**Facebook’s comment on draft General Comment on children’s rights in relation to the digital environment**

Facebook welcomes the initiative of the Committee on the Rights of the Child to develop a General Comment on Children’s Rights in Relation to the Digital Environment and appreciates the opportunity to submit a comment on the draft. Children’s rights and well-being are increasingly and inexorably integrated into and dependent upon the digital environment, especially in the context of COVID where children are so dependent on the digital world. Online services and platforms are crucial to fulfilling children's right to express themselves, be heard, associate with others, access education and information about health care and to participate in community life.  We take very seriously the role of our different platforms (Facebook, WhatsApp and Instagram) in enabling these rights while protecting children from harm and exploitation. The digital environment is perhaps the pre-eminent space where children can enjoy their rights to express their opinions, participate in the political life of their communities and societies and associate with others to explore mutual interests and create community.

**Right to life, survival and development**

One of our most important responsibilities is keeping children safe on our platforms and we don’t tolerate any behavior or content that exploits them online. We have no tolerance for the sexual exploitation of children and we use cutting-edge technology to proactively and aggressively remove exploitative content. We have open sourced our technologies that detect identical and near identical photos and videos to others who are working to keep the Internet safe. We have specially trained teams with backgrounds in law enforcement, online safety, analytics, and forensic investigations, that review content and report findings to the National Center for Missing and Exploited Children (NCMEC). In turn, NCMEC works with law enforcement agencies around the world to find and help victims. We are committed to both transparency and accountability when it comes to our safety efforts. In 2018, we began releasing numbers on the amount of child nudity or sexual exploitation content we remove.

We work closely with our Safety Advisory Board - comprising leading online safety non-profits - as well as over 400 safety experts and NGOS from around the world, including specialists in the area of combating child sexual exploitation and aiding its victims.

We also collaborate across industry through organizations like the [Tech Coalition](http://www.technologycoalition.org/), an industry association dedicated solely to eradicating the sexual exploitation of children online; and we hold leadership positions on international multi-stakeholder organizations such as the [WePROTECT Global Alliance](https://www.weprotect.org/) to end child exploitation. Our pan-industry efforts include building out the capacity of small companies to develop systems to fight child sexual exploitation on their platforms.

We have developed bullying prevention education campaigns and programs with partner organizations around the world, such as The Diana Award and Childnet International in the UK, PACER and IBPA in the United States, Learning Links in India, SESI and SaferNet in Brazil and YCAB Foundation (YCAB) and Sudah Dong, Komunitas Anti-Bullying in Indonesia. Working with partner organizations, we've brought parents and teens together to gather their views on how they're navigating a tech-enabled world. In 2016, we launched a new Parents Portal (www.facebook.com/safety/parents) where caregivers can come to learn some of the basics about Facebook, get tips on how to start a conversation about online safety with their children, and access external expert resources. The portal responds to feedback we have received from parents for more education around our safety policies, tools and resources. In 2018, we launched a new youth portal (https://www.facebook.com/safety/youth) with resources for teens and tweens to empower them with information on the tools and policies they have for staying safe on Facebook as well as advice from their peers on a range of topics including managing negative experiences. Both the Parents Portal and Youth Portal are available in over 60 languages.

Most recently, in March 2020, we launched a digital literacy program, ‘Get Digital’ (https://www.facebook.com/fbgetdigital), to provide lessons and resources to help young people develop the competencies and skills they need to more safely navigate the internet. These resources are designed to be used by educators and families both in the classroom and at home, but they’ve become even more important as young people spend more time on their devices while at home during the COVID-19 outbreak. Get Digital helps young people learn how to stay safe online and protect their personal information, navigate content and information, and evaluate the trustworthiness of a source, build positive and inclusive communities online by being kind and respecting others, manage their health and well-being by learning how to monitor emotions and develop healthy habits for when to use technology, and also helps them discover how technology can be used for civic and political engagement. It helps them develop digital skills, such as understanding algorithms,  exploring programming and more to help prepare them for future careers in technology. We’re partnering with UNESCO, the International Society for Technology in Education (ISTE), National PTA, and EVERFI to distribute our new digital literacy tools to parents and educators around the world. Lessons are drawn from the Youth and Media team at the Berkman Klein Center for Internet & Society at Harvard University, which has made them freely available worldwide under a Creative Commons license, and the Greater Good Science Center.

We know that people are concerned about how technology affects our attention spans and relationships, as well as how it affects children in the long run. We agree these are critically important questions and we employ social psychologists, social scientists and sociologists and collaborate with top scholars and experts to better understand the relationship between media technologies, youth development and well-being. Our research and other academic literature suggests that it’s about how you use social media that matters when it comes to your well-being. Here are a few things we’ve worked on recently to help support people’s well-being.

* **News Feed quality and controls:** On Facebook, we’ve made several changes to News Feed to provide more opportunities for meaningful interactions and reduce passive consumption of low-quality content — even if it decreases some of our engagement metrics in the short term. We demote things like clickbait headlines and false news, even though people often click on those links at a high rate. We optimize ranking so posts from the friends people care about most are more likely to appear at the top of their feed because that’s what people tell us in surveys that they want to see. Similarly, our ranking promotes posts that are personally informative. People can also use the Snooze feature on Facebook to hide a person, Page or group for 30 days, without having to permanently unfollow or unfriend them. This gives people more control over their feed and makes their experience more positive.
* **Suicide prevention tools:** Suicide is the second leading cause of death for 15-29 year olds globally. Experts say that one of the best ways to prevent suicide is for those in distress to hear from people who care about them. Facebook and Instagram are in a unique position to connect people in distress with resources that can help. We work with people and organizations around the world to develop support options for people posting about suicide on our platforms, including reaching out to a friend, contacting help lines and reading tips about things they can do in that moment. We also introduced artificial intelligence to detect suicidal posts even before they are reported.
* **Tools to Manage Time:** Whether it’s to help teens focus on family and friends, sleep without distraction or manage how they spend their time, we have tools that can help them find the right balance for how they use our platforms. On Facebook, we recently added Quiet Mode, which mutes most push notifications, and if they try to open Facebook while in Quiet Mode, they’ll be reminded that they set this time aside to limit their time in the app. We also added shortcuts to Notification Settings and News Feed Preferences, so they can make the most of their time on Facebook by controlling the type of posts they see in their News Feed as well as the updates they receive.
* **Bullying Prevention Tools**: Bullying is a challenge many face, especially young people. We rolled out warnings in comments and captions on Instagram in 2019 to ensure people reconsider their words before posting something that is potentially offensive. In less than a year since launching globally, we've seen a meaningful decrease in negative interactions in both comments and captions. We’ve also given people easier ways to manage who can tag or mention them, and are in the process of rolling out similar controls for messages in Instagram Direct. More than 35 million Instagram accounts are using or have used Restrict since it launched last October, ensuring they can safely control their Instagram experience; a majority of the negative interactions they were receiving from a bully are now hidden. In the last few months we rolled out the ability to delete comments in bulk and block or restrict multiple accounts and have seen over 3.5 million accounts use these controls to reduce negative experiences. And we’ve made it easy to highlight positive interactions with Pinned Comments, as our research shows that elevating positive content is an effective way to set positive norms on your account.

We do not build products based on research about creating addictions, rather the opposite - we want people to use them in the interests of their well-being.

**Best interests of the child:**

The right to the protection of children’s privacy as well as their other rights, such as their right to association, play, access to information, right of education and freedom of expression are as important as measures aimed at protecting them. Careful balancing of these rights is needed in order to protect children and young people. Indeed, the best interests standard is an important lens through which to view and balance the right to privacy as well as other key rights under the UN Convention on the Rights of the Child (“UNCRC”), including the right to appropriate information (Article 17) and the right to education (Article 28). With this in mind, we support the UNCRC’s comment that the best interests of the child should be the determining principle when balancing the child’s rights.

Those with parental authority play a pivotal role in supporting the development of children and young people and determining what is best for them. Article 5 of the UNCRC emphasises the need to respect the responsibilities, rights and duties of parents, extended family members or legal guardians to provide the appropriate direction and guidance in the exercise by the child of the rights recognised in the UNCRC. In many instances, the parent is best placed to support the development and best interests of the child, and it is important that parents feel empowered to guide their children’s online activity. In order to uphold the child’s right to privacy, parental controls must be proportionate and in accordance with the child’s evolving capacities.

However, placing the responsibility *solely* on parents to manage their children’s online experience, particularly as children move towards young adulthood, may not be the best way of ensuring that the best interests of a child, when considered holistically, are met. Although parental controls can be an important component of protecting children’s privacy, their role should take on less importance for older children. For those populations, organisations should provide the tools to guide and support parents, for example by providing information on indicative age-appropriate safeguards for certain age groups and educational resources for parents on how to have important conversations with their children in relation to online safety.

We note that the UNCRC recommends that States should require that efforts are made to verify that consent is informed, meaningful and given by the actual parent or caregiver of the child. We would highlight that there are nuanced challenges that exist in relation to parental consent. A key challenge with regard to requirements regarding parental consent is how platforms and parents could evidence their parental/guardianship status and consent. This potentially requires the collection of even more sensitive information (e.g. birth certificates, adoption court rulings, custody court decisions, family official books). This problem is likely more pronounced in countries where age verification measures require some form of government ID, which may result in the exclusion of large parts of the population that do not not have government IDs. Furthermore, a related challenge here would be situations wherein a non-parent plays a guardianship role, but that relationship is not evidenced by a legal document. For instance, in situations where a family member such as a grandparent, aunt or uncle, or older sibling who for various reasons may have assumed the role of a parent/guardian, but do not have official documentation to evidence this.

Requiring young people to obtain the consent from a parent to access the Internet does not solve the need for age appropriate safeguards. In reality, such requirements may simply shift the burden for protecting young users to the parent rather than requiring companies to implement robust and innovative protections designed to address the potential risks present to young users.

For the reasons that we have outlined, we would emphasise that parental controls and age verification measures alone do not suffice in meeting the best interests of the child.

The UNCRC highlights the importance of children having their voices heard in decisions that impact their futures. In recent years, there has been increasing momentum in legislating specific requirements for children and young people, particularly with respect to age verification and parental consent.

Because all children and young people should have the opportunity to access age appropriate online services, measures which may restrict or prevent them from accessing the Internet must be approached carefully, taking account of their independent rights to privacy, expression, freedom of information, and participation in civic engagement and online education.

As children develop, they increasingly turn to the online environment as a source to obtain news and information, to get educated, to connect with their friends and family, as well as to play. Therefore, it is in the best interests of the 13-18 age demographic to empower them to engage in these activities with age appropriate safeguards in place, rather than restricting access outright.

In the required balance between the right of children and young people to access online services and the need to ensure that they are adequately protected, prevailing narratives focusing only on restricting access for those under the digital age of consent rather than ensuring that people have age appropriate experiences online may threaten the privacy, autonomy and independence of a substantial number of children and young people around the world.

We support the comment of the UNCRC in relation to the fact that age-based systems designed to protect children with age appropriate content should be consistent with the principle of data minimization. Age verification is a complex and industry-wide challenge requiring thoughtful collaborative solutions that protect children’s privacy and safety, without unduly restricting their ability to access information, express themselves, play, receive an education and build community online. Solutions to verify age are still a developing area. It is critical to collectively figure out how to do this fairly, in a way that does not present a barrier for young people in accessing online services, for example by excluding large numbers of young users who may simply be unable to prove their age. Any solution which aims to protect young people online needs to be aware that millions of people, in particular, young people, often do not have a reliable and easy way to prove their age or identity off-line or on-line, in particular, when they are of young age.

In tandem with this, it is important that age verification solutions are proportionate in response to actual risks posed. Any evaluation of age verification solutions should be context-specific and take into consideration the risks involved with the use of the online service along with the age-appropriate safeguards (from both a privacy and safety viewpoint) in place.

In line with the UNCRC’s General Comment, age verification solutions should avoid creating excessive collection of data which may potentially lead to subsequent security and privacy concerns. For example, requiring individuals to provide official identity documents in order to prove their age and identity would be providing far more detailed personal data than would otherwise be necessary to use certain services, in tension with key privacy principles such as data minimisation and proportionality.

**Evolving capacities:**

Children today are online earlier and earlier. They use family-shared devices — and many, as young as six or seven years old, even have their own. They love to take photos, watch videos, talk to their grandparents and of course they want to be just like their older siblings and use the apps they’re using too. It can be hard for caregivers to manage. While children have more ways than ever to learn and benefit from online experiences, three out of four parents say they worry about their kids’ online safety and want more control. We work closely with leading child development experts, educators and parents and have created an advisory board of experts. In December 2017, we launched Messenger Kids to give children and parents a fun, safer solution. Messenger Kids is a standalone app that lives on children’s tablets or smartphones but can be controlled from a parent’s Facebook account.

**Due diligence and remedy:**

Facebook supports the assertion in the draft general comment that states should “require business enterprises to undertake child-rights due diligence, in particular to carry out and disclose to the public child-rights impact assessments”. Facebook has already carried out and made public several human rights impact assessments (HRIAs) and has always investigated the specific needs of children in that context.