# **Speaking notes**

# **UN Human Rights Council Annual Day on the Rights of the Child**

The UN Convention on the Rights of the Child sets out rights which are universal, inherent and inaliable. Until just a few years ago however, it was not as self-evident as it should be that those rights applied in the digital environment. Or at the very least, it was not clear how they applied. The adoption of General comment No. 25 two years ago changed that, and was a game changer for children’s rights in today’s world, which is increasingly digital.

5Rights had the privilege to chair the steering group for the drafting of the UNCRC GC 25, hearing from many hundreds of experts and over one thousand children.

Since then, in ongoing collaboration with children, experts, policy makers and fellow travellers around the world, we continue to pursue our aim of building the digital world that children deserve, with the GC 25 as our shared Roadmap.

We have made some very important steps along that road. But there is still a long way to go.

Our discussion today, the Resolution the United Nations member states will adopt in September, and the UN Global Digital Compact – will mark 2023 out as a landmark year in this journey.

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**The most important change over the last few years has been as regards language and the narrative.** In 2021 the UNCRC took firm aim at the exceptionalism of the digital environment. By formally setting out that children’s rights apply online, the Committee made short work of the prevailing argument advanced by tech companies and too often accepted by policy-makers and lawyers that, in the words of Google’s Eric Schmidt: “the online world is not truly bound by terrestrial laws”. Now, it is common to hear leaders and lawmakers assert that what is illegal offline should be illegal online, and that rights apply equally online as offline. This shift is particularly evident in the EU’s Digital Services Act.

Speaking of children as rights holders in the digital environment also breached another major dam that was holding back the application of their rights: the fact that if services were taking any account of the age of users, the bar was being set not at 18 but at 13. This change in the parameters is in my view the single biggest achievement to date of the GC 25.

And the GC firmly shifted the focus for intervention from children and parents to States and tech companies. Education and parental controls have their place, but first and foremost States and tech companies have the responsibility to uphold children’s rights. In the same way, attention has shifted from where we want children to be, to where they are in practice.

Overall, the language of rights has entered the digital policy space, and the language that defines tech sector regulation – of data protection, of fair terms, of algorithmic oversight and AI liability… – is permeating through the child rights community and practice.

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**However, the practical experience of children in the digital environment remains woefully disrespectful of their rights.** The GC 25 quite rightly pointed out the many advantages of the digital environment for children – a place of free expression, a fount of information and discovery, an opportunity to create friendship-groups beyond their own classmates. It emphasises all of children’s positive rights and the importance and potential of the digital environment for their realisation. To realise this potential however requires a fundamental reset. Today, children’s experience is marred by discrimination, violence, exploitation. The impact on their safety, their health and well-being is enormous. Consider for example just a few facts and figures:

* Between a third and half of kids worry that they are addicted to the internet.
* 40% of teenagers say images on social media caused them to worry about their body image;
* 58% of girls have been harassed or abused online;
* CSAM is exploding and it is increasingly self-generated by younger and younger kids – mostly girls – from their bedrooms; In the majority of this content, the girls are imitating pornography.

To understand why this is happening it is crucial to realise that the online world is first and foremost a commercial, data driven environment. The products and services children use are designed to keep them online, engaging, sharing and creating content – for the profit of tech companies. To this end tech platforms recommend never-ending streams of content (including extreme content, porn, hate speech, disinformation, promotion of body dysmorphia or self-harm…), friends, new features, they send targeted notifications and reminders and nudges…with no concern as to the real-life impacts for children. And this is not just on social media, but also gaming platforms as well as ed-tech platforms among others.

Children are the unwitting victims of a commercial system where, if the end does not justify the means, it at least downgrades the consideration of their side-effects to insignificance. Just consider the revelations of whistle-blower Frances Haugan: Facebook knew Instagram was causing severe harm to teenage girls, but the response was a proverbial shrug.

Now take just a moment to think back on those few examples I gave you and consider the vicious circles we have allowed to entrench: of social withdrawal, of bullying, of gender based violence and child sexual abuse. Is this our vision of the future?

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Change has to happen, and fast. The GC 25 defines clearly the core principles – including recognising the importance of access and equity, of hearing children’s voices and taking into account their diversity, of cooperation and of corporate responsibility. It also emphasises very clearly the practical processes necessary to deliver a rights-respecting digital environment: due diligence and the provision of a high level of privacy, safety and security to children by design and default, child rights impact assessments, independent monitoring, oversight and accountability, and child-friendly remedy and redress – for instance, access to justice, treatment of victims, treatment of perpetrators, importance of training for all relevant professionals.

Over the last two years States have been waking up to the increasing clamour of children, of parents, teachers and mental health professionals, who say – enough! They have been digesting the General comment, and some have led the way in taking action. I would point in particular to the African Union, which is working on a comprehensive policy for child online safety implementing the General comment as a whole. And also to the many jurisdictions around the world – in Europe, the USA as well as across Latin America and Asia, that are passing legislation for children’s data protection and safety by design, mirroring the UK’s ground-breaking Age Appropriate Design Code.

More need to follow suit, taking advantage of the experience of others and building on what has been shown to work. They can also benefit from a complete toolbox including the Child Online Safety Toolkit, and industry Standards such as those being developed by Konstantinos’ team at the IEEE.

For State parties, while there is lots of be done, there are two clear priorities for action:

1. You must have in place a comprehensive policy for children’s rights in the digital environment. This means undertaking a thorough review of national policy frameworks, filling in the gaps and setting up the structures for a sustainable approach henceforth. The Child Online Safety Toolkit provides a practical roadmap of how to do this, covering among others institutional capacity, response and support systems, training, education, R&D and international cooperation.
2. You must legislate for corporate responsibility as per the instructions of the GC. As you do this, I urge you to bear in mind the critical importance of consistency and coherence. Tech companies operate across borders and should be held to a single global standard. Different approaches and diverging standards will make compliance difficult and create loopholes which will be exploited. A shared standard, based on the best practice of the Age Appropriate Design Code, will facilitate both compliance and enforcement, to deliver the practical change we so urgently need.

Building the digital world that children deserve is not a question of technological developments, or of resources, but first and foremost of political will. Take these two steps, with the GC 25 and our young friends here as your guides, and by the time we next meet this conversation will be very different.