concern for girls. Girls also experience a range of social restrictions which can then mean that they are more likely to internalise ideas that phones can be unsafe, and girls cannot be trusted with the phone. These gendered experiences also relate to how discrimination (originating offline or online) can be effectively addressed, to ensure all children have their rights realised in a digital world. We recommend an input on how stakeholders can work to ensure that girls have equal access to and use of technology, and that they are safe and secure when online.

1. **Some recommended sources from UNICEF and external partners:**
* Girl Effect and Vodafone Foundation (2018). Real girls, real lives, connected. <https://www.girlsandmobile.org/>
* Sey, A. & Hafkin, N, (EQUALS 2019): Taking Stock: Data and Evidence on Gender Equality in Digital Access, Skills, and Leadership. <https://www.itu.int/en/action/gender-quality/Documents/EQUALS%20Research%20Report%202019.pdf>
* UNESCO Policy Brief – I would blush if I could (2019). Rationales and Recommendations for Gender Equal Digital Skills Education. <https://en.unesco.org/events/id-blush-if-i-couldclosing-gender-divides-digital-skills-through-education>
* UNICEF. State of the Worlds’ Children (2017). Children in a Digital World. <https://www.unicef.org/publications/files/SOWC_2017_ENG_WEB.pdf>
* We Protect Global Alliance (2018). Global Threat Assessment\_<https://www.weprotect.org/s/64159_WeProtect-GA-report-1.pdf>
* UNICEF East Asia and Pacific (2016) Child Protection in the digital age <https://www.unicef.org/eap/reports/child-protection-digital-age>
* UNICEF and Child helplines International. A New Reality: Child helpline report on online sexual exploitation and abuse of children. 2016. [https://www.unicef.org/protection/files/LEAP\_report\_CHI\_and\_UNICEF\_(final).pdf](https://www.unicef.org/protection/files/LEAP_report_CHI_and_UNICEF_%28final%29.pdf)
* ITU and UNICEF. 2015 Guidelines for Industry on Child Online Protection. <https://www.unicef.org/csr/files/COP_Guidelines_English.pdf>
* Byrne, J., Kardefelt-Winther, D., Livingstone, S., Stoilova, M. (2016). Global Kids Online Research Synthesis, 2015-2016. UNICEF Office of Research Innocenti and London School of Economics and Political Science. <https://www.unicef-irc.org/publications/pdf/IRR_2016_01.pdf>
* Livingstone, Sonia, John Carr and Jasmina Byrne, One in Three: Internet Governance and Children’s Rights, discussion paper 2016-01, UNICEF Office of Research – Innocenti, 2016. Available at: <https://www.unicef-irc.org/publications/795-one-in-three-internet-governance-and-childrens-rights.html>
* Kardefelt-Winther, D. (2017). How does the time children spend using digital technology impact their mental well-being, social relationships and physical activity? An evidence-focused literature review. Innocenti Discussion papers no. IDP\_2017\_12, UNICEF Office of Research – Innocenti, Florence. Available at: <https://www.unicef-irc.org/publications/925-how-does-the-time-children-spend-using-digital-technology-impact-their-mental-well.html>
1. UNICEF Policy Guide on Digital Connectivity, 2018 (internal document) [↑](#footnote-ref-1)
2. UNICEF State of the World’s Children 2017. Children in a Digital World. [↑](#footnote-ref-2)
3. Global Kids Online: comparative analysis of 11 countries, forthcoming [↑](#footnote-ref-3)
4. Children’s Commissioner for England, Who knows what about me? (2018), available at <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2018/11/who-knows-what-about-me.pdf>. [↑](#footnote-ref-4)
5. ICO, Consultation Document: Age-Appropriate Design (2019), available at: <https://ico.org.uk/media/about-the-ico/consultations/2614762/age-appropriate-design-code-for-public-consultation.pdf> [↑](#footnote-ref-5)
6. Defend Digital Me, State of Data (2018), available at <https://defenddigitalme.com/stateofdata2018-gdpr/> [↑](#footnote-ref-6)
7. Gov.uk, Protecting children from radicalisation: the prevent duty, available at: <https://www.gov.uk/government/publications/protecting-children-from-radicalisation-the-prevent-duty> [↑](#footnote-ref-7)
8. Prio, Smart Phones for Refugees: Tools for Survival, or Surveillance? (2018), available at: <https://www.prio.org/utility/DownloadFile.ashx?id=1597&type=publicationfile> [↑](#footnote-ref-8)
9. See #Toyfail: An Analysis of Consumer and Privacy Issues in Three Internet-Connected Toys, Forbrukerradet (2016), available at <https://fil.forbrukerradet.no/wp-content/uploads/2016/12/toyfail-report-desember2016.pdf>. [↑](#footnote-ref-9)
10. See, e.g., <https://www.independent.co.uk/life-style/gadgets-and-tech/news/baby-monitors-hacked-parents-warned-to-be-vigilant-after-voices-heard-coming-from-speakers-a6843346.html>. [↑](#footnote-ref-10)
11. ICO, Consultation Document: Age-Appropriate Design (2019), available at: <https://ico.org.uk/media/about-the-ico/consultations/2614762/age-appropriate-design-code-for-public-consultation.pdf> [↑](#footnote-ref-11)
12. Samant, D., Matter, R., Harniss M., 2011. *Realizing the potential of accessible ICTs in developing countries, Journal of Disability and Rehabilitation: Assistive Technology*, Volume 8, 2013- Issue 1, pp. 11-20. [↑](#footnote-ref-12)
13. UNDESA, 2018. *UN Flagship Report on Disability and Development*. Retrieved from C:\Users\jdebarbeyrac\Documents\Textbooks for All\Litterature\UN-Flagship-Report-Disability.pdf [↑](#footnote-ref-13)
14. CRPD article 7 calls on States Parties to ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age appropriate assistance to realize that right. [↑](#footnote-ref-14)
15. UNICEF and WHO, 2015. *Assistive Technology for Children with disabilities: Creating Opportunities for Education, Inclusion and Participation: a discussion paper*. Retrieved from https://www.unicef.org/disabilities/files/Assistive-Tech-Web.pdf [↑](#footnote-ref-15)
16. Good practices: Because it reflects the direct experience of the user, exploring crowd-sourcing applications to obtain bottom-up information on the accessibility of schools, transport, restaurants, and community and recreational services for persons with disabilities can be useful to inform national accessibility policies for education, among others. Several online and smartphone applications already allow users to publicly review the accessibility for wheelchair users of any facility in the world, including schools, buildings, routes, etc. Current information on accessibility and experiences covers mainly developed countries and future efforts should focus on gathering crowdsourced information in developing countries and to update these applications to capture information on accessibility for any type of disability. [↑](#footnote-ref-16)
17. Global Initiative for Inclusive Information and Communication technologies, OurMission*.* Retrieved from https://g3ict.org/about-us/our-mission*.* [↑](#footnote-ref-17)
18. International Telecommunication Union, *Final Acts World Conference on International Telecommunications (Dubai, 2012), International Telecommunication Regulations (14 December 2012),* article 8B, available at: https://www.itu.int/en/wcit-12/Pages/itrs.aspxhttps://www.itu.int/en/wcit-12/Pages/itrs.aspx [↑](#footnote-ref-18)
19. Legislation sets a timeline for when old ICT must adhere to universal design principles, and sanctions non-compliance. The Norwegian Agency for Public Management and eGovernment (Difi) monitors compliance. If the public and private sector fail to adhere to the requirements of universal design of ICT, it is both a violation of the legislation on universal design of ICT and a violation of the legislation on equality and non-discrimination. Read more on Difi’s website: <https://uu.difi.no/om-oss/english> [↑](#footnote-ref-19)
20. UNDESA, 2018. *UN Flagship Report on Disability and Development*. Retrieved from C:\Users\jdebarbeyrac\Documents\Textbooks for All\Litterature\UN-Flagship-Report-Disability.pdf

\*Implementing Universal Design principles is more inclusive, affordable, and often simpler than developing specialized software or hardware for persons with disabilities. [↑](#footnote-ref-20)
21. The principles UNICEF has come up with a group of designers can be found here: <https://childrensdesignguide.org/principles/>. [↑](#footnote-ref-21)