Observations on the draft General Comment on children’s rights in relation to the digital environment

The Office of the Special Representative of the Secretary-General on Violence against Children welcomes the opportunity to provide observations on the draft General Comment on children’s rights in relation to the digital environment.

The mandate’s observations are as follows:

* Paragraph 16 could include more detail in relation to content risks such as exposure to violent or sexual content online, in light of their implications for child development.
* Paragraph 72 could add further detail with respect to end-to-end encryption. Specifically, it could refer to the need to have regard to children’s right to protection from all forms of violence online when considering the use of end-to-end encryption, bearing in mind that such encryption can affect the use of tools designed to detect child sexual abuse material online.
* The reference to “sexting” in paragraph 85 could be amended to reflect that it can encompass the sharing of sexualized text as well as images.
* Paragraph 87 could be expanded to indicate that States should:
	+ Encourage industry to continue to develop technical tools to assist in combating violence against children online
	+ Require industry to use well-established technical tools to proactively seek, report and remove criminal material (e.g. child sexual abuse material) from their platforms, subject to legal safeguards that protect other fundamental rights such as the right to privacy and the right to freedom of expression.
	+ Assess the effectiveness of self-regulatory approaches and, in the event that such approaches fail to achieve child online protection objectives, introduce more robust regulation to vindicate children’s right to protection from all forms of violence online.
* Section XIII could also refer to the need for stronger international cooperation in the area of law enforcement, for example in relation to identifying victims of child sexual abuse online and to sharing electronic evidence in criminal cases.