Draft General Comment No. 25 (202x)

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

**UNESCO’s Comments**

Further to the call for comments published on OHCHR’s website[[1]](#footnote-2), this document presents the comments and suggested edits from UNESCO’s Communication and Information Sector and Education Sector. The suggestions are reflected in the respective chapters.

**General remarks:**

The digital environment and digital technology is a rapidly evolving landscape. We only now start to see impact of digital environment on the cognitive and socio-emotional developments of children. Hence the CRC could include:

1. A way to adapt to changes in technologies including AI, IoT, AR, etc.
2. A way to adapt based on research and scientific investigations regarding impact on cognitive and socio-emotional development of children

**I. Introduction**

Para [3]: It is suggested to add after “Meaningful access to digital technologies can support children to realise the full range of their civil, political, cultural, economic, social, cultural and environmental political and social rights*”*, **“ensuring their freedom of expression and access to information**.

Para [5]: It is suggested to reword as follows[…] Therefore, it is important to ensure **a balanced approach for** children **to** benefit from engaging with the digital environment**, including by learning to create content relevant to their personal lives and communities, while** mitigat**ing** 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 competencies. The earlier children are exposed to media and information literacy competencies the more discerning and critical they become about information, digital, and media content as they grow older.**

UNESCO comment: *These recommendations recognize that enhancing children’s media and information literacy competencies on its own is not a cure for all problems, including the COVID-19 pandemic and related disinfodemics[[2]](#footnote-3), but insist that Media and Information Literacy be further recognized and valued throughout educational, social and economic systems and that it be applied as part of a more proactive approach in order to build a sustainable and inclusive society.*

**III. General principles**

1. **The right to non-discrimination**

Para [10]: after **"ensure all children": e**ven if the list of vulnerable groups **which follows** is non-limitative, **it is suggested to** **either remove it (as "all children" is already inclusive) or make it**more comprehensive**,** as other groups should be also considered in priority to ensure universal **access to digital environment**.

Para [13]: Specific groups of children may require particular measures to prevent discrimination on the grounds of sex, disability, socioeconomic background, ethnic or national origin**, language**, or any other ground.

It is suggested to add a new Paragraph b):

**[NEW PARA]**

**b) Right to education (art. 28, para 1), to learn and acquire the digital and cognitive competencies required to become save creators and users of the digital environment.**

1. The best interests of the child (art. 3, para. 1)

It is suggested to add a new paragraph:

**[NEW PARA] The best interest of the child includes the right to protection of the child’s private life and own image. The latter determines the children’s right to control the use of his/her image and the right to refuse its publication. The right to protection of children’s own image is an essential component of personal development and takes particular importance for the best interests of the child.**

UNESCO Comment: *Although the idea is mentioned in other parts of the document, the need to listen the children in order to define the best interest should be clearer here.*

1. Right to life, survival and development
2. The right to be heard (art. 12)

Para [18] replace *international public levels with* ***public spaces***.

UNESCO Comment: This section should include a few lines like those: the designing of access to information policies, including active transparency and open government strategies, should explicitly design strategies to foster the chidren’s rights to be heard.

It is suggested to add a new paragraph:

**The right to be heard is grounded in children’s equal right to participate in open civic spaces, which includes as well the rights to access information, engage in dialogue and form their own opinion. Guaranteeing children’s voices is also part of promoting and protecting the civic space, which renders society stronger, strengthens democracy, and brings social cohesion and resilience to societies.**

**IV. Evolving capacities (art. 5)**

Para [21] Consider rewording the first phrase as follows:

21. The policies adopted to implement children’s rights in the digital environment need to vary according to children’s evolving capacities in order to**find an appropriate balance between protection and emerging autonomy, in designing these policies, and the frameworks within which children engage with the digital environment.** **They should also be able to follow the rapid pace of digital transformation and the ensuing changing landscape of skills that need to be developed**. […]

**V. General measures of implementation by States**

Para [23]: Line 2 after “environment” could be added “**from a lifelong perspective**”.

UNESCO Comment**:** *The General Comment 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.*

Para [24]: UNESCO Comment**:** *In paragraph 24, it should be clearer that any legislation should be in line with International Human Rights Standards, with particular attention to international freedom of expression and privacy standards*

Para [26] It is suggested to reword as follows (to make specific reference to media and information literacy along digital skills):

*26. In addition to regulation, industry codes and design* ***and ethical*** *standards, such action plans should establish and promote, inter alia, training and guidance for parents and caregivers, relevant professionals and the public, programmes to develop children’s* ***media and information literacy along with digital skills*** *and access to opportunities. Such measures should protect children, including from online sexual abuse and exploitation, and provide remedy and support for child victims and measures to meet the needs of children in disadvantaged or vulnerable situations, including resource materials translated into relevant minority languages.* ***Commit to advancing “Media and Information Literacy for Everyone and by Everyone” through policy and resource allocation across all relevant areas, including education, health, elections, child protection and empowerment, climate, and gender equality, governance and regulation to mention some examples.***

Para [28] After: “It should also cooperate with businesses, civil society and other organizations” it is suggested to add “**under a multistakeholder governance approach**”.

*It is suggested to add a new paragraph after [28]*

**[NEW PARA] Beyond engaging in the digital environment as aware but passive users, States should seek and promote children’s attempts to code and create their own technology. As they develop an understanding of programming as well as computational thinking and creativity, the risk for harm from the digital world diminishes. It furthermore prepares children to express themselves and develop their ideas through ICTs at a level suitable for the future workplace and civic space. Action plans should take into account children’s rights in the digital environment in relation to their future lives as adults, in particular the right to work.**

Para [31]: It is suggested to add at the very end: “**while applying children’s data protection principles**”.

Para [33]. It is suggested to replace “*skills*” as follows: States should facilitate educational programs for children, parents and caregivers, as well as the general public and policy makers, to enhance their knowledge of children’s rights and develop their **media and information literacy and digital literacy.**

UNESCO Comment: *Apply this change to all references to “digital literacy and skills” throughout the document in paras 89, 113, and 114*.

Para [34]: It is suggested to add the following points (for instance as a new paragraph)

**Ensure that training to judicial operators includes the actual application of International Human Rights standards, when taking decisions about digital rights. Journalists should also receive training on how to cover better these complex issues. Training of information, media and digital communication regulators on how to engage stakeholders to integrate media and information literacy for children in regulatory actions and programmes.**

Para [36]: It is suggested to add after “legislations and regulations”, “**that should be in line with international human rights standards**”.

Para [53]. It is suggested to add “**in the language that children understand**” at the end of the paragraph

UNESCO Comment: *Diverse, accessible and beneficial content may imply the availability of such a content in the language that is familiar with children. Nevertheless, it is desirable to specify the language dimension from an equity and inclusion perspective, and also to promote linguistic diversity.*

Para [48]: It is suggested to add: “**Ensure that training to judicial operators includes the actual application of International Human Rights standards, when taking decisions about digital rights”**

Para [89]. It is suggested to add the following: “Many parents and caregivers require support to build technological understanding **and strengthen their media and information literacy capacities to grasp more fully the social context of information, digital technology, and media; thereby being better able** to assist children in relation to the digital environment. States […]”

**VI. Civil rights and freedoms**

1. Access to information (arts. 13 and 17)

It is suggested to add a new paragraph:

**[NEW PARA] Drafting and actual implementation of freedom of information/access to information laws, including active transparency measures, should pay special attention in the needs of all children, including those from vulnerable groups. Information Commissioners and/or other bodies in charge of implementing these laws should develop specific strategies to increase children’s access to information.**

It is suggested to add a new paragraph:

**[NEW PARA] Access to information laws should explicitly address mechanisms that include media and information literacy as tool for national awareness raising among children, monitoring and evaluation.**

Para [57]: Consider adding at the end: “**All those requirements should be implemented with maximum transparency**”.

1. “Right to Privacy (art 16)

It is suggested to also add “***Right to the protection of one’s image***”

Para [69]: Consider adding at the end: “**The privacy literacy and education in the package of media and information literacy should be provided by states to parents, teachers and children themselves to raise awareness of protecting children’s privacy and identity**”.

Para [74]: It is suggested to add at the end**: “The State should enhance the privacy protection of children and hold parents and school accountable when they need to share children’s information, pictures and other personal data on social media or other digital platform with caution and consent from children**”.

**XI. Education, leisure and cultural activities**

1. **Right to education (arts. 28 and 29)**

Para [107]: To introduce the lifelong learning dimension as mentioned above in line with the sustainable development goal on education, in line 5 at the end add **“in a lifelong learning perspective**” and after “learning” “**the importance of which was also recognized by the SDG4 - Education 2030 Agenda**”

Para [107]: Make reference to lifelong learning perspective: in line 8 after “education” add “**and lifelong learning opportunities**”

Para [107]: Line 2 and 4 after “formal” add “**non-formal**”.

UNESCO Comment: *Please see pp.11-12 of ‘International Standard Classification of Education 2011’ for the definition of formal, non-formal and informal education[[3]](#footnote-4)*.

Para [108]: Include the lifelong learning perspective: after “participation” add “**an important recognition to ensure a lifelong learning approach to education**”.

Para [110]: Those who will support children for online home schooling are not limited to parents. In line 5 add after “parents” “**or caregivers**”.

Para [111]: The text needs to include references to learners with special need, so 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.**”

Para [111]: Line 5 after “quality” add “**in the language that children understand**”.

UNESCO Comment: *This is proposed to make explicit the importance of the use of the language with which children are* familiar *for any educational activities.*

Para [112]: Add after “consent”, “**to ensure the appropriateness of these standards and guidance, States should adopt effective, transparent and inclusive monitoring and evaluation systems of the use and effects of such technologies in order to ensure that they comply with human rights norms and standards and adapt them as required**”.

Para [112]: Consider adding “**policies**” after “evidence-based” in first line.

Para [112]: Could be considered to specify in the text: “**standards on the right to privacy should also apply to education, including the use of microphones/webcams**”.

Para [112]: Consider adding for instance at the end of the para, “**processing of data, including storage, should be adequately protected**.”

Para [112]: Clearly state students’ rights (such as regarding consent, access, control, etc.) to be transparent with how AI-based learning analytics and similar technological tools that are employed in education settings. For instance, in line 4 after children rights add “**including rights related to consent, access, control**”.

Para [113]: Line 4 after “participation” add “**socialization**”. This is to note that socialization is an important function of education.

Para [113]: Consider adding at the end “**it should also promote awareness of the potential impact of using digital devices on psycho-emotional development of children**”.

UNESCO Comment: *In addition to the risks of children’s exposure to potentially harmful content, contact and conduct, including cyberbullying and other forms of violence, etc., the impact of using digital devices on psycho-emotional development of children could be added. While the use of digital technologies to ensure the continuity of learning under the COVID crisis is generally promoted, especially for the early ages of children, we may need to ensure the provision of face-to-face delivery of education with actual human touch with teachers and other children, and using digital technologies may not be an option for them*.

Para [114]: Could add a brief sentence on putting in place monitoring mechanisms on the use and impact of digital educational technologies, for instance add at the end “**monitoring mechanisms on the use and impact of digital educational technologies should be put in place**”.

Para [114]: At the beginning add “**From a lifelong learning perspective**,” and after “surveillance”, “**as these provide a basis for the exercise of other human rights including the right to privacy**”.

Para [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**”.

UNESCO Comment: *A basic knowledge of how computer and internet networks function can illustrate how the reality of threats can affect their well-being. This is to help protect them and education settings from cyberattack (e.g. phishing emails, ransomware, etc.) that may come from their web-based email accounts via their digitally-connected devices (which can lead to the attack of the education providers’ servers). In addition, the state of socio emotional intelligence of students should be balanced out between real-world relationship and online learning and playing activities.*

Para [114]: Add “**as well as social, economic, cultural, political and environmental implications of digitalization**” in line 3 after “surveillance”.

UNESCO Comment: *It is desirable that children learn not only about the digital environment, its functioning and constituents, but also how such environment is inter-related to broader environments from social, economic, cultural, political and environmental perspectives so that they can develop balanced understandings of their rights and responsibilities.*

1. **The right to culture, leisure and play (art. 31)**

UNESCO Comment: *after ”The right to culture, leisure and play (art. 31)”, it is suggested to add content related to*

* The right to work (their future employment)
* The right to freedom of thought and religion (art. 18)

**XII. Special protection measures**

**C. Protection of children in armed conflict, migration and other vulnerable situations (arts 22 and 38; OPAC);**

Para [125] It is suggested to add at the end “**This include protecting children from cyber-attacks and cyber and information warfare”**

**XIII. International and regional cooperation**

Para [127]: It is suggested to add a new paragraph after [127]

**[NEW PARA] It is therefore recommended that States and stakeholders conduct Internet Universality indicators[[4]](#footnote-5) at national level as a comprehensive framework to mainstream children’s digital rights and formulate related policy reforms.**

UNESCO Comment: [*Internet Universality ROAM-X Indicators*](https://en.unesco.org/themes/internet-universality-indicators/indicators-project/consultations-events) *framework which is a set of 303 indicators that aim to assess how well national stakeholders, including governments, companies, and civil society perform in adhering to the ROAM principles of* ***Rights, Openness, Accessibility, and Multi-stakeholder participation****.* It also includes 79 cross-cutting Indicators (category X) concerning gender and the needs of children and young people, sustainable development, trust and security, and legal and ethical aspects of the Internet.

It is suggested to add an additional paragraph after [127] :

**[NEW PARA] State actors and stakeholders should cooperate to carry out national media and information assessments including country readiness and competency levels among various stakeholders including children**.

UNESCO Comment: *Media and communication regulatory bodies, self-regulatory bodies, technological intermediaries, and civil society actors should cooperate at national, regional and international levels to advance standards and monitoring mechanism for media and information literacy training among children and young people. The UNESCO Media and Information Literacy Alliance offers a platform to facilitate such cooperation.*

1. <https://www.ohchr.org/EN/HRBodies/CRC/Pages/GCChildrensRightsRelationDigitalEnvironment.aspx> [↑](#footnote-ref-2)
2. <https://en.unesco.org/covid19/disinfodemic> [↑](#footnote-ref-3)
3. <http://uis.unesco.org/sites/default/files/documents/international-standard-classification-of-education-isced-2011-en.pdf> [↑](#footnote-ref-4)
4. [<https://en.unesco.org/internet-universality-indicators/national-assessments>](https://en.unesco.org/internet-universality-indicators/national-assessments). [↑](#footnote-ref-5)