

Steering Committee on Media and Information Society - CDMSI

COUNCIL OF EUROPE



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Draft Comments of the Steering Committee on Media and Information Society on the Draft Recommendation of the Committee of Ministers to member States on [Comprehensive] Guidelines to empower, protect and support children's [safe access to their rights on the Internet] [rights in the digital environment].

1. The Steering Committee on Media and Information Society (CDMSI) welcomes the Draft Recommendation of the Committee of Ministers to member States on [Comprehensive] Guidelines to empower, protect and support children's [safe access to their rights on the Internet] [rights in the digital environment], prepared by the drafting group of specialists on Children and the Digital Environment (CAHENF-IT).

2. The CDMSI recalls at the outset that the Recommendation CM/Rec(2014)6 on a Guide to human rights for Internet users, adopted on 16 April 2014, includes provisions that constitute an enabling tool for children to understand and exercise their rights in the online environment. In the same context, the CDMSI also recalls that the Recommendation CM/Rec(2013)1 of the Committee of Ministers to member States on gender equality and media provides guidance on promoting media literacy and active citizenship within the younger generation.

3. The CDMSI is pleased to note that this draft recommendation contributes to the implementation of the Internet Governance Strategy 2016-2019. The Internet Governance Strategy also envisages measures aimed at rendering the internet a safe, secure, open and enabling environment for everyone, children included.

4. Furthermore, the CDMSI is firmly convinced that media and digital literacy are essential to enabling all individuals, and especially children, to access, understand, critically analyse, evaluate, use and create content through a range of media in the digital environment. This is the reason why the strong link between media pluralism and media and digital literacy is featured prominently in the draft Recommendation on media pluralism and transparency of media ownership. Work on the draft Recommendation will be finalised end of 2017, and is expected to provide guidance for member states regarding the development of new national media literacy policies and the strengthening of the existing ones, as well as on the responsibilities of media outlets for the promotion of media and digital literacy through policies, strategies and activities.

5. Furthermore, the CDMSI invites the CAHENF to consider the following point:
The right to freedom of expression, including the right to receive and impart information and ideas without interference, as guaranteed by Article 10 of the European Convention on Human Rights, constitutes one of the fundamental principles of any democratic society. Therefore, the CDMSI suggests to add to point 4.2. ("Freedom of expression and information"), paragraph 13, the following wording: "This includes any views, opinions and expressions on matters of importance on them, *irrespective of whether or not they are received favourably by the State or others*".

6. The CDMSI would also draw the attention of the CAHENF to the following proposals:

a) it might be useful to add to the preamble of the draft recommendation a reference to the Recommendation CM/Rec(2012)3 of the Committee of Ministers to member States on the protection of human rights with regard to search engines, and to the Recommendation CM/Rec(2011)7 on a new notion of media;

b) in point 5 "Frameworks" of the Appendix, for better clarity the CDMSI proposes to add the word "national" to the title, as point 5 apparently only concerns national legal frameworks;

c) to ensure compatibility with the existing international standards, the CDMSI would suggest to clarify in the draft recommendation that member States are not obliged, under the standards of the Council of Europe, to introduce criminal offences beyond those that are punishable under the existing Council of Europe conventions, notably the Convention on Protection of Children against Sexual Exploitation and the Convention on Cybercrime. Therefore, it might be considered to rephrase point 5.1. ("Frameworks"), paragraph 61 in such a manner as to reflecting those limits;

d) it might be useful to add to point 6 ("International co-operation and coordination"), paragraph 79, "that States should take measures to strengthen law enforcement and international co-operation, including information sharing, to combat sexual exploitation of children in travel and tourism, *as well as sexual exploitation of migrating children or children living in refugee camps or other hosting facilities for refugees*, and to improve efficacy and operational usefulness of the Interpol system for notifying cross-border movements of child sex offenders".

7. The CDMSI considers that the CAHENF Draft Recommendation substantially contributes to children's empowerment in the digital environment and provides comprehensive support for the rights of the children online.