



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Sixty-seventh session

### Summary record of the 1919th meeting

Held at the Palais Wilson, Geneva, on Friday, 12 September 2014, at 3 p.m.

*Chairperson:* Ms. Sandberg  
*later:* Mr. Madi  
*later:* Ms. Sandberg

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*Digital media and children's rights*

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*The meeting was called to order at 3.05 p.m.*

**Day of general discussion** (*continued*)

*Digital media and children's rights*

1. **The Chairperson** invited the Committee members to split into two working groups.
2. *Mr. Madi took the Chair.*
3. **The Chairperson** invited the participants to resume the discussions of Working Group 1\* regarding children's equal and safe access to digital media and information and communication technologies (ICTs).
4. **Ms. Byrne** (United Nations Children's Fund (UNICEF)) said that protecting children's rights on the Internet and ICTs was everyone's duty, from parents and teachers to parliamentarians and the private sector. An updated version of the *Guidelines for Industry on Child Online Protection*, prepared by UNICEF and the International Telecommunication Union (ITU), had been published in 2014. It was important to teach children tolerance and respect for others and to impress upon them that a digital footprint could never entirely be erased.
5. **Ms. Jensdottir** (Council of Europe) recalled that countries that were not members of the Council of Europe could still ratify its instruments, including the Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), the Convention on Cybercrime (Budapest Convention) and the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.
6. **Ms. Pollari** (Central Union for Child Welfare (CUCW)), speaking on behalf of CUCW and Eurochild, said that all children needed to have access to digital media because it was a question of social insertion. In Finland, there was considerable debate about the publication by parents of their children's personal data. CUCW believed that children should have the opportunity to create their own identity on digital media.
7. **Ms. Lamprou** (Council of Europe) presented the recommendation that the Council of Europe Committee of Ministers had addressed to its Member States on 16 April 2014 regarding a human rights guide for Internet users intended to teach children to make the best use of digital media. The Guide was based on Council of Europe instruments and European Court of Human Rights case law.
8. **Ms. Licciardello** (International Telecommunication Union (ITU)) said that ITU was participating in a programme to enhance children's online protection, which included representatives of international organizations, civil society and the private sector and promoted the adoption of legal and technical measures, the establishment of organizational systems, and the strengthening of capacity-building and international cooperation.
9. **Mr. Carr** (ECPAT International) said that approximately 60 countries worldwide had yet to adopt laws permitting the police to confiscate images depicting sexual violence against children. He recalled that the role of the INHOPE association was to coordinate efforts to combat child exploitation and sexual violence against children.
10. **The Chairperson** said that, although the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography did not specifically mention the possession of images depicting sexual violence against children, the Committee did request States parties to the Optional Protocol to make such acts a criminal offence.

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\* No summary record was prepared for the discussions of Working Group 2.

11. **Ms. Lynch** (Attorney, United States of America) requested additional information on the remedies available to child victims of online sexual violence and exploitation.
12. **Mr. Hart** (Instituto Alana), speaking on behalf of the Brazilian Council for the Rights of Children and Adolescents, condemned the influence of commercial messages concerning children, especially those under 12, who were a prime advertising target. He advocated a ban on all forms of advertising using children under the age of 12.
13. **Mr. Molina** (M&T International Media Training Consultants) said that most decision makers, especially parliamentarians, did not fully understand the Internet and that it was difficult for them to clearly determine on what aspects they should legislate. Therefore they should be made more familiar with the Internet and, more generally, organize programmes on learning to use the Internet for different age groups.
14. **Mr. Carr** (ECPAT International), outlined the case of *Paroline v. United States of America et al.*, in which a young girl named Amy had filed for reparation from Mr. Paroline, who had downloaded images of sexual violence filmed by her uncle when he had abused her as a child. The Supreme Court of the United States had ruled that Amy was entitled to reparation for the trauma she had suffered on finding out that the images were circulating on the Internet. In the United Kingdom, efforts were under way to introduce into the law the principle that persons who downloaded images of sexual violence against children were jointly and severally liable for the harm suffered by the victim.
15. **Mr. González-Allonca** (Ministry of Justice and Human Rights, Argentina) recalled that it was the State's duty to guarantee children's rights.
16. **Mr. Karmacharya** (One Laptop Per Child, Nepal) emphasized the need to educate justice officials and legislators about the Internet and its dangers.
17. **Ms. Winter** said that it was important to warn all children planning to post a photograph of themselves online that it would remain there forever.
18. **Ms. Byrne** (UNICEF), pointing out that drafting new laws was a lengthy process, requested examples of good practice in terms of amending existing policies and legislation to guarantee equal and safe access to the Internet. She asked how children might truly be involved in decision-making in that area.
19. **Ms. Licciardello** (ITU) said that, for the purpose of its support to States on amending national laws to guarantee equal and safe access to the Internet, ITU took the approach best suited to each region of the world and took into account each country's legislative framework and specific needs.
20. **Mr. Molina** (M&T International Media Training Consultants) suggested that the treaty bodies should bring together children, governments, parliamentarians, Internet providers and the private sector in general to discuss those issues.
21. **Mr. González-Allonca** (Ministry of Justice and Human Rights, Argentina) said that the Southern Common Market (MERCOSUR) was a good example of a successful regional union among countries sharing cultural, economic, social, political and legal ties. The implementation of its ICT laws, however, was hindered by the fact that the main telecommunications firms were located in a country whose computing codes and other legislation were different from those of MERCOSUR. Only international norms could overcome that obstacle.
22. **Mr. Carr** (ECPAT International) said that the legislative approach was not necessarily the most effective solution or one the best suited to the needs arising from changes in the Internet, which called for an immediate response. In the United Kingdom, for example, three to five years might elapse between the drafting of a bill and its adoption. In practice, in many countries Internet providers were cooperating with the public

authorities and the police to ensure that children enjoyed a safe Internet environment because it was in their best interest to preserve their reputation. Currently, children in the United Kingdom had access to the Internet either at home through a fixed broadband connection, or through their mobile phones or through Wi-Fi networks in public spaces or shops. In all three cases, Internet providers had agreed, without any legal obligation, to block all child pornography sites. Furthermore, no pornography sites could be accessed via public Wi-Fi networks. Regarding Internet in the home, parents had to indicate whether or not they wished to have filters installed to block sites with legal pornographic content reserved for adults. Gambling and alcohol vending sites were also blocked on mobile telephone networks, unless subscribers could prove that they were of age.

23. **Mr. Cardona Llorens** said that social networking sites had replaced the street as the children's favourite playground and it was there that they learned about and experienced social life. However, unlike in their home neighbourhood, no one watched over the children on the Internet, despite the fact that they were exposed to fast-changing dangers of which adults were not always aware. Regional solutions to those dangers were less than satisfactory because they could be circumvented. Perhaps the time had come to set up a flexible mechanism fostering international cooperation.

24. **The Chairperson** said that Internet safety could also be taught as part of school computer classes.

25. **Mr. Molina** (M&T International Media Training Consultants) said that the openness and anonymity of the Internet were both its greatest strength and its greatest danger. Adults needed to get to know it in order to be able to support and guide their children. The example of the United Kingdom showed that self-regulation worked so long as Internet providers became involved in the process. The Internet was a new phenomenon that required an innovative approach, which the United Nations and the Committee on the Rights of the Child in particular were in a position to promote.

26. **Mr. Carr** (ECPAT International) said that the advent of the Internet had not changed the role and responsibility of parents and schools regarding the transmission of values to children. Children should behave on the Internet in the same way as they would in real life and not ignore the principles and rules they had been taught. As for parents, they should become more aware of the environment in which their children lived.

27. **Ms. Byrne** (UNICEF), recalling the importance of child-parent communication in the upbringing of children, said that children who communicated well with their parents were more likely to tell them about any problems they encountered on the Internet. It was therefore vital that parents should be given support not only to better their understanding of the Internet but also to better fulfil their rights and obligations towards their children.

28. **Ms. Herczog** said that it was a matter of acquiring not only computer skills but social skills as well. Children were better equipped to deal with the dangers they faced on the Internet when they lived in a stable environment and had strong ties to their parents. The most vulnerable children were those who were most at risk on the Internet, as in real life. The authorities and organizations that protected children should also help parents fulfil their responsibilities in an increasingly demanding and complex environment. The education system should also adapt its methods to the new digital environment. It should be ensured that all children had access to both good quality information and a high level of protection.

29. **Ms. Morello** (Defence for Children International) said that the institutions coordinating the international protection system should enlist children in their work. In Costa Rica, the National Child Welfare Agency had launched a dialogue with children via social networking sites and had requested their help in detecting web pages and sites that presented a danger for children. The initiative had been highly successful and had led to the

blocking of sites and the identification and arrest of offenders. She drew attention to the fact that children's perception of violent content was sometimes different from that of adults; accordingly, it was worth paying more attention to what children considered to be dangerous instead of always imposing an adult view.

30. **Ms. Byrne** (UNICEF) proposed that the Committee should adopt recommendations on the following issues: developing children's social skills in tandem with the acquisition of computer skills and supporting parents in this regard; recognizing the value and importance of self-regulation, especially by businesses, in relation to legislation that might appear excessively repressive; drafting a framework law at the international and possibly regional level; defining the role of treaty bodies, and the Committee on the Rights of the Child in particular, in the organization and running of forums that brought together stakeholders, governments, NGOs and children; involving children in policymaking and the checking of website contents; and guaranteeing equal access for marginalized groups, such as girls and children with disabilities, according to their disability.

31. **Mr. Hart** (Instituto Alana), speaking on behalf of the Brazilian Council for the Rights of Children and Adolescents, proposed that the Committee should adopt a recommendation on the need to regulate advertising directed at children more strictly.

32. **Ms. Lynch** (Attorney, United States of America), pointing out that children were sometimes considered as a commodity on the Internet, called for a recommendation obliging Internet providers to undertake not to host sites that promoted child prostitution.

33. **Mr. Karmacharya** (One Laptop Per Child, Nepal) said that only the public sector was in a position to develop educational programmes for children with disabilities on account of the target group's geographic spread. Internet learning programmes were one way of overcoming the distance problem and the lack of specialized teachers.

34. **Mr. Carr** (ECPAT International) said that the public authorities would need to act if the goal of universal Internet access was to be achieved swiftly.

35. **Mr. González-Allonca** (Ministry of Justice and Human Rights, Argentina) said that measures were being taken to ensure that underprivileged children had access to public education as a gateway to Internet access.

36. **Ms. Clavreul** (Office of the Human Rights Defender, France) asked what role national human rights institutions could play in children's access to new technologies, especially in respect of the protection and promotion of their rights.

37. **Mr. González-Allonca** (Ministry of Justice and Human Rights, Argentina) said that national human rights institutions could help identify gaps and loopholes in States' implementation of protection measures.

38. **Mr. Carr** (ECPAT International) said that, to the extent that individuals came under the jurisdiction of the country in which they lived, national institutions, particularly national human rights institutions, would continue to play a vital role in protecting human rights, including children's rights.

39. **Ms. Sandberg** said that children should have access to their country's Ombudsman so that their concerns could be conveyed to the authorities. It was also important that children should have access to a complaints mechanism and it would be natural for the Ombudsman to serve that function.

40. **Mr. Burton** (Centre for Justice and Crime Prevention, South Africa) emphasized the fact that, in view of the speed at which technology and its uses were evolving, decision makers needed to undertake regular research.

41. **Ms. Moreno** (Office of the Special Representative of the Secretary-General on violence against children) said that that was one of the key findings of the report that the Special Representative would be presenting shortly: States should fund and facilitate research and data collection to better understand children's practices and requirements.

42. **Mr. Karmacharya** (One Laptop Per Child, Nepal) pointed out that the web was an environment that today's children navigated but of which their parents were not necessarily aware. He said that another fact that should be taken into account was that the use of new technologies differed significantly from one context to another, especially between rural and urban areas. Efforts should therefore also be made to protect the rights of children without an Internet connection, who remained the majority around the world. A cost-effective solution was to set up media centres equipped with computers.

43. **Ms. Lamprou** (Council of Europe) thanked the Committee for organizing such a topical discussion, but said she was surprised that no children had been invited to take part.

44. **Ms. Sandberg** said that the Committee had considered involving children in the day of general discussion, but it had learned from experience that children rarely felt comfortable in such forums. Therefore, for the current general discussion, the Committee had decided to make it possible for children to voice their opinion via Twitter. They would be able to interact directly with the Committee members during a webcast scheduled for 24 September 2014.

*The meeting was suspended at 4.55 p.m. and resumed at 5.25 p.m.*

45. *Ms. Sandberg resumed the Chair.*

46. **The Chairperson** invited the two rapporteurs to present the preliminary recommendations arising from their respective working group's discussions.

47. **Ms. Khazova** (Rapporteur for Working Group 1), summarizing the discussion on children's equal and safe access to digital media and information and communication technologies (ICTs), said that access to ICTs should be considered as a fundamental right. However, a number of technical, geographic, economic, as well as social and cultural barriers had to be lifted for that right to be universally recognized. It was therefore the duty of States to set up affordable infrastructure across their countries and to focus specifically on vulnerable population groups. A traditional literacy approach should be combined with a drive for "digital literacy". It was important that children, parents, teachers, law enforcement staff and all professionals working with and for children should know how to use the new technologies and be aware of the rules of online behaviour. Moreover, all potential users should be familiar with the Internet's inherent risks — including inappropriate content, violent images, cyberbullying, sexual exploitation, lack of privacy protection and child-centred advertising — and be involved in finding solutions for risk prevention and identification. In view of the speed at which ICTs were evolving, data should be gathered and best practices reassessed on a regular basis. To that end, structures should be put in place to foster collaboration among States, the private sector and civil society, including children themselves.

48. **Mr. Gastaud** (Rapporteur for Working Group 2) said that the discussions on the theme of children's empowerment and engagement through digital media and ICTs had been rich and had led to consensus on the idea that the Internet's benefits would be much greater and its dangers much reduced to the extent that children could use it autonomously. However, that objective could only be achieved for everyone if parents, professionals, businesses and NGOs cooperated and used codes of ethics and pedagogical tools that were tailored to the different groups of children and were based on the principle of the best interests of the child. All stakeholders needed to understand their responsibility for upholding children's rights in the area of digital media and should foster dialogue to

strengthen cooperation, including at the international level. It was essential that children should learn to protect themselves and they should be encouraged to take part in the dialogue on the basis of relations of trust with adults. Lastly, Working Group 2 believed that any steps taken to limit the dangers children faced when using digital media should be weighed against the exercise of other rights, especially freedom of expression, the right to participate and freedom of association.

49. **Ms. Herczog** (Rapporteur for the day of general discussion) recalled that those preliminary recommendations would be considered more fully by the Committee, which would add the final recommendations to its report. She warmly thanked those who had participated in the discussions or had contributed to their success.

*The meeting rose at 6 p.m.*