Warsaw, 15 May 2019

**Concept note of *the General Comment on children’s rights in relation to digital environment* drafted by the Committee on the Rights of the Child**

**Comments of the Republic of Poland**

The rights of the child in the digital environment has been defined as one of the five priority areas of *the Council of Europe Strategy for the Rights of the Child (2016-2021)*, adopted on 2 March 2016 by the Committee of Ministers of the Council of Europe, after a broad consultation carried out by the Committee of Experts on the Council of Europe Strategy for the Rights of the Child with Member States, civil society, advocates for children's rights, other international organizations and children.

The Republic of Poland also fully supports the Council of Europe *Guidelines to respect, protect and fulfil the rights of the child in the digital environment[[1]](#footnote-1)* included in the Recommendation CM/Rec(2018)7 of the Committee of Ministers. It our opinion this document well encompasses the key angles of the issue in question – children’s rights in the digital environment.

The digital world offers children unlimited possibilities to acquire knowledge and gives them many opportunities to communicate, but it also presents serious challenges. According to the Republic of Poland, in view of the fact that nowadays digital technology permeates all areas of our daily life, it is necessary so that this sphere of life of young people is given a priority attention, in order to teach them how to use technology responsibly and – as a result - to build the conscious digital citizenship.

*The Council of Europe Strategy for the Rights of the Child,* under its priority relating to the rights of the child in the digital environment, indicates the need to ensure equal participation of all children in the digital environment, their equal access to technology and their right to non-discrimination as some of its core objectives. Particular attention shall be paid to empowering children with special needs, such as children with disabilities. In order to realize this objective, the Republic of Poland currently builds the Nationwide Educational Network(pl. *Ogólnopolska Sieć Edukacyjna* – OSE)[[2]](#footnote-2). Its aim is to provide a fast and secure Internet in every school in the country, which will guarantee, both to students and their teachers, an equal access to knowledge, the development of new forms of education and the opportunity to acquire digital competences. The Nationwide Educational Network will also address the necessity of securing children’s safe access to Internet in schools. The Internet safety experts will support the schools, among others in managing the infrastructure and securing children’s personally owned devices that they would bring to school in a technology model called BYOD (meaning: *bring your own device*).

In addition to that, the advanced digital media usage, which is integrated into the curriculum, requires significant changes in the education model and the way teachers are trained to pursue their profession. According to a recent nationwide study carried out among Polish students by NASK (pl. *Naukowa i Akademicka Sieć Komputerowa*), a Polish national research institute, more than 40% of adolescents in Poland is of the opinion that school does not prepare them for life in the digital world.[[3]](#footnote-3)

In order to enable children to use the full potential of the digital network, it is essential to include parents in the process of the media literacy education. New ICT tools give parenthood a completely new dimension. Some parents admit that they lack support in fulfilling their role as those who raise children and guarantee their rights. It seems therefore crucial to include parents into the school life of their children, also in the aspect of development of their digital competences. In the opinion of the Republic of Poland, the topic of Internet safety shall be included into the agenda of the regular teacher-parents meetings, and parents should be involved in decision-making when cyberbullying or hate speech incidents occur in the school. Recent surveys, both at national[[4]](#footnote-4) and international levels,[[5]](#footnote-5) have shown that the topic of Internet safety is still not present in more than 30% of the families.

In addition, it should be noted that the age at which children start using the Internet and electronic devices becomes lower and lower. It is therefore necessary to provide the educational support also to business clients, especially Internet providers and those who produce electronic devices, in order to sensitize them to the activity of youngsters in the Web.

Following up on that, we share the opinion that the content available to children and teenagers on the Web shall be appropriate, and we also think that different threats require different type of protection. To give an example, it seems that the best way to avoid pornographic materials is to use content-filtering technology, while protection against *fake news* should be based on education and the development of digital literacy.

In the opinion of children, violence remains the most important issue. European justice systems are still not properly adapted to the specific needs of minors. Researches show that children's rights enshrined in *the UN* *Convention on the Rights of the Child*, such as their rights to non-discrimination, to be heard, informed and protected are not always observed in practice. Therefore, in order to effectively protect children from violence, we should promote an integrated approach, that takes into account both fight against violent attitudes and combat with the sexual abuse. Victims of cyberbullying or sexual abuse should have rights to protect their privacy, that shall be understood as a restriction of distributing violent content in the future. *The right to be forgotten* is a very good example here, but it should be further promoted, developed and adapted to technical requirements.

Regarding violence in the digital environment, such problems as hate speech and cyberbullying are still broadly present among children and youngsters. Over 40% of young people have been humiliated online or heard about such things happening to their friends, while approximately 20% of minors have been victims of online aggression.[[6]](#footnote-6) The fact that over 30% of children does not report such cases to anyone continues to be the major concern. We should therefore develop a network of contact points in schools as well as further develop and promote national helplines for young people, that enjoy their confidence and are able to respond quickly and appropriately to their various concerns. Moreover, it should be noted that characteristics such as physical appearance, sexual preferences, religion, race and economic status are the most common reasons for attacks on the Web. This indicates a pressing need to conduct educational campaigns aiming at increasing tolerance and empathy as well as raising the self-esteem of pupils.

Also business shall be involved in promoting secure Internet. During a consultation meeting organized by Polish Safer Internet Centre, young people emphasized their need for a permanent support coming from social networks. At the moment, when something happens with their online accounts and immediate help is needed, they have to wait way too long for the response of the abuse teams. Moreover, young people find the rules of procedure of the online platforms too complicated and incomprehensible. They also complain that the procedures to follow when one wants to appeal against a decision taken by the online platform are insufficiently exposed on their websites and difficult to fill. Steps to follow when reporting an abuse shall be easily accessible by users, available in their language and self-explanatory. Services aimed at children shall be free from controversial marketing materials, inappropriate content and shall not allow for dangerous contacts with strangers. Online platforms shall promote privacy and default privacy settings on children profiles should be very restrictive and difficult to be changed.

In the event of law infringement, the cooperation between the law enforcement agencies and online platforms should be tactful and effective. It shall be however remembered that challenges in these fields are tackled differently in various countries, according to national legal order.

1. *How can children’s views and experiences be expressed and taken into account when formulating policies and practices which affect their access to, and use of, digital technologies?*

Children's views and experiences can be expressed and taken into account when formulating policies and practices which affect their access to, and use of, digital technologies through e.g. online polls.

Online polls could also be used as a tool for children’s participation in other areas – local, national and global public policy and political debates and their enjoyment of the right to assembly and association, strengthening their capacity for democratic citizenship and political awareness. Through such polls children could be consulted in public policy matters which concern them. The results taken into consideration in the legislation process would be a step forward to a world, in which young people are effectively heard when it comes to issues affecting them.

1. *Is the realisation of children’s rights in the digital environment necessary to realise children’s rights in other environments?*

The realization of children's rights in the digital environment is necessary to realize children's rights in other environments – but even more so the other way around. This means e.g. that a child who has access to a high standard of education is more likely to realize his/her rights in the digital environment.

1. *How can discrimination (originating offline or online) be effectively addressed, to ensure all children have their rights realised in a digital world?*

The problem of discrimination is interconnected with children's rights in the digital environment. All underprivileged, vulnerable groups will be likely to have impaired the effective exercise of their digital rights. It is therefore our fundamental obligation to tackle discrimination in all its forms.

1. *How should the General Comment treat the role of parents and other caregivers? How should the practices of businesses operating in the digital environment support the realisation of children's rights? How can States better realise their obligations to children's rights in relation to the digital environment?*

It is impossible not to mention the matter of children’s digital safety. It is the role of the State, public institutions, business sector, parents and caregivers to combine efforts to make the digital world a safe place for children.

1. <https://rm.coe.int/guidelines-to-respect-protect-and-fulfil-the-rights-of-the-child-in-th/16808d881a> [↑](#footnote-ref-1)
2. More information available on: <https://ose.gov.pl/> (website only in Polish) [↑](#footnote-ref-2)
3. [www.nask.pl/download/1/1346/RAPORTNASTOLATKI3ONLINE.pdf](http://www.nask.pl/download/1/1346/RAPORTNASTOLATKI3ONLINE.pdf), page 36 [↑](#footnote-ref-3)
4. [www.nask.pl/download/1/1346/RAPORTNASTOLATKI3ONLINE.pdf](http://www.nask.pl/download/1/1346/RAPORTNASTOLATKI3ONLINE.pdf), page 82 [↑](#footnote-ref-4)
5. <https://fundacja.orange.pl/files/user_files/EU_Kids_Online_2019_v2.pdf>, page 56 [↑](#footnote-ref-5)
6. <https://www.nask.pl/download/1/1346/RAPORTNASTOLATKI3ONLINE.pdf>, page 62 [↑](#footnote-ref-6)