Policy guidance on empowering, protecting and supporting children in the digital environment

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Council of Europe Strategy on the Rights of the Child 2016-2021

"New Information and Communication Technologies (ICT) affect children's enjoyment of a significant number of fundamental rights guaranteed by the UNCRC, the ECHR and the European Social Charter … All children should be able to safely access ICTs and digital media, and be empowered to fully participate, express themselves, seek information and enjoy all the rights enshrined in the UNCRC and its Optional Protocols without discrimination of any kind."

The digital environment is rapidly evolving, globalising, increasingly relied upon

- An estimated 1 in 3 children use the internet worldwide, and around 1 in 3 internet users is a child (under 18 years)

- Internet access and use is increasingly regarded - by children, also acknowledged by the UN – as a human right

- The more children use the internet, the more they gain digital skills and benefit from its opportunities – and encounter online risk of harm

- Yet many opportunities are not yet realised, and many risks are "invisible"

How can the Council of Europe and member States add value to existing policies and initiatives?

The remit for the background report:

- Overview of children's rights in the digital environment

- Case studies from member States highlighting relevant policies and practices

- Analysis of the gaps and suggestions for future guidance

- Inventory of European legal standards, case law, policy and children's views

What do we know about the digital environment and its challenges?
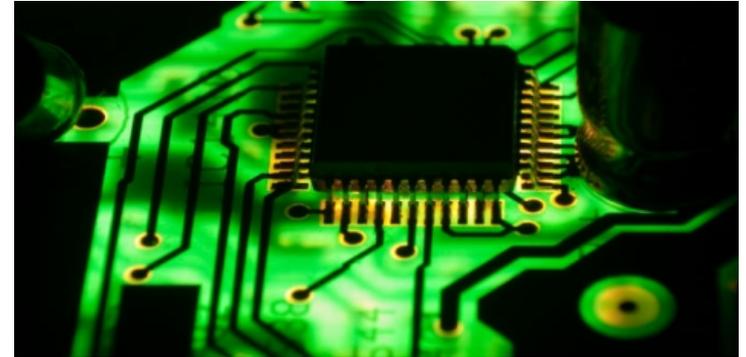
- Offline and online are blurring, mutually interdependent

- The internet amplifies, intensifies and privatises risks and opportunities

- The infrastructure is significantly proprietary, owned by global corporates

- The internet is largely age-blind, far from "child-friendly"

- The digital environment is cross-cutting so demands a coordinated response

- Parents and teachers play a key role, but they are struggling ...

The UN Convention on the Rights of the Child as a guiding framework

- Ratified internationally, including in all 47 CoE member States

- Pre-dates today's digital environment yet highly pertinent and inspiring

- Child rights include provision, protection and participation – all vital

- Many are recognised in European Conventions (on Human Rights, Lanzarote, Cybercrime, etc.) and Recommendations

- Raises challenges of "translation" and application across cultural contexts

The four guiding principles of the UNCRC inform policy formulation, implementation and review

- Non-Discrimination (Article 2)

- Best Interests of the Child (Article 3)

- Right to Life, Survival and Development (Article 6)

- Right to be Heard (Article 12)

All pose interesting challenges regarding the digital environment . . .

Provision	Protection	Participation
Article 4: State responsibilities for implementation of rights	Article 16: Right to privacy	Article 13: Freedom of expression
Article 5: Parental guidance		Article 14: Freedom of thought, conscience and religion
Article 8: Preservation of identity		Article 15: Freedom of association
Article 17a-d: Information and material of social and cultural benefit by mass media & linguistic needs of minorities	*Article 17e: Protection from injurious material*	*Article 17 intro: Access to media*
Article 18: Parental responsibilities; state assistance	Article 19: Protection from all forms of violence	
Article 23 para. 2 and 3: Children with disabilities: special care and assistance	Article 32: Child labour / economic exploitation	*Article 23 para. 1: Children with disabilities: participation in community*
Article 28: Right to education	Article 34: Sexual exploitation	
Article 29: Goals of education	Article 35: Abduction, sale and trafficking	
Article 30: Children of minorities/ indigenous groups	Article 36: Other forms of exploitation	
Article 31 para. 2: Leisure, play and culture: appropriate opportunities	Article 37: Torture or other cruel, inhuman or degrading treatment or punishment	*Article 31 para. 1: Leisure, play and culture: participation in cultural life*
Article 39: Rehabilitation of child victims		

Comprehensive inventory of the Council of Europe legal and policy framework

- **Protection rights**: strengths in relation to protection from violence, especially sexual violence and exploitation; frequent mention of right to privacy but fairly abstract

- **Provision rights**: main focus on education, including media/digital literacy; but little about rights to information, material of social/ cultural benefit, linguistic needs of minorities, play, participation in cultural activities, provision for children with disabilities or from minorities

- **Participation rights**: right to be heard mentioned by CoE Strategy but, generally, the right to expression, thought or assembly are little referred to in child-specific terms

Examples of country and cross-cutting case studies of good practice, selected on key criteria

- ICT in-service training for teachers and students in France

- Child rights commitments in Norway shape digital literacy in kindergarten

- Ireland's national policy framework for children and young people

- Providing and curating positive, age-appropriate online content in Germany

- Awareness-raising on personal data protection for children in Russia

- UK Council for Child Internet Safety

- Child Helpline International

- Girls in ICT initiative

Gaps and suggestions based on case studies of good practice

- **Protection**: most effort on internet safety - legislation, industry innovation, education/awareness-raising; more on pornography than hate, self-harm

- **Provision**: heavy reliance on schools, though PSBs play some role; less attention to information, and much digital provision is unequal

- **Participation**: fewer instances of good practice to enable (all) children to participate and have their views heard in or about digital environments

- **Coordination**: many valuable initiatives underway; the task is to coordinate them, fill gaps, ensure no clashes, help make them sustainable, scalable, independently evaluated, and future-facing

Suggestions for developing guidance regarding the digital environment

- It is now timely, even urgent, for a pro-active and coordinated approach

- Provision underpins other rights and should be non-discriminatory

- Protection is vital as the range of risks to children online become visible

- Participation requires fresh thinking in relation to the digital environment

- The digital environment intensifies challenges of balancing children's rights

- Many stakeholders must be involved, with good practice shared and updated

Including children's voices

1 **Free, unrestricted access:** We want free, unrestricted access to the internet so we can learn and share.

2 **Education and support:** We want support and education about the internet - for everyone!

3 **Privacy and data protection:** We want to be able to protect our data and privacy online.

4 **Respect online:** We want an online world free from bullying, racism and intolerance.

5 **Infrastructure and connectivity:** We want more investments in ICT infra-structures to provide widescale high-quality, high-speed connectivity.

6 **Terms and conditions:** We want terms and conditions that are simple to understand.

7 **Good quality and reliable content:** We want access to good quality and reliable content online.

8 **A hack-free online environment:** We want our personal information kept safe from online hackers.

9 **Freedom of expression:** We want to be able to express ourselves freely online.

10 **Democracy online:** We want an open and democratic internet.

Youth Manifesto for a Better Internet

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Children's Rights in the Digital Age

A download from children around the world

YOUNGANDWELL   unicef