

Children's Rights in the Digital Age

Presentation to the COMMITTEE ON THE IMPACT OF SOCIAL
MEDIA ON THE HEALTH EFFECTS OF ADOLESCENTS AND CHILDREN

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Media and
Communications

Children's rights in the digital age

Gathering global evidence on children's online rights, opportunities, and risks

Tools for researchers

Research results

Research updates

About the project

Participating countries

Contact

Tools for researchers

A multi-method toolkit for investigating children's online experiences around the world

Research results

Our research results and latest findings from around the world

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Children's participation in digital policy-making

2nd December 2022

A fundamental pillar to realise the rights of every child both in the online and offline space is the meaningful participation of all children, especially of those



Implementing child rights online: a Global Kids Online webinar

21st November 2022

With children's experiences of online risk of harm often in the headlines, we urgently need new rigorous comparative research



Three in ten children in Brazil look for mental health and well-being information online

16th August 2022

The 8th edition of the ICT Kids Online Brazil survey is launched today by the Regional Center for Studies on the Development of



Spending time online can boost children's well-being—depending on their social framework

24th June 2022

Contrary to what many fear, the time children spend in front of a screen is associated with a good



Online sexual exploitation and abuse: new findings

1st June 2022

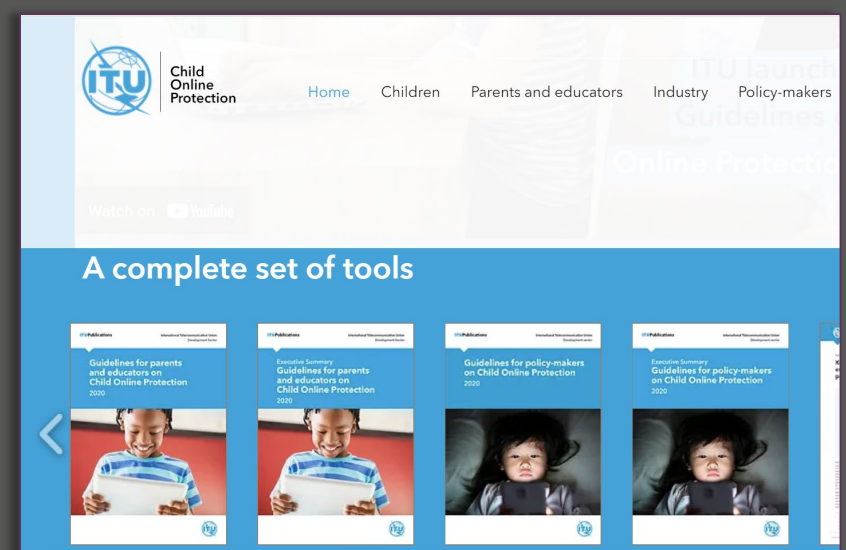
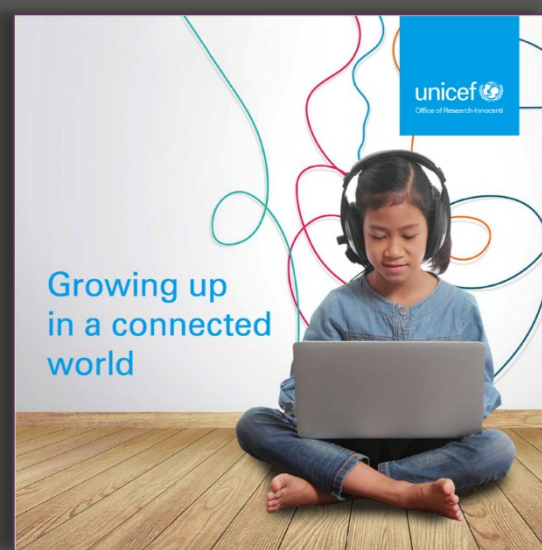
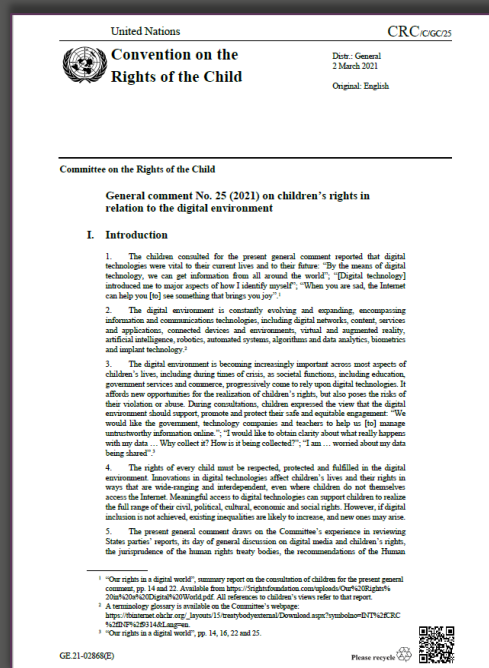
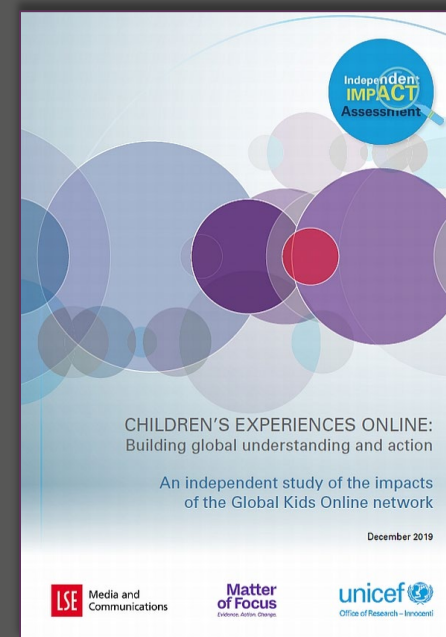
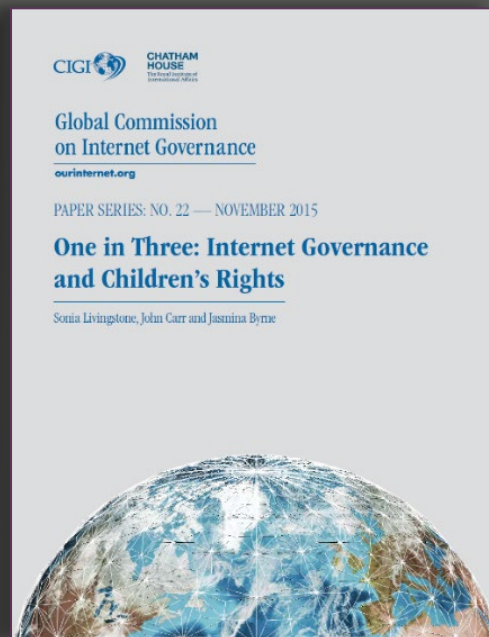
Protecting children from online sexual exploitation and abuse (OCSEA) has been at the forefront of international efforts over the past week. The



Children's experiences of risks online in Zambia

9th May 2022

Like children in many parts of the world, the COVID-19 pandemic profoundly affected the lives of children in Zambia, with many moving online for

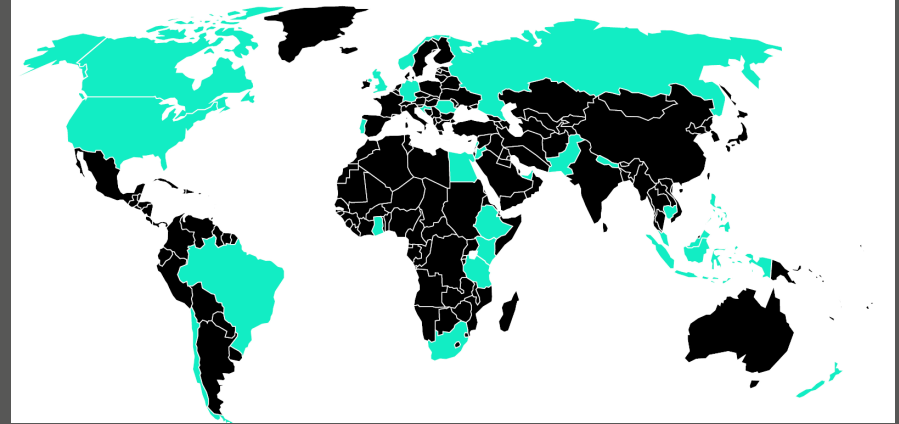




43-54

HOW THE CONVENTION WORKS

CONVENTION ON THE RIGHTS OF THE CHILD




Documents

GENERAL COMMENTS AND RECOMMENDATIONS

General comment No. 25 (2021) on children's rights in relation to the digital environment

Our Rights in the Digital World

A Report on the Children's Consultations to inform UNCRC General Comment 25



United Nations
Convention on the
Rights of the Child

CRC/C/GC/25

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2 March 2021
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Committee on the Rights of the Child

General comment No. 25 (2021) on children's rights in relation to the digital environment

I. Introduction

1. The children consulted for the present general comment reported that digital technologies were vital to their current lives and to their future. "By the means of digital technology, we can get information from all around the world", "[Digital technology] introduced us to major aspects of how I identify myself", "When you are sad, the Internet can help you [to] see something that brings you joy".

2. The digital environment is constantly evolving and expanding, encompassing information and communications technologies, including digital networks, content, services and applications, connected devices and environments, virtual and augmented reality, artificial intelligence, robotics, automated systems, algorithms and data analytics, biometrics and implant technology.¹

3. The digital environment is becoming increasingly important across most aspects of children's lives, including during times of crisis, as societal functions, including education, government services and commerce, progressively come to rely upon digital technologies. It affords new opportunities for the realization of children's rights, but also poses the risks of their violation or abuse. During consultations, children expressed the view that the digital environment should support, promote and protect their safe and equitable engagement. "We would like the government, technology companies and teachers to help us [to] manage trustworthy information online.", "I would like to obtain clarity about what really happens with my data ... Why collect it? How is it being collected?", "I am ... worried about my data being shared".²

4. The rights of every child must be respected, protected and fulfilled in the digital environment. Inevitably in digital technologies affect children's lives and their rights in ways that are wide-ranging and interdependent, even where children do not themselves access the Internet. Meaningful access to digital technologies can support children to realize the full range of their civil, political, cultural, economic and social rights. However, if digital inclusion is not achieved, existing inequalities are likely to increase, and new ones may arise.

5. The present general comment draws on the Committee's experience in reviewing States parties' reports, its day of general discussion on digital media and children's rights, the jurisprudence of the human rights treaty bodies, the recommendations of the Human

¹ "Our rights in a digital world", summary report on the consultation of children for the present general comment, pp. 14 and 22. Available from <https://rightsinfoaction.com/uploads/Our%20Rights%20in%20a%20Digital%20World.pdf>. All references to children's views refer to that report.

² A terminology glossary is available on the Committee's webpage: https://treaties.un.org/ilc/texts/instruments/english/commentary/2011_12_25_1.pdf.

GE.21-02868(E)

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CRC/C/GC/25

Rights Council and the special procedure of the Council, two rounds of consultations with States, experts and other stakeholders on the concept note and advanced draft and an international consultation with 709 children living in a wide variety of circumstances in 28 countries in several regions.

6. The present general comment should be read in conjunction with other relevant general comments of the Committee and its guidelines regarding the implementation of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography.

II. Objective

7. In the present general comment, the Committee explains how States parties should implement the Convention in relation to the digital environment and provides guidance on relevant legislative, policy and other measures to ensure full compliance with their obligations under the Convention and the Optional Protocols thereto in the light of the opportunities, risks and challenges in promoting, respecting, protecting and fulfilling all children's rights in the digital environment.

III. General principles

8. The following four principles provide a lens through which the implementation of all other rights under the Convention should be viewed. They should serve as a guide for determining the measures needed to guarantee the realization of children's rights in relation to the digital environment.

A. Non-discrimination

9. The right to non-discrimination requires that States parties ensure that all children have equal and effective access to the digital environment in ways that are meaningful for them.³ States parties should take all measures necessary to overcome digital exclusion. That includes providing free and safe access for children in dedicated public locations and investing in policies and programmes that support all children's affordable access to, and knowledgeable use of, digital technologies in educational settings, communities and homes.

10. Children may be discriminated against by their being excluded from using digital technologies and services or by receiving harmful communications or unfair treatment through use of those technologies. Other forms of discrimination can arise when automated processes that result in information filtering, profiling or decision-making are based on biased, partial or unfairly obtained data concerning a child.

11. The Committee calls upon States parties to take proactive measures to prevent discrimination on the basis of sex, disability, socioeconomic background, ethnic or national origin, language or any other grounds, and discrimination against minority and indigenous children, asylum-seeking, refugee and migrant children, lesbian, gay, bisexual, transgender and intersex children, children who are victims and survivors of trafficking or sexual exploitation, children in alternative care, children deprived of liberty and children in other vulnerable situations. Specific measures will be required to close the gender-related digital divide for girls and to ensure that particular attention is given to access, digital literacy, privacy and online safety.

B. Best interests of the child

12. The best interests of the child is a dynamic concept that requires an assessment appropriate to the specific context.⁴ The digital environment was not originally designed for

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³ General comment No. 9 (2006), para. 37-38.
⁴ General comment No. 14 (2013), para. 1.





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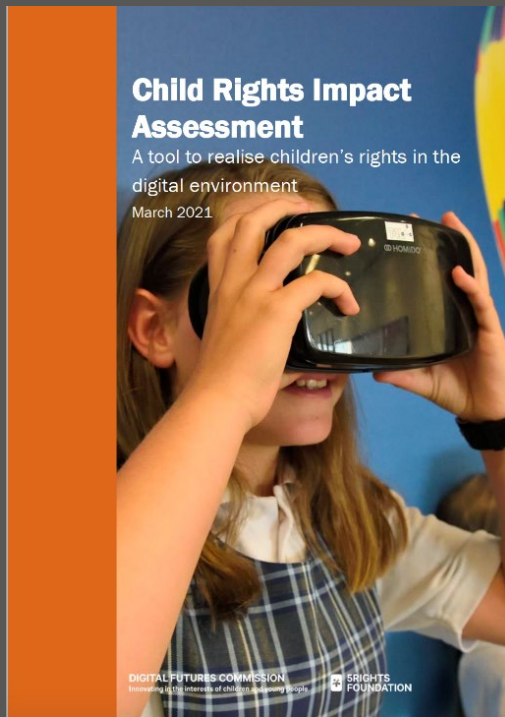
General comment No. 25 (2021) on children's rights in relation to the digital environment

V. General measures of implementation by States parties

22. Opportunities for the realization of children's rights and their protection in the digital environment require a broad range of legislative, administrative and other measures, including precautionary ones.

A. Legislation

23. States parties should review, adopt and update national legislation in line with international human rights standards, to ensure that the digital environment is compatible with the rights set out in the Convention and the Optional Protocols thereto. Legislation should remain relevant, in the context of technological advances and emerging practices. They should mandate the use of child rights impact assessments to embed children's rights into legislation, budgetary allocations and other administrative decisions relating to the digital environment and promote their use among public bodies and businesses relating to the digital environment.¹¹



CRIA is an iterative process in which the impact of a proposal or policy is systematically evaluated in relation to children's rights. Typically, it follows eight steps:

1. A set of core questions that take a holistic approach to the child and children's rights to guide people through the impact assessment process.
2. Screening/initial assessment stage in which an initial check on the proposed policy is made to determine the need for a full impact assessment.
3. Scoping to identify the information available; this can require cross-departmental collaboration to collate the requisite information to conduct CRIA.
4. Data and evidence gathering, and consultation with children and young people to ensure their voices and experiences are considered.
5. Impact assessment to anticipate beneficial or harmful effects on children's rights.
6. To mitigate potentially negative impacts, identify modifications or alternatives to the proposals under consideration and make recommendations to the decision-maker.
7. Set out clear processes for when and how the proposal and its implementation will be monitored and evaluated.
8. Publish a child-friendly report with a non-technical summary for a broader audience to explain the policy, outline the methodology and ensure transparency.



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B. Best interests of the child

12. The best interests of the child is a dynamic concept that requires an assessment appropriate to the specific context.⁵ The digital environment was not originally designed for children, yet it plays a significant role in children's lives. States parties should ensure that, in all actions regarding the provision, regulation, design, management and use of the digital environment, the best interests of every child is a primary consideration.

Meta's Best Interests of the Child Framework



Elaine Montgomery

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Elaina Koros

Content Design Manager at Meta

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Research and expert consultation play a major role in Meta's product development process. Over the past few years, Meta has refined how our teams design products for young people based on external guidance from organizations like the UN, the OECD and children's rights groups. Through our [global co-design program](#), we also regularly consult with third party experts and young people, parents and guardians to make sure we build products that meet their needs.

The [UN's Convention on the Rights of the Child](#) (UNCRC) is an international human rights treaty that establishes the civil, political, economic, social, health and cultural rights of youth. This global treaty reflects the most fundamental and commonly held beliefs of societies around the world with respect to how young people should be treated.

The UNCRC emphasizes that in all actions concerning people ages 0-17, including in digital environments, *"the best interests of the child shall be a primary consideration."* This is widely known as the "best interests of the child" standard in the youth rights community and is an important principle in product development at Meta.

It's essential that we prioritize preserving the digital rights of young people alongside the work we do to keep them safe and protect their welfare. Many data privacy laws and regulations around the



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39. In addition to developing legislation and policies, States parties should require all businesses that affect children's rights in relation to the digital environment to implement regulatory frameworks, industry codes and terms of services that adhere to the highest standards of ethics, privacy and safety in relation to the design, engineering, development, operation, distribution and marketing of their products and services. That includes businesses that target children, have children as end users or otherwise affect children.



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