UNICEF Zimbabwe

Submission to the Committee on the Economic, Social and Cultural Rights on the Draft General Comment on Science and Economic, Social and Cultural Rights

14 February 2020

**MAIN POINTS OF CONSIDERATION IN THE DRAFT GENERAL COMMENT**

1. The Draft General Comment (GC) on Science and Economic, Social and Cultural Rights is an important development in strengthening the right to enjoy the benefits of scientific progress and its applications, as stipulated in article 15 of the International Covenant on Economic, Social and Cultural Rights (CESCR).
2. Stakeholders with an interest in the subject have been invited to comment on the GC. This submission is put forward by the United Nations Children’s Fund (UNICEF) in Zimbabwe.
3. Science is defined in the GC as per the United Nations Educational, Scientific and Cultural Organization (UNESCO) 2017 Recommendation on ‘Science and Scientific Researchers’, stipulating that science is the human act of understanding causalities, relations or interactions.[[1]](#footnote-1) The GC goes on to specify that the application of science to the specific concerns and needs of the population is known as applied science, and “also includes the technology deriving from scientific knowledge, such as the medical applications, the industrial or agricultural applications, or the *information and communication technologies*.” [[2]](#footnote-2)
4. It is commendable that the GC has paid particular attention to the need for special protection of the right to enjoy the benefits of science for specific groups in points 36-44, recognizing women, persons with disabilities and low-income persons as groups that have been traditionally discriminated against in participating in enjoyment of this right.
5. The draft General Comment underscores the need to allow all persons to enjoy the benefits of science. There are however risks that come as science, and specifically information and communication technologies, develop, before relevant regulation can be adopted and enforced. This creates a situation in which regulation is consistently a step behind scientific development, which in some cases can be harmful and infringe on fundamental human rights if not regulated appropriately. Whilst providing access to enjoying the benefits of science, especially vulnerable groups like women, persons with disabilities and low-income persons, is essential, so is making considerations for protecting these groups – and others, such as children – as they access this right.

**PROBLEM DEFINITION**

1. This submission seeks to underscore that an important group has been left out in the recognition of the need for special protection of vulnerable groups in enjoying the right to the benefits of science, in particular ICT – namely, children.
2. Children and adolescents amount to 33% of internet users worldwide.[[3]](#footnote-3) This has increased significantly over the past decade. This submission pursues to show the need to make special consideration for children in the development of ICT, especially as more communication is conducted online and becomes a primary tool for children to navigate the world, from a very young age.
3. ICT and the Internet can be a great source of learning for children and access is widespread. As science and technology advance, however, so do the forms in which they can be abused. As set out in the Committee on the Rights of the Child concept note for a draft GC on children’s rights in the digital environment, important considerations must be made as children navigate the Internet regarding children’s access to information and freedom of expression, protection of privacy, identity and data processing, as well as protection from violence, sexual exploitation and other harm.[[4]](#footnote-4) A child online faces significant risks and must be recognized as particularly vulnerable as the right to enjoy the benefits of science is considered.
4. Most children have very little or no understanding of how the data traces they leave behind online are collected, analysed and used, or may be used against them in the future.[[5]](#footnote-5) As children log on to websites, data is collected and stored on them for embedded marketing and can encourage behaviour inappropriate for children, such as online gambling. In addition, personal data gathered can be violated and misused and given the vulnerabilities that come with being a child, children are at most risk of suffering harm from these practices.[[6]](#footnote-6)
5. As for the threat of violence and sexual exploitation online, there are a few common forms of online sexual abuse of children. ‘Grooming’ or online grooming is one practice, in which a relationship is established with a child online, to initiate sexual contact with that child. In short, a child is solicited for sexual purposes. [[7]](#footnote-7)
6. Sextortion is a common result of grooming, in which the perpetrator threatens to share sexually explicit videos or images solicited from the victim with for example friends and family, in order to blackmail the victim into sharing more sexually explicit content. In some cases, blackmail is carried out to get money from the victim or to force the victim to meet in order to abuse the victim sexually. However, it should be noted that whilst grooming is often carried out by an adult against a child, incidents of sextortion concern a wider group, including teenagers consensually sharing images that are then used against them.[[8]](#footnote-8)
7. Disseminating child sexual abuse material online is sharing images that represent a child engaged in real or simulated explicit sexual activities, or any representation of the sexual parts of a child for primarily sexual purposes.[[9]](#footnote-9) In 2018, the Internet Watch Foundation identified 105,047 different URLs online reported to contain child sexual abuse material, steadily increasing from 50,000 in 2016. Most of these images are 13 years or younger and 78% of the images depict girls.[[10]](#footnote-10)
8. Whilst these common forms of online child sexual abuse have been considered extensively by the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography[[11]](#footnote-11) as well as by several UN agencies,[[12]](#footnote-12) and in the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, there are and there will continue to be ever emerging forms of online abuse of children. As science and technology develop so do the forms of abuse, and new challenges arise. For example, some child sexual abuse material that is distributed among adults for sexual purposes is self-generated but was produced non-consensually and used for sexual extortion online.[[13]](#footnote-13) It is against this background that this submission recommends that children must be given particular attention in the GC on science.

**RECOMMENDATION**

1. As outlined above, it is clear that children are particularly vulnerable when it comes to ICT. Special consideration must be made when providing for enjoying the benefit of scientific progress and its applications.
2. Giving special consideration to this group does not mean that children should simply be prohibited from using the internet. It means that children’s right to access information and freedom of expression and raising children as digital citizens must be taken into account.
3. The recommendation is to include children as a fourth group under ‘Obligations – C’. Whilst the other groups have been paid particular attention with regard to their special status in *accessing* the right to participate in enjoying the benefit of scientific progress, this additional paragraph must take into account the particular vulnerability of a child as they are affected by the progression of technology and its abuse to take advantage of their vulnerability. It must recognize that children have been and will be conducting themselves online and this must be not only considered by Member States as they strengthen access to benefits of science, but the appropriate safeguards must be put into place to ensure children – and the other listed groups – are protected from abuse when using science, and particularly ICT.
4. The appropriate international legal frameworks and relevant guidelines to ensure this protection are listed below.

**IMPORTANT RESOURCES**

* Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, CRC/C/156, September 2019
* UNODC, Study on the Effects of New Information Technologies on the Abuse of Children, New York 2015
* Committee on the Rights of the Child, Concept Note for a General Comment on children’s rights in relation to the digital environment, May 2019
* Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, A/RES/54/263 of 25 May 2000
* UN General Assembly, Convention on the Rights of the Child, RES/44/25 of 20 November 1989
1. The full definition reads: “…the enterprise whereby humankind, acting individually or in small or large groups, makes an organized attempt, by means of the objective study of observed phenomena and its validation through sharing of findings and data and through peer review, to discover and master the chain of causalities, relations or interactions; brings together in a coordinated form subsystems of knowledge by means of systematic reflection and conceptualization; and thereby furnishes itself with the opportunity of using, to its own advantage, understanding of the processes and phenomena occurring in nature and society”. UNESCO, Recommendations on Science and Scientific Researchers, 1 (a), 2017 [↑](#footnote-ref-1)
2. Draft General Comment on Science, Committee on Economic, Social and Cultural Rights, 2020, point 9. Available at <https://www.ohchr.org/EN/HRBodies/CESCR/Pages/DraftGeneralComment_Science.aspx> [↑](#footnote-ref-2)
3. UNICEF, The State of the World’s Children 2017, New York 2017, p. 7 [↑](#footnote-ref-3)
4. Committee on the Rights of the Child, Concept Note for a General Comment on children’s rights in relation to the digital environment, May 2019 [↑](#footnote-ref-4)
5. UNICEF, The State of the World’s Children 2017, New York 2017, p. 71 [↑](#footnote-ref-5)
6. UNICEF, The State of the World’s Children 2017, New York 2017, p. 73 [↑](#footnote-ref-6)
7. Committee on the Rights of the Child, Guidelines on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, point 74 [↑](#footnote-ref-7)
8. <http://www.missingkids.org/theissues/sextortion> [↑](#footnote-ref-8)
9. As defined in the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, A/RES/54/263 of 25 May 2000 [↑](#footnote-ref-9)
10. Internet Watch Foundation, Once Upon a Year: Annual Report 2018, p. 10 [↑](#footnote-ref-10)
11. de Boer-Buquicchio, Maud, Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, A/HRC/28/56 (22 December 2014) and Maalla, Najat M’jid, Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, A/HCR/12/23 (13 July 2009) [↑](#footnote-ref-11)
12. UNICEF, The State of the World’s Children 2017, New York 2017, and UNODC, Study on the Effects of New Information Technologies on the Abuse of Children, New York 2015 [↑](#footnote-ref-12)
13. UNICEF, The State of the World’s Children 2017, New York 2017, p. 71 and ECPAT International (2018), “Trends in online child sexual abuse material”, April 2018, Bangkok: ECPAT International. [↑](#footnote-ref-13)