**Draft General Comment No. 25 (202x)**

**Children’s rights in relation to the digital environment**

**Joint comments from the following eight organizations**: End Violence Global Partnership; International Telecommunication Union; UNESCO; UNICEF; UNODC; WeProtect Global Alliance; World Childhood Foundation USA; and, World Health Organisation.

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**Overall observations**

* The General Comment (GC) must have a balanced approach of protection (empowering children to mitigate risks and avoid harm) and promotion (empowering children to actively participate in public life, including by creating content relevant to their personal lives and communities).
* The GC should integrate a gender perspective throughout and differentiate how girls’ and boys’ experience digital technologies. Of particular concern is the disproportionate number of girls affected by online sexual exploitation and abuse, sexual harassment, non-consensual sharing of sexual images, sexual extortion, etc. The GC should incorporate in section III chapter A dedicated language to call upon States to invest in proactive measures to close the gender digital divide for girls, with particular attention to access and digital skills, privacy and online safety, the right to be heard, the right to access information and to create and distribute their own content, etc. acknowledging the gender norms and gender inequality as root causes with disproportionate gatekeeping and lack of opportunity for girls.
* **Quotes should include equal representation of children from the “Global North” and “Global South” or there should be express acknowledgement of the varied experiences amongst them, to avoid perpetuating the misconception that experiences and findings from the “Global North” can simply be transferred to the “Global South”.**

* The GC should avoid language that depicts children as 'offenders' or 'perpetrators and instead use phrases such as 'children who partake in...' to avoid the potential criminalisation of young people.
* The CG should reflect the importance of placing the child protection in a lifelong perspective, noting that the rights in relation to the digital environment are basis for further rights including learners and citizens data protection and security rights.

**Specific suggestions**

1. **INTRODUCTION**
* 3: Line 5 after rights “, ensuring their freedom of expression and access to information”.
* 3: Line 5 after inequalities add “and variance in digital protection measures for children”.
* 4: DELETE
* 5: Line 4 after ensure add “a balanced approach for children to” benefit […] environment, “including the ability to create content relevant to their personal lives and communities, while mitigat~~i~~ng” the associated […] harms, including for children in disadvantaged or vulnerable situations. “Policies addressing these challenges should therefore be supported by Media and Information Literacy and Digital Skills Literacy”.
* 6: replace “children in child justice” with “children in the justice system” or “children in contact with the law”.
1. **OBJECTIVE**
2. **GENERAL PRINCIPLES**
	1. **THE RIGHT TO NON-DISCRIMINATION**
* 12: last line after resources add “and social networks”.
* 12: line 4 replace “sexual exploitation” with “trafficking”.
* 12: Line 2 after origin add “language“, or […]
	1. **THE BEST INTEREST OF THE CHILD**
	2. **RIGHT TO LIFE, SURVIVAL AND DEVELOPMENT**
* 16: Line 3 add after content “contract”.
* 17: Line 5 replace “digital addiction” with “excessive use”.
* 17: Add final phrase “States may also need to ensure adequate research on these topics is undertaken*”*.
	1. **THE RIGHT TO BE HEARD**
* 18: Add in line 6 after rights, “including related to the digital environment.”
* 19: Replace last sentence with “States should ensure that the digital technologies and services that are meant to be for children are safe per design”.
* 19: Add in line 3 after situations “and those with disabilities”.
1. **EVOLVING CAPACITIES**
* 21: Replace last sentence with “State should make sure that the technologies and services provided to children are appropriately marked to the evolving capacity and age that the Terms and Conditions specify”.
* 22: Add red wording to the sentence “States should promote the awareness of parents and caregivers to understand children's evolving autonomy and capacities and need for different types of guidance along the way. Therefore, they should inform...caregivers and social workers/guardians…assist children in each stage in the digital environment.”
1. **GENERAL MEASURES OF IMPLEMENTATION BY STATES**
* 23: Last line replace caregivers by “legal guardians”.
* 23: Add in line 2 after environment “from a lifelong perspective”.
1. **LEGISLATION**
2. **COMPREHENSIVE POLICY AND STRATEGY**
* 25: Suggest new language: “States should ensure that national policies and/or strategies for children regarding the development of the digital environment, address children’s rights issues and that they are developed and regularly updated.”
* 26: Line 3 after professionals “including law enforcement, judiciary and social and health service workforce”.
* 26: Line 3 add “evidence-based” before programmes. Replace: “Such measures“ with “Such measures should protect children from all forms of technology facilitated violence, and…”
* 26: eliminate “such action plans” on first line.
* 26: Add on last line after including “accessibility and” resources.
* 26: Add in line 2 after caregivers “guardians, social workers etc.”.
* 27: Line 3 add “Libraries, tele-health, remote education, religious community centres” after schools.
* 27: Line 2 add after in “all” settings […] and after access add “or interact with” the digital […].
* 27: Replace in line 3 institutions where children live by “residential care facilities”.
1. **COORDINATION**
* 28: Add at the start “In addition to relevant expertise integrated in existing child rights and child protection mechanisms and institutions,” states should.
1. **ALLOCATION OF RESOURCES**
* 29: replace “to reflect the increasing impact of the digital environment” with “to increase the positive impact of connectivity on children's lives”.
1. **DATA COLLECTION AND RESEARCH**
* 31: Line 1 add “under the highest standards of transparency and privacy rights and ethical” after collection. Line 4 add after resourced “and stored in a safe and secure place”. Add final sentence “States must determine who is authorized to collect data on children and for what purposes”.
1. **INDEPENDENT MONITORING**
2. **DISSEMINATION OF INFORMATION, AWARENESS-RAISING AND TRAINING**
* 33: Last line replace online with “on/offline”.
* 34: Line 1 add after including “nurseries, schools and other learning settings,”. Line 4 add after receive “ongoing”.
1. **COOPERATION WITH CIVIL SOCIETY**
* 35: The first sentence mentions not-for-profit organizations as well as business enterprises. If the recommendations in this section on “The business sector” also include non-profits, it would be important to make this explicit. Consider also amending the heading accordingly to capture non-profits and the scope of business sector.
1. **THE BUSINESS SECTOR**
* 36: Line 7 after “to” add “develop better ways to ensure their products and services”.
* 37: Line 2 after “being” add “used for criminal activities”.
* 37: Add at the end “To this end State authorities should seek to establish working-level links with relevant businesses which provide services in the digital environment that could adversely impact children’s rights. – public / private partnership not just top down requirements are essential to effectively prevent and prosecute cybercrime against children”.
* 38: Line 2 after “assessments” add “on their annual reports”. Line 4 replace “take appropriate steps” with “take action”.
* 39: Line 2 after “environment” add “or have child users”.
* 39: Line 3 after “services” add “including a child-friendly version of their terms of services”.
* 39: Line 6 replace “maintain” with “deliver”.
1. **COMMERCIAL ADVERTISING AND MARKETING**
* 41: After appropriate add “and are not perpetuating gender stereotypes”.
* 43: Add at the end “States should require Businesses to provide a comprehensive T&C that even a 7-year-old child can understand”.
1. **REMEDIES**
* 44: Last line after “peers” add “, parents and caregivers”.
* 45: Line 4 after “should” add “be located in the same platform and screen where the violation has occurred and”.
* 47: Line 2 after “correction” add “immediate removal”.
* 48: Line 2 after “prosecutors” add “social service work force”.
* 49: Add at the end “States should leverage bilateral, regional and multilateral relationships to enforce the rights of children in the digital environment with international partners”.
* 50: Line 4 after “environment” add “through the same digital channels children are using and where the reports are coming from”.
1. **GENERAL MEASURES OF IMPLEMENTATION BY STATES**
	1. **ACCESS TO INFORMATION**
* 53: Line 5 after “content for” add “vulnerable” after children add “, including refugees and migrants’ children, children” with disabilities. At the end after “minorities” add “in the language that children understand”.
* 55: Line 6 after “implement” add “technological tools and”.
* 56: Line 3 after “guidance” add “, digital skills”.
* 57: Line 3 after “moderation” add “including notice and takedown mechanisms”. Line 5 after “should” add “be free of charge and”.
* 57: Add a line at the end: “States should also encourage collective action by digital providers to protect children from online child sexual exploitation and abuse, including utilising shared tools, techniques and databases and sharing of learning with the wider online community”.
* 58: Line 4 after “risks” add “crimes against children in the digital environment”.
	1. **FREEDOM OF EXPRESSION**
* 60: Line 1 after “Any” add “necessary”. Line 2 after “filters” add “labels, limits on sharing, links to authoritative and child-rights respecting content”. Line 3 replace “necessary” with “and only in pursuit of a legitimate aim, and ensuring that any limitations of rights are”.
* 61: Line 2 add new sentence after punishment. “States need to educate children on how to behave with respect for the rights of others".
	1. **FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION**
	2. **FREEDOM OF ASSOCIATIONS AND PEACEFUL ASSEMBLY**
	3. **RIGHT TO PRIVACY**
* 70: Add footnote referencing the children’s consultation [provide footnote language].
* 72: Line 2 after “organizations” add “public authorities”.
* 72: Line 4 replace “such as end to end encryption, in services that impact on children.” with “and protection of children’s privacy, in services that impact on children. Particular regard should be had to child victims of online harms”.
* 75: Line 9 after “protection” add “, security”.
	1. **BIRTH REGISTRATION AND RIGHT TO IDENTITY**
* 80: Add at the conclusion of the paragraph: “…, but should only be promoted where a robust privacy law framework is in place. States should ensure that where they contract with private entities to provide digital birth registration or digital identity systems, they include detailed contractual provisions regarding data protection with strict limitations related to use, retention, and sharing of children's data. Such public private partnerships should also include accountability mechanisms such as regular audits and reviews to ensure compliance.”
* 81: Line 4 after “protection” add “, possible through digital means consistent with child rights requirements stipulated in the CRC,”.
1. **VIOLENCE AGAINST CHILDREN**
* 82: Add a new paragraph at the beginning of section VII “Violence against children refers to all subtypes of violence against children that can be facilitated using technology, including sexual exploitation, online sexual solicitation, grooming, trafficking, child sexual abuse materials, non-consensual shared of sexual images, online bullying and harassment, online crimes affecting children such as online fraud, identity theft, and hacking, situations in which children are experiencing harm and may be influenced to do harm to themselves or others”. Suggest to then refer to all types of violence against children in the following paragraphs, instead of listing only certain subtypes.
* 83: Line 3 after “material” add “recruit children into trafficking and modern slavery”.
* 84: Line 4 replace “diverse forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, child trafficking and gender-based violence.” by “diverse forms of violence against children”.
* 84: Line 2 replace “who” by “which”.
* 85: Line 5 before “sharing” add “non-consensual”, after “images” add “and messages”, replace “(“sexting”)” with “(e.g. in the context of ‘sexting’)”.
* 86: Line 5 after “child” add “friendly”.
* 87: Line 2 replace “including cyber-bullying, cyber-grooming, sexual exploitation and abuse” with “all forms of violence in the digital environment”.
* 88: Line 1 replace “online” with “off/online” or suggest this language: “States should provide children with accessible, child-friendly and confidential offline/online reporting and complaint mechanisms, when online located directly on the same platforms”.
1. **FAMILY ENVIRONMENT AND ALTERNATIVE CARE**
* 94: Line 8 after “support the” add “accessible”.
1. **CHILDREN WITH DISABILITIES**
* 100: Line 1 after “including” add “child sexual abuse and exploitation,” bullying.
1. **BASIC HEALTH AND WELFARE**
* 104: Line 3 replace “and services” with “unhealthy engagement in digital games or social media, or design”. Line 4 after “development” add “and rights”. Sentence ends here, so Delete “for example through persuasive design, excessive gaming or age-inappropriate features”.
* 106: Line 3 after “develop” add “evidence-based”.

1. **EDUCATION, LEISURE AND CULTURAL ACTIVITIES**
	1. **THE RIGHT TO EDUCATION**
* 107: Line 1 after “children” add “and learners”
* 107: Line 8 after “education” add “and lifelong learning opportunities”
* 107: Line 5 at the end add “in a lifelong learning perspective”
* 107: Line 1 after “can” add “strongly”.
* 107: Line 2 and 4 after “formal” add “non-formal”.
* 110: Line 5 after “programmes” add “and facilitate the realization of their basic rights to education”.
* 110: Line 5 after “parents” add “or caregivers”.
* 111: Add at the end of the paragraph: “States should also support continuous learning of learners with special education needs who may have more difficulty to follow learning remotely.”
* 111: Line 5 after “quality” add” “in the language that children understand”.
* 112: Line 1 after “evidence-based” add “policies”. Line 1 replace “guidance” with “guidelines”. Line 1 after “other” add “decentralised” bodies.
* 112: Line 4 replace “uses of these technologies” with “the technologies used are ethical and appropriate for educational purpose and” enhance.
* 112: Add at the end “processing of data (which includes storage) should be adequately protected”.
* 112: Line 4 after children rights add “including rights related to consent, access, control”.
* 113: Line 10 after “contact” add “contract”. Line 10 after “including” add “sexual abuse and exploitation,” cyberbullying.
* 113: Line 3 replace “This” with “These”. Line 4 after “participation” add “socialization”.
* 113: Add at the end “it should also promote awareness of the potential impact of using digital devices on psycho-emotional development of children”.
* 114: Add at the end “monitoring mechanisms on the use and impact of digital educational technologies should be put in place”.
* 114: Add at the end “Students should be taught the rudimentary cybersecurity, digital safety at the beginning of the use of digital technology in teaching and learning”.
* 114: Line 3 after “surveillance” add “as well as social, economic, cultural, political and environmental implications of digitalization”.
	1. **THE RIGHT TO CULTURE, LEISURE AND PLAY**
* 117: Line 4 after “in” add “safe”.
* 120: Add at the end “Nonetheless, guidance and support from parents or caregivers is preferable to reduce the 4Cs risks.
1. **SPECIAL PROTECTION MEASURES**
	1. **PROTECTION FROM ECONOMIC, SEXUAL AND OTHER FORMS OF EXPLOITATION**
	2. **ADMINISTRATION OF CHILD JUSTICE**
	3. **PROTECTION OF CHILDREN IN ARMED CONFLICT, MIGRATION AND OTHER VULNERABLE SITUATIONS**
* 126: Last line after “services” add “and chat features in online games”
1. **INTERNATIONAL AND REGIONAL COOPERATION**
* 127: Line 2 after “that” add “all stakeholders, including States, business and other actors”. Line 5 after “rights” add “and/or issues related to” the digital “environment”.
* 128: Add at the end “And in a law enforcement context, State should encourage intelligence sharing and joint investigations”.
1. **DISSEMINATION**