**Comment of The International Centre for Missing and Exploited Children on the Concept Note for a General Comment on children’s rights in relation to the digital environment**

**Date:** 14 November 2020

**Submitting organization**: The International Centre for Missing and Exploited Children (ICMEC)

**About the International Centre for Missing & Exploited Children (ICMEC)**

For more than two decades, ICMEC has led the way in supporting governments, policymakers, law enforcement, prosecutors, industry, civil society, and others around the world to protect children from abduction, sexual abuse and exploitation. It is our mission to make the world safer for children and we believe that every person has a responsibility to safeguard the world’s children.

ICMEC is headquartered in Alexandria, VA, USA; and regional representation in Brazil and Singapore work to serve Latin American & the Caribbean and the Asia Pacific region, allowing us to respond to local, national, and regional needs, develop customized programs, and raise awareness of our mission areas.

ICMEC’s unique value is in our comprehensive approach and ability to influence and inspire the engagement of the global community – regardless of country, industry, sector, or profession – toward the common goal of building a safer world for all children.

Section III: Item 19: We recommend that designers and providers of digital technology and services not only actively engage with children, but also implement a safety by design approach.

Section V: Item 33: We recommend that the State ensure any information disseminated and awareness raising campaigns conducted on the rights of the child in the digital environment use terminology that is in line with the Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse (The Luxembourg Guidelines) to support greater conceptual clarity and consistency of advocacy, policy, and legal efforts.

Section V: Item 34: We recommend that the State ensure that any professionals working with children including in any health and mental health facilities, social work, alternative care institutions, law enforcement, the justice system, and the business sector including the technology industry, not only receive training, but establish and enforce organizational child protection policies.

Section V: Item 36: We recommend that the business sector not only adopt legislation and regulations and develop, monitor, and enforce policies related to children’s rights in the digital environment, but should also ensure that information about the laws, regulations, and policies be made readily available to customers, clients, partners, and other relevant parties and is updated on a regular basis.

Section V: Item 37: We recommend that the business sector including technology companies should provide specific remedies following the commission of a crime against a child to remove the harmful content to ensure no further harm to the child and the child’s right to privacy.

Section VI: Item 72: The business sector and specifically the technology companies should implement privacy by design to keep children’s data safe. However, these companies should also consider the need to access the data by law enforcement in the case of a crime committed against a child to assist with investigation and help mitigate future harm.

Technology companies should be legally allowed to employ technology tools to identify and eliminate accounts, images, and content perpetrating violence against children.

Section VII: Items 82-84: We suggest that there must be preventative measures taken to protect children from online sexual exploitation including the use of technology tools to flag harmful content (click to report); filter and block illegal content; implement and monitor minimum age requirements; moderate message boards and chat functions; and the like. In addition, technology tools for industry partners such as web crawlers, Artificial Intelligence and Machine Learning, and similar tools to identify risks and protect children should be included. It is important that both law enforcement and industry partners be proactive in reducing harm to children and be closely involved.

Section VII: Item 87: We suggest that there be mandatory reporting of illicit content for Electronic Service Providers and industry partners. Legislation should provide substantial penalties for failure to report and laws should be strictly implemented regarding failure to report illegal content. Additionally, national laws should contain mandatory reporting for professionals such as educators, mental health professionals, healthcare professionals, or any person in a position working with children.