**German comments to the concept note of the General Comment on children’s rights in relation to the digital environment (Verbal Note OHCHR as of 28 March 2019)**

An estimated one third of Internet users worldwide are under the age of eighteen with the number increasing to around 50 percent in the Global South[[1]](#footnote-1). The Internet is therefore undoubtedly a phenomenon affecting children, and all actions concerning the Internet are concurrently related to children in the sense of the Convention of the Rights of the Child (UN-CRC).

Since the adoption of the UN-CRC in 1989, the world has changed in many ways – and so has the living environment of children. It is therefore important to take a closer look at the Convention’s regulations with regard to the change in society due to digitalisation.

While the digital environment provides children with huge opportunities for their education and personal growth, one cannot deny the risks potentially associated with the use of the Internet. The UN-CRC provides an overarching framework of civil rights to freedom, protection and empowerment of children. At the same time, the digital environment provides for an appropriate and desired infrastructure to exercise these rights as never before, in particular with regard to the right to be heard (Art. 12 of the UN-CRC), the right to freedom of expression (Art. 13), the right to freedom of thought, conscience and religion (Art. 14), and the right to freedom of association (Art. 15).

Comments to guiding questions of the Committee on the Rights of the Child:

***How can children’s views and experiences be expressed and taken into account when formulating policies and practices which affect their access to, and use of, digital technologies?***

Since children are often the early users of digital technologies there is also a risk they will be the first to experience potential harm. For this particular reason they are able to give evidence of the positive and negative impacts digital technologies have on their everyday life. Children’s views and experiences should be therefore taken into account as a first-hand resource with regard to their access and the use of digital technologies, preferably by an easy-to-handle online consultation directed to children via their preferred online platforms and channels of communication.

***How can discrimination (originating offline or online) be effectively addressed, to ensure all children have their rights realised in a digital world?***

Although the Internet is widely used by the young generation, access to all *“information and material from a diversity of national and international sources, especially those aimed at the promotion of the child’s social, spiritual and moral well-being and physical and mental health”* (Art. 17) cannot be taken for granted in all regions of the world. To prevent discrimination the physical / technical means to access the Internet must be available to all children; any blocking of their access to the above mentioned content must be inhibited, and digital literacy training should be provided to all children.

***How should the General Comment treat the role of parents and other caregivers?***

Parents and caregivers play a crucial role in children’s media literacy education. It is therefore essential to ensure they are competent and skilled to guide their children in the digital environment.

Parents, teachers and all other stakeholders involved in the care of children and young people are called upon, especially in times of freedom made possible by digitalization, to raising awareness of both the particular value of personal information and the risk of high vulnerability of one's own personality. They should be supported by information initiatives to provide their children with the necessary assistance, including in the area of data protection, especially in the initial exploration of digital media.

***How should the practices of businesses operating in the digital environment support the realisation of children's rights?***

Business enterprises must be required to meet their responsibility to respect the rights of children in all their operations. Mindful of the speed at which digital technologies can emerge business enterprises should be encouraged to implement safety by design, privacy by design and privacy by default as guiding principles for products and services’ features and functionalities addressed to or used by children.

Providers of digital media and services, in particular addressing minors, are invited to pay particular attention to the specific needs for protecting children's privacy.

The particular vulnerability of children must be taken into account by appropriate design of products and services. Obligations to provide information must be presented in a way that is understandable and suitable for children.

Media providers and services which either specifically target minors or in any case cannot exclude the possibility that children and young people under the age of 16 may also use their services are obliged to ensure full transparency and security of data processing.

Data protection notices, including information on consents required, shall be written in simple language which could be easily understood by children and placed in an exposed position.

***How can States better realise their obligations to children's rights in relation to the digital environment?***

States have the primary obligation to respect, protect and fulfil the rights of every child within their jurisdiction. States should make appropriate arrangements to ensure that all children have adequate, affordable and secure access to devices, connectivity, services, and content which is specifically intended for children. States should ensure that access to the digital environment is provided in educational and other care settings for children. Specific measures should be taken for children in vulnerable situations. Connectivity and access to devices, services and content should be accompanied by appropriate education and literacy measures.

States should take precautionary measures, including by assessing on a regular basis any risks of harm that these may pose to children’s health. States should ensure the children’s right to be protected from all forms of violence, exploitation and abuse is observed also in the digital environment. Nonetheless any protective measures should take into consideration the best interests and evolving capacities of the child and not unduly restrict the exercise of other rights.

States must also engage all relevant stakeholders, in particular educational and child protection and care systems, public institutions and business enterprises, civil society stakeholders, as well as children themselves and their parents, legal guardians or any other persons who take care of children, in order to effectively implement their obligations.

States should initiate and provide more support for information and education campaigns by associations and institutions for child-friendly data protection.

The handling of digital media and the imparting of appropriate competences in the field of data protection should be an integral part of school education.

***Is the realisation of children’s rights in the digital environment necessary to realise children’s rights in other environments?***

Since the differentiation between the analogue or real environment and the digital environment does not persist for the young generation today, the realisation of children’s rights in the digital environment is constitutive to the realisation of children’s rights in their everyday life. Moreover, the realisation of children’s rights in the digital environment could have the effect of a catalyser for children’s rights regardless of the place and social environment they live in.

1. GCIG Paper No. 22 (2015) https://www.cigionline.org/publications/one-three-internet-governance-and-childrens-rights [↑](#footnote-ref-1)