Children's rights in the digital environment

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6 Social cohesion

6.2 Council of Europe Strategy for the Rights of the Child (2016-2021) –

Second report on the implementation of the Council of Europe Strategy for the Rights of the Child

12. **Impact has been significant but varied across the five priority areas at the national level**. 20 member States indicated that the Strategy had been particularly positively implemented in the area of equal opportunities for all children; 20 in participation for all children; 17 in a life free from violence from all children; 18 on child-friendly justice; and 14 in the rights of the child in the digital environment. 13 member States felt that implementation of the Strategy had been particularly positive in all five priority areas.

100. **At member State level, there is significant evidence of positive outcomes under this priority area.** Since 2016, 34 member States have changed legislation or policy to protect children in the digital environment. National strategies, action plans or other policy mechanisms have been introduced to protect or provide for children online in 8 member States.

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Handbook for policy makers on the rights of the child in the digital environment

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Building a Europe for and with children

COUNCIL OF EUROPE

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Handbook for policy makers on the rights of the child in the digital environment

to support the implementation of Recommendation CM/Rec(2018)7 of the Committee of Ministers of the Council of Europe on Guidelines to respect, protect and fulfil the rights of the child in the digital environment

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Children's concerns and recommendations, based on consultations in eight countries

- Children are unanimous that everyone should have access to the internet, and that some access should be free of charge and non-discriminatory.
- They value internet access for learning, play, socialising and expression. To support this, the most common call from children is for digital literacy education in the state curriculum.
- Children are aware of their right to play but differ in their views of what kinds of play, and how much play, is advisable online.
- Children recognise the importance of their evolving capacities, realising that they understand the digital environment better as they get older.
- Equality is of overarching importance to children, and it is especially prioritised by more vulnerable groups and those likely to experience discrimination such as those with learning disabilities, ethnic minorities and unaccompanied minors.
- Respect for private and family life was especially emphasised by vulnerable groups – with the importance of staying in touch emphasised by asylum-seeker children, for instance.
- One main concern centred on data protection and the right to privacy. Linking this to safety, children worry about how their photos might be misused, or how abuse of their personal information could lead to being hurt offline, in their 'real lives.'
- They called for child-friendly, easily understandable terms and conditions and other measures so that they can make their own decisions about engaging with websites and apps.
- Children value support and guidance from parents and caregivers, but they emphasise also the importance of balanced, and not unduly protective measures.
- While aware of online risks such as cyberbullying, grooming and hate speech, children called for more information and better sources of support, as often they do not know where to turn for help when needed.

"Internet access should be a common good and not a privilege." (Italy)

"Children have a human right to play, to talk to their friends and to explore their life" (Ukraine)

"It's really important for us to have an opportunity to participate, not only in daily life, but also on the internet, especially on social sites where we stay in touch with our friends." (Czech Republic)

"When we get older, we get smarter and have better understanding of the internet and we have better rights on the internet" (Croatia)

Chapter 2 sets out the importance of establishing a comprehensive and strategic national framework by which States, including national, regional and local authorities, can ensure that they respect, protect and fulfil the rights of the child in the digital environment. It accompanies and should be read in conjunction with section 4 (National frameworks) of the guidelines.

Chapter 3 provides interpretative and practical guidance for each of the operational principles which comprise the main part of the guidelines. It accompanies and should be read in conjunction with section 3 (Operational principles and measures) of the guidelines.

Chapter 4 explains the wider international context, to guide States to the key international organisations who will support their actions and with whom they should cooperate. It accompanies and should be read in conjunction with section 5 (International co-operation and co-ordination) of the guidelines.

Chapter 5 recognises that business represents crucial actors in relation to the digital environment. It brings together the responsibilities of business so as to guide States in meeting their obligations regarding children's rights in relation to the digital environment.

2. Right to freedom of expression and information

The right to freedom of expression is not an absolute right. It carries with it duties and responsibilities. It can also be restricted, but any restriction must (1) be prescribed by law, (2) have a legitimate aim, and (3) be necessary in a democratic society.[43] This means that children's right to freedom of expression and information can be limited, in order to protect their interests (e.g. restricting access to content that is considered harmful to them by means of internet filters or systems of age verification), or in order to protect the interest of others (e.g. restricting online hate speech towards others). These restrictions must fulfil the three conditions mentioned above.

Children's right to sex and relationships information

Questions / checklist for member States

Relevant legislative instruments

Relevant case law of the European Court of Human Rights

Thank you
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