Children's Rights in the Digital Environment: Paper for the European Network of Ombudspersons for Children (ENOC) on the evidence supporting the drafting of a statement on Children's Rights in the Digital Environment

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[1] The views herein expressed are those of the author.

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1. Introduction

1.1 Presentation of the European Network of Ombudspersons for Children (ENOC)

This report is part of the annual programme of the European Network of Ombudspersons for Children (ENOC) which is a not-for-profit organisation federating independent children's rights institutions (ICRIs). Its mandate is to facilitate the promotion and protection of the rights of children, as formulated in the Unites Nations Convention on the Rights of the Child (UNCRC).

Founded in 1997, the mandate of ENOC is to:
- develop strategies for the implementation of the recommendations of the CRC;
- facilitate information sharing and exchange between its members;
- at the international level, promote the establishment of ICRIs in countries where these do not yet exist and assist in their setup;
- encourage contact and mutual assistance between ICRIs and their members.

A recognised partner of the European Union and the Council of Europe, the Network comprises a General Assembly, an office and a secretariat. Members must meet a number of criteria relating to the status and functioning of the independent institution attached to a Council of Europe member State. Furthermore, the independent nature of the institution must be enshrined in law and its missions must be to promote and protect the rights of the child.

Institutions may be separately constituted or attached to an independent human rights institution at regional or national level. Those which cannot give sufficient guarantees of independence or do not fulfil all the criteria for membership may under certain conditions be granted the status of associate member and thus participate in the work of ENOC.

The Network currently has 42 members in 34 States throughout the Council of Europe area. Twenty-three of these States are members of the European Union.

The members of ENOC are Albania, Armenia, Azerbaijan, Flemish Belgium, Belgium (French Community), Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Italy, Ireland, Latvia, Lithuania, Luxembourg, Malta, Moldova, Montenegro, Norway, Poland, Bosnia and Herzegovina/Republika Srpska, Serbia, Slovakia x 2, Slovenia, Andalusia (Spain), Catalonia (Spain), Basque Country (Spain), Sweden, Netherlands, England (UK), Scotland (UK), Northern Ireland (UK), Wales (UK), and Ukraine.

Every year, an annual conference is held to allow members to discuss their practices in terms of improving the rights of children in Europe with regard to the CRC and its fundamental principles.

Moreover, the Network adopts a joint declaration which formulates recommendations aimed at improving the fundamental rights of children and adolescents. Past

declarations have addressed migrant minors, the development of public policies on children's rights, poverty, sexuality education etc.

For 2019, the joint working theme is children's rights in the digital environment. The digital environment offers a wide range of positive opportunities for children and young people to further realise their rights under the UNCRC. This ranges from maintaining contact with distant family members, accessing material for learning and education, seeking and receiving information and support, creating and distributing material and being able to participate in myriad ways.

However, there are also many challenges such as our lack of understanding about the impact of digital technology on children's development, safety and well-being as well as on parenting and family life coupled with concerns about the collection, tracking and use of children's data through connected technologies and a range of other applications.

1.2 Methodology

This report aims to provide supplemental insights into the state of affairs in Europe regarding children's rights in the evolving, innovative digital environment, one year after the Council of Europe issued a comprehensive recommendation of the Committee of Ministers to member States (MC/Rec(2018)7.

The report and subsequent 2019 ENOC statement provide an important opportunity to bring attention to the need to understand children's rights in the context of our rapidly changing digital environment and to ensure that governments and others across voluntary and private sectors are taking all necessary steps to promote and safeguard children's rights and to ensure their participation in this regard.

In order to give an overview of the current situation, a questionnaire was sent to all ENOC members by the Chair of the ENOC Working Group on Children's Rights in the Digital Environment in February 2019.

The objectives of the questionnaire were to:
- understand the definition and scope of "digital environment" used in the different countries and regions;
- identify legal frameworks or specific legislation related to the digital environment and children's rights in general;
- document the organisation of public policies and national strategies pursued, including e-safety/online safety and digital literacy/citizenship programmes;
- understand the reporting and remedy mechanisms to support children and parents/carers in the digital environment;
- identify good practices in this area;
- and, lastly, to collect knowledge on priority issues that are affecting children European-wide.

The responses studied are not claimed to be exhaustive in terms of the current situation of children's rights in the digital environment in Europe.

The 26 responses received were analysed to provide an essential basis for comparison and to give an initial insight into the current state of affairs at European level with regard to children's rights in the digital environment.

The ENOC members who completed the questionnaire are referred to in this report as the "respondents".

This report begins with an overview of children in the digital environment, including current and emerging issues across Europe, news areas of reflection and the views of children and young people (Chapter 2). The report then looks at the legal, academic and policy positions that may or may not address these rapidly changing technological achievements and advances (Chapter 3). And finally, current practice and examples of good practice for ensuring children's rights in the digital environment across Europe (Chapter 4) will be addressed.

2. Children and the digital environment

The digital world has evolved from a mere academic network to a creative panoply of online activities that shape children's lives, provide social connections, educates, entertains and more. Within these online activities, children are able to engage in opportunities while occasionally incurring risks to their mental, physical and emotional well-being.

The impact on children and families is growing exponentially as new technologies are developed and themes such as "safety by design" or "privacy by design" are also being developed to reflect the ethical considerations being raised by the digital world. Along with ethical considerations, human rights issues, and other concerns, there are large disparities when we examine children's digital access, skills and use.[2]

These considerations are but the starting point, as children consume content, create content, share content and engage in online activities. And while there are numerous examples of positive digital and online opportunities for children, there are also unfortunately negative issues which will impact children and their rights in the digital environment.

2.1 Current issues across Europe

In Europe today, there are many organizations, associations and individuals dealing with the various negative challenges of the digital world. Children can find support on issues such as cyberbullying, extremism and radicalization, hate speech, online child sexual exploitation, as well as seek assistance regarding online sharing, digital reputation, footprints and identity. Many schools and children's groups offer sessions on internet safety where children can open up about smartphone use, gaming issues and so forth.

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[2] See OECD, New technologies and 21st century children: Recent trends and outcomes, https://www.oecd-ilibrary.org/education/new-technologies-and-21st-century-children_e071a505-en, accessed on March 28, 2019.

Despite these efforts, the negative issues have not been eliminated, and child protection experts are continually challenged by new twists on existing issues. Reoccurring themes include:

- Smartphones and issues of geolocation, threats to privacy and health
- Early child development issues as researchers investigate whether children are receiving mobile phones and tablets too early
- Use of chat, instant messaging, email and document sharing platforms to harass and bully
- Online disinhibition as children use social networking sites and engage in behaviour that they normally would not consider
- Internet of things where web-connected devices enhance company efficiency and lifestyle convenience cause concern with respect to data protection and privacy
- Increase in cyberbullying and online harassment despite more and more resources dedicated to eradicating the behaviour
- Evolving technology and techniques to groom, exploit and abuse children
- Increase in targeted marketing towards children and use of exploitative techniques to retain children as consumers
- Inability to effectively verify age and restrict child users from adult content and platforms.

2.2 Emerging issues and new areas of reflection

With the evolution of technology, society at large is having difficulty applying appropriate standards to each new device, platform, software or innovative creation in order to protect users and more importantly, children. Industry has been looking at self-regulation, while government officials are ramping up efforts of imposed regulation on industry players. In the absence of effective standards to protect child users, new areas of child online protection are emerging.

This section highlights issues across Europe which continue to impact children or are a growing cause for concern for an eventual impact. The rapid development of new technologies without consultation with child protection experts infers that there will be more issues to add to this list. As such, any eventual statement on children's rights in the digital environment must be as future-proofed as possible, even if potential challenges can only be projected 3 years in to the future.

The chart below identifies a non-exhaustive list of emerging issues for consideration, with the corresponding impact on children, as of July 2019.

Emerging issue	Potential Impact on children
Artificial intelligence	How will AI affect children's development and ability to learn new skills? Will AI affect how children behave?
Algorithms	Bias and discrimination on social media sites[3] and websites
Inclusion and access	All children do not have equal inclusion and access to the online environment. Is the "digital divide" still a concern or is the inverse an issue today, where affluent children have restricted access to technology?
LGBTQIA	Identify and share with others when faced with discrimination, hate speech, apps with conversion therapy
Disability	Children with special needs face more online harms[4]
Ethnic Minorities	Bias and discrimination continue online, and online hate speech has become more toxic
Digital citizenship education	Ensuring that all children have digital citizenship education included in their learning environments
Virtual reality and pornography	Virtual reality and pornography is opening the door for new problems[5]
Simplified terms and conditions on social media, gaming and other platforms	How can children and young people agree to legal conditions that they cannot understand? And when the conditions are not updated annually?[6]
	Emerging technologies to be used by children need to be based

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[3] See Council of Europe Study on Human Rights, https://rm.coe.int/algorithms-and-human-rights-study-on-the-human-rights-dimension-of-aut/1680796d10 accessed March 30, 2019.

[4] See https://blogs.lse.ac.uk/parenting4digitalfuture/2019/02/04/children-with-special-educational-needs-and-disabilities-more-likely-to-encounter-harm-online-parents-say/. Accessed on May 30, 2019.

[5] See https://www.independent.co.uk/life-style/gadgets-and-tech/news/pornography-porn-virtual-reality-personal-intimate-vr-headset-criticism-problems-a8046141.html. Accessed on May 30, 2019.

[6] See 5 examples at https://www.childrenscommissioner.gov.uk/publication/simplified-social-media-terms-and-conditions-for-facebook-instagram-snapchat-youtube-and-whatsapp/. Accessed on March 31, 2019.

Internet of Toys	on principles of privacy by design

Oversight measures need to be implemented for services, platforms and physical devices used by children [7] |
Electromagnetic radiation	What are the threats to the health of babies and children?[8]
Wireless Technology	As the progress of mobile phone technology accelerates worldwide, the regulatory framework necessary for its safe and extended use has been slow to develop. The use of WiFi raises questions about implications for children's health[9] and the hardware delivery of wireless phone technology poses new challenges to our understanding of human rights[10]
Tech neck, high-tech hand injuries	Technology-related health injuries because of poor posture, eyestrain and overuse[11]
Speech and child development	Speech delays may be linked to technology[12]
Datafication of children	Process of intensified monitoring and data gathering in which people (including children) are quantified and objectified – positioned as objects (serving the interests of others) rather than subjects (or agents of their own interests and concerns)[13]
Safety by design	Continued encouragement for providers of social media and interactive services

[7] Giovanna Mascheroni, ICT Coalition report.

[8] Peter Limbrick, Team Around the Child.com.

[9] Dr Sarah Starkey, see https://www.wirelessriskassessment.org/e-safety for examples of e-safety and wireless technologies.

[10] Prof Susan Perry, American University of Paris, Human Rights and Digital Technology.

[11] See https://www.health.harvard.edu/staying-healthy/the-surprising-side-effects-from-using-technology and https://www.thejoint.com/2018/08/31/kids-tech-and-health-preventing-childhood-tech-neck. Accessed May 25, 2019.

[12] See https://edition.cnn.com/2017/05/04/health/babies-screen-time-speech-delays-study/index.html and https://www.internetmatters.org/hub/expert-opinion/why-is-an-ipad-like-a-cooker-and-why-do-all-parents-need-to-know-the-answer/. Accessed May 14, 2019.

[13] See http://www.lse.ac.uk/media-and-communications/assets/documents/research/projects/childrens-privacy-online/Evidence-review-final.pdf accessed on March 25, 2019.

	Industry toolkit for children's online privacy and freedom of expression[14]
GDPR and data protection	Continued confusion re: digital age of consent and the need for effective standards on data protection Young people (often with parent's knowledge and support) circumvent age restrictions[15]
Child obesity	Increasing across OECD countries and links to sedentary lifestyles[16]
Impacts on the brain, cognition and well-being	What is the impact of technology use on the brain, cognition and well-being of children in OECD countries?[17]
Digital skills acquisition	Acquisition of digital skills is a lifelong learning approach to avoid a new digital divide[18]
Cybersecurity in family homes	Hacking, surveillance of webcams, home assistants
Critical thinking and literacy	Critical thinking for all future technology to include digital literacy, AI literacy, VR literacy and so forth
Persuasive design and hidden techniques	Persuasive design may captivate users and keep them on their devices or platforms[19]

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[14] UKCCISS, UNICEF

[15] ICT Coalition Report.

[16] OECD 21st century Children report.

[17] See https://www.oecd-ilibrary.org/education/impacts-of-technology-use-on-children_8296464e-en accessed on March 31, 2019.

[18] European Parliament Yana Toom, Digital Skills.

[19] See https://blogs.lse.ac.uk/businessreview/2019/04/19/our-digital-malaise-distraction-is-costing-us-more-than-we-think/, https://www.vox.com/2018/8/8/17664580/persuasive-technology-psychology and https://www.wired.com/story/phone-addiction-formula/.

Accessed July 14, 2019.

As technology develops, so too, does this list. Therefore, any recommendations have to broad enough to encompass future devices, trends, software, discoveries, and so forth. A daunting but not impossible task for policy-makers.

2.3 Views of children and young people

Article 12 of the UNCRC provides for active child participation and more specifically states that when adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account. To that end, a desktop review of recent literature involving children's viewpoints and perspectives on issues affecting them in the digital environment was performed by the Council of Europe in 2017 and included data from reports such as The Youth Manifesto[20], iRights[21], Children's Rights in the Digital Age: A Download[22], Connected Kids: What Kids Conceal[23], Net Children, Go Mobile: Final Report,[24] Children's Internet Use and Perceptions[25], and Growing Up Online: Perils and Possibilities UNICEF, 2016[26].

This was followed by a consultation of children in Croatia, Cyprus, Czech Republic, Germany, Hungary, Italy, Romania and Ukraine. The Council of Europe collated data from those focus groups to identify children's views on *how* to protect their rights in the digital age. In general, the children who participated in the focus groups were aware of children's rights, but knowledge about the content varied widely.[27] Vulnerable groups, such as minority children, unaccompanied minors and children with disabilities drew attention to their challenges (lack of access, hateful content and inequalities). [28]

A compilation of views of perspectives contained in Annex 5, *It's Our World: Children's views on how to protect their rights in the digital environment. Report on child consultations* is provided below:[29]

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[20] EUN, 2014, 4,500 respondents, 13-25 age, Countries: Germany, Belgium, Romania, Cyprus, Austria, Greece, Portugal, Estonia, England, Luxembourg, Ireland, Denmark.

[21] iRights, 108 respondents, 12-17 age, Country: UK.

[22] UNICEF, Young and Well, 2014, 148 participants, 8-16 age, Countries: France, Italy, Turkey, Argentina, Ghana, Australia, Brazil, Colombia, Egypt, Kenya, Malaysia, Nigeria, Philippines Thailand, Trinidad and Tobago, US

[23] Kaspersky, 2016, 3,780 families, 8-16 age, Countries: UK, Germany, Russia, France, Spain, Italy, Canada, US

[24] Net Children, Go Mobile, 2014, 3,500 respondents, 9-16 age, Countries: Belgium, Denmark, Germany, Ireland, Italy, Portugal, Spain, Romania, United Kingdom

[25] Malta Comm. Authority, 3,137 respondents, 8-15 age + parents, Country: Malta

[26] UNICEF, 2016, 10,000 respondents, 18 age, Countries: Albania, Montenegro, Serbia, UK, Brazil, Dominican Republic, El Salvador, Ghana, Guatemala, India, Indonesia, Jamaica, Jordan, Kenya, Madagascar, Malaysia,

[27] Council of Europe, "It's Our World: children's views on how to protect their rights in the digital environment." https://rm.coe.int/it-s-our-world-children-s-views-on-how-to-protect-their-rights-in-the-/1680765dff, accessed April 22, 2019.

[28] *Ibid.*

[29] For the purposes of supporting and informing the ENOC Statement, a parallel youth participation project by the European Network of Youth Advisors (ENYA) was undertaken. The findings and recommendations of which further complement existing work and demonstrate the necessity of involving children directly in child-related standard-setting and decision-making procedures. See ENYA (2019) 'Let's talk young, let's talk about children's rights in the digital environment: Child Participation Project. Available at: http://enoc.eu/

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Knowledge about their rights	Children in general were aware of children's rights, but knowledge about the content of the rights differed widely. Children themselves referred to their evolving capacities saying that, as they got older, they were getting smarter and had a better understanding of the digital environment.
Discrimination	Equality as an overarching principle was mentioned not only in consultations with vulnerable groups, but also by children who felt more likely to be subject to discrimination.
Bullying	Online and offline interactions can have the same effect on children and can be easily connected or cumulated. Children referred to their need for parental and adult support and guidance, and also emphasised that they needed balanced interventions and not overly restrictive, protective measures.
Access and Education	Children unanimously agreed that everyone should have access to the internet, without discrimination, and many of them mentioned that access should be available free of charge, anywhere or at the very least in public places. The need for child-friendly, understandable language for understanding terms and conditions regulating access to websites was raised in several groups.
Safety and Responsible use	Children were aware of their right to play but had different views about the content of the right: some children asked for unlimited leisure time online, while others argued for five or even only one-hour internet play-time per day. Many children were concerned about safety in relation to online games including the effect of violent games and the risks attached to meeting strangers on common platforms and in-app purchases.
Privacy and data protection	One of children's main concerns, expressed during the discussion about privacy rights and data protection, was the fear that their photos would be misused and abused. Children were well aware of the consequences of sharing content online, such as the fact that they can lose control over further dissemination of the material and that they can get hurt in "real life".
Digital literacy and education	The lack of digital literacy education in the state curriculum was the most highly shared concern among children from all the participating Member States. Despite the fact that many of the

	children said that in practice they learnt everything about the digital environment by themselves, they would still expect to gain knowledge on digital and privacy rights, safe internet use and assessment of false information at school.
Support	Children were aware of several risks embodied in the digital environment including cyber-bullying, online grooming and hate speech, but they often did not know what to do and where to turn if they needed help. On several occasions, they reiterated that they would expect more information about the potential risks of harm in the digital environment and guidance from school.

In 2014, EU Kids Online asked children what bothered or upset them online and nearly 10,000 children responded. EU Kids Online analysed their responses and published an interactive report with 5 key findings illustrated below: [30]

- pornography is a concern
- violent, aggressive, cruel or gory content is a concern
- video-sharing websites have lots of content risks
- boys express more concern about violence than girls, while girls are more concerned about contact risks
- children's concerns about online risk rise markedly from 9 to 12 years old.

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[30] See EU Kids Online Interactive Report at
https://lsedesignunit.com/EUKidsOnline/html5/index.html?page=1&noflash. Accessed on July 15, 2019.

Diverse risks bother children online
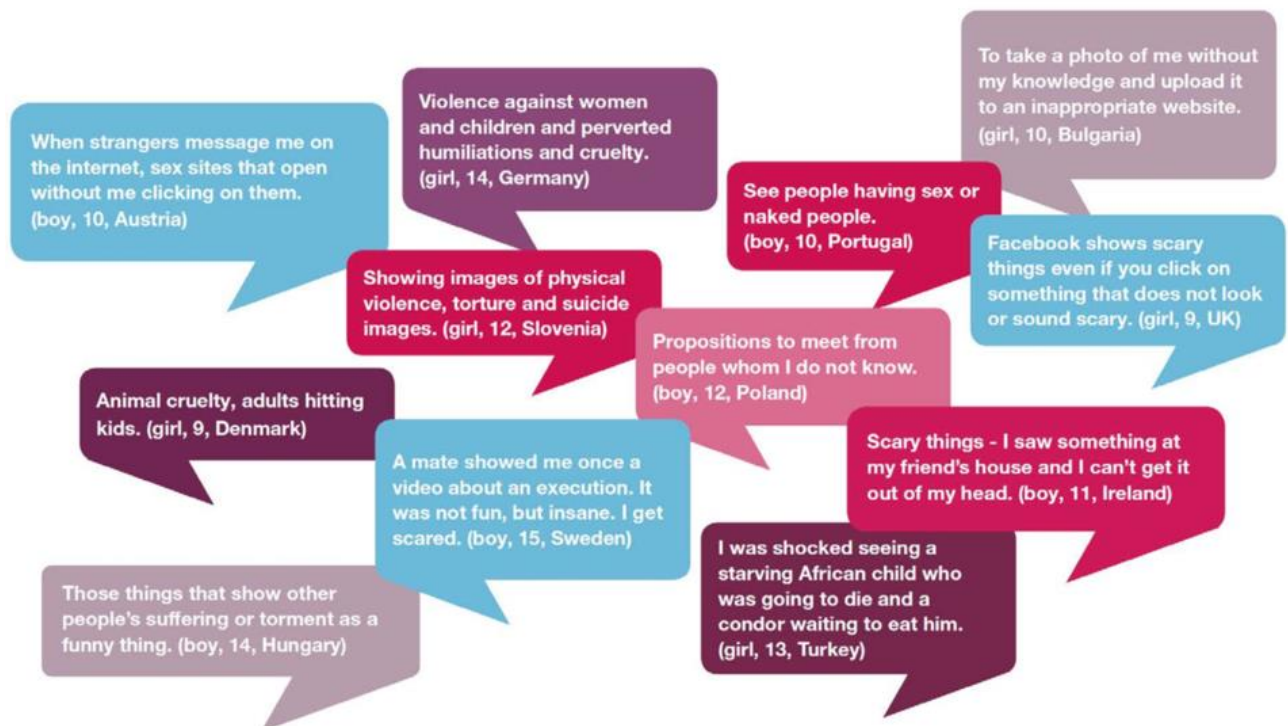
Source: EU Kids Online, Interactive report

Despite the challenges that may exist for children in the digital environment, the future developments and challenges in the digital age are not seen as negative by children and young people. Children around the world have also made positive comments about the role that technology plays in their lives and children identified connection, communication and sharing as the key benefits of their digital environments. Their views and their voices on the future may provide a much-needed antidote to some of the panic and gloom that is so often portended by the media.[31]

3. Synthesis of standards related to children's rights in the digital environment

Using a representational model from international law, we are able to understand what rules and principles are regulating international communities by looking at sources of international law, such as treaties, international customs, general principles and scholarly writings.

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[31] See "Young and Online: Children's perspectives on life in the digital age. The State of the World's Children 2017 Companion Report"
https://www.unicef.org/publications/files/Young_and_Online_Children_perspectives_Dec_2017.pdf, accessed on April 1, 2019.

With respect to children's rights in the digital environment, we are also able to understand the rules and principles guiding international communities by looking at the international conventions, Council of Europe instruments, policy positions and academic writings that address child rights in the 21st century.
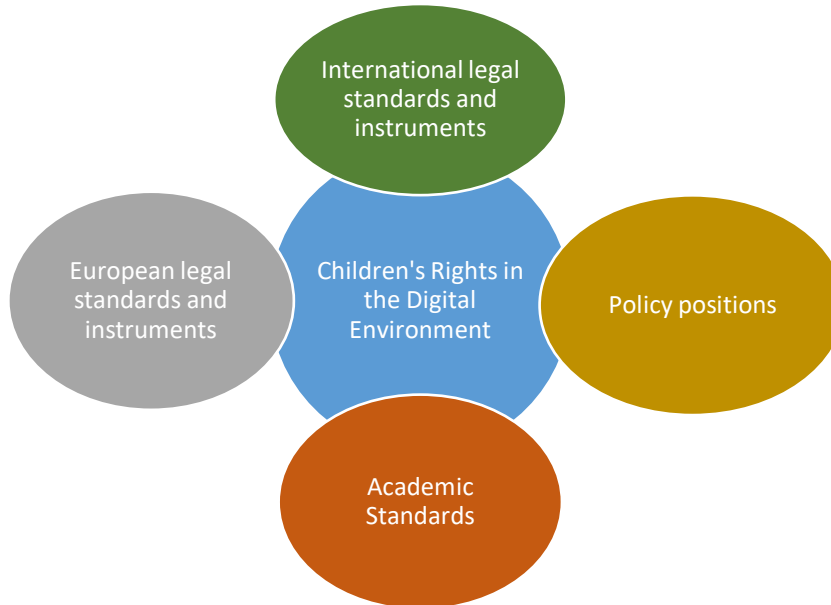

Illustration: Children's rights in the digital environment

3.1. Legal standards – International and European

International Legal Standards - United Nations Convention on the Rights of the Child

The [United Nations Convention on the Rights of the Child (UNCRC)](#)[32] is an international human rights treaty which is the most complete statement of children's rights produced to this date. The UNCRC is also the most widely-ratified human rights treaty and the 54 articles are designed to apply to every aspect of children's lives – their survival and well-being, their development, their protection and participation in social life.

If focus is put on those overarching themes of protection, provision and participation, the chart below from the London School of Economics, EU Kids Online, aligns these themes with corresponding articles from the UNCRC and Professor Sonia Livingstone then expands upon these rights as they may correspond to various activities in the digital age. Generally speaking, the issues related to the theme of "protection" may have negative consequences, whereas those for "provision" and "participation" may have more positive consequences and may even provide children with opportunities.

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[32] See https://www.ohchr.org/en/professionalinterest/pages/crc.aspx accessed on March 27, 2019.

CRC	Issues arising in the digital age
Protection from any kind of discrimination (Art.2), all forms of abuse and neglect (Art. 19), including sexual exploitation and sexual abuse (Art. 34), and other forms of exploitation prejudicial to the child's welfare (Art. 36), from 'information and material injurious to the child's well-being' (Art. 17e), 'arbitrary or unlawful interference with his or her privacy, family, or correspondence [and] unlawful attacks on his/ her honour and reputation' (Art. 16)	• Sexual grooming and sexual exploitation • Creation and distribution of child abuse images • Online dimensions of child trafficking • New threats to privacy, identity and reputation • Availability of (diverse, extreme) pornography • Personal data exploitation, misuse, tracking • Hostility, hate and bullying content and conduct • Persuasion re: self-harm, suicide, pro-anorexia, drugs
Provision to support children's rights to life and development (Art.6), to preserve his or her identity (Art. 8), to an education to support the development of their full potential (Art. 28) and prepare them 'for responsible life in a free society' (Art. 29), to recreation and leisure appropriate to their age (Art. 31), to diverse material of social and cultural benefit to the child (incl. minorities) to promote children's well-being (Art. 17) and measures for recovery from neglect, exploitation or abuse (Art.39)	• Formal and informal learning resources and curricula • Wealth of accessible and specialised information • Opportunities for creativity, exploration, expression • Digital and information skills and literacies • Ways to counter traditional inequalities or problems • Expanded array of entertainment and leisure choices • Access to/representation in own culture and heritage
Participation: 'In all actions concerning children the best interests of the child shall be a primary consideration' (Art. 3), incl. the right of children to be consulted in all matters affecting them (Art. 12), to freedom of expression (Art. 13), freedom of thought (Art.14), of association and assembly (Art. 15), to information (Art.17) and to participate fully in cultural life (Art.31)	• Enhanced connections and networking opportunities • Scalable ways of consulting children about governance • User-friendly fora for child/youth voice and expression • Child-led initiatives for local and global change • Peer-2-peer connections for sharing and collaboration • Recognition of child rights and responsibilities

Source: Sonia Livingstone, London School of Economics / EU Kids Online, presentation at the Council of Europe, February 2015[33]

Professor Livingstone continued her analysis by drawing attention to the work done by the Internet Rights and Principles Dynamic Coalition (IRPC).[34] The chart is particularly noteworthy because for each issue that violates the rights given to children under the UNCRC, the IRPC stresses the internet policy principles which must be upheld in order to create an environment which supports children's rights to the maximum extent possible. Those policy principles are of interest as they can help guide the ENOC policy recommendations.

CRC	Evidence	Internet Rights & Principles Coalition stresses…
Protection from any kind of discrimination (Art.2), all forms of abuse and neglect (Art. 19), including sexual exploitation and sexual abuse (Art. 34), and other forms of exploitation prejudicial to the child's welfare (Art. 36), from 'information and material injurious to the child's well-being' (Art. 17e), 'arbitrary or unlawful interference with his or her privacy, family, or correspondence [and] unlawful attacks on his/ her honour and reputation' (Art. 16)	• Sexual exploitation • Child abuse images • Child trafficking • Threats to privacy • Pornography • Personal data exploitation • Hostility, hate, bullying • Self-harm, suicide, pro-anorexia	• Dignity must be respected, protected, fulfilled online • Privacy, freedom from surveillance & censorship and the right to online anonymity • Control over personal data collection, retention, processing, disposal and disclosure • Protection against harassment, crime, defamation, hate (& for children, sexual exploitation) • Children must be free to use the internet and be protected from its dangers, depending on capabilities
Provision to support children's rights to life and development (Art.6), his or her identity (Art. 8), an education to support the development of their full potential (Art. 28) and prepare them 'for responsible life in a free society' (Art. 29), to recreation and leisure appropriate to their age (Art. 31), to diverse material of social and cultural benefit to the child to promote children's well-being (Art. 17) and measures for recovery from neglect, exploitation or abuse (Art.39)	• Learning resources • Wealth of information • Creativity & expression • Digital literacies • Ways to counter inequalities • Expanded entertainment • Access to own culture	• Life, liberty and security • Access and use of a secure and open internet, incl. addressing specific needs of disadvantaged groups • Cultural and linguistic diversity on the internet must be promoted and innovation should be encouraged to facilitate plurality of expression • Education through the internet, to culture and knowledge online
Participation: 'In all actions concerning children the best interests of the child shall be a primary consideration' (Art. 3), incl. the right of children to be consulted in all matters affecting them (Art. 12), to freedom of expression (Art. 13), freedom of thought (Art.14), of association and assembly (Art. 15), to information (Art.17) and to participate in cultural life (Art.31)	• Enhanced networking • Ways of consulting children • Fora for child voice • Child-led initiatives • P2p sharing • Recognition of rights	• The internet is a space for promotion, protection and fulfilment of human rights & advancing social justice • Seek, receive and impart information freely, and to associate freely with others for social, political and cultural purposes

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[33] Available at http://www.lse.ac.uk/Events/Events-Assets/PDF/2015/20150211-Sonia-Livingstone-PPT.pdf. Accessed on March 31, 2019.

[34] The IRPC is an open network of individuals and organisations based at the UN Internet Governance Forum (IGF). The IRPC is committed to making the internet work for human rights and the chart below demonstrates IPRC ideas applied to children's rights.

Optional Protocols to the UNCRC

There are three optional protocols to the UNCRC:
- Optional Protocol to the CRC on the sale of children, child prostitution and child pornography (2002)[36]
- Optional Protocol to the CRC on the involvement of children in armed conflict (2002)[37]
- Optional Protocol on a communications procedure (2011)[38]

The protections offered by Optional Protocol 1 related to the sale of children, child prostitution and child pornography (now more appropriately called "child sexual abuse materials") can be extended to the digital environment. Instances of webcam child sexual tourism,[39] revenge porn,[40] child sex trafficking,[41] online child sex trafficking,[42] are just a few of the new ways is which technology is violating children's rights.

Optional Protocol 2 may not have direct bearing on the digital rights of children in armed conflict, however optional protocol 3 may be extended in certain circumstances. Optional Protocol 3 is a mechanism which allows children or their representatives to report child rights violations to the UN Committee on the Rights of the Child in cases where the national legal system fails to provide remedy for these violations. It may be a stretch to envision a case or circumstance where this might be applicable to the digital environment, but it is not impossible. Given that optional protocol 3 is designed to improve children's access to justice, it is still a relevant legal standard.

Convention on the Rights of Persons with Disabilities

The Convention on the Rights of Persons with Disabilities and its Optional Protocol[43] is a significant human rights treaty, having the highest number of signatories in history to a UN Convention on its opening day. The Convention provides a broad categorisation of persons with disabilities and has a specific, social development dimension.

Article 7 of the Convention addresses children with disabilities and reaffirms their rights and freedoms on an equal basis with other children. The Convention is

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[35] See http://www.lse.ac.uk/Events/Events-Assets/PDF/2015/20150211-Sonia-Livingstone-PPT.pdf, accessed on March 31, 2019.

[36] See https://www.ohchr.org/en/professionalinterest/pages/opsccrc.aspx, accessed on March 31, 2019.

[37] *Ibid.*

[38] *Ibid.*

[39] See the Sweetie project of Terre des hommes Netherlands at https://www.tdh.ch/en/projects/sweetie-how-stop-webcam-child-sex-tourism, accessed on April 9, 2019.

[40] See the Gov.uk at https://www.gov.uk/government/publications/revenge-porn, accessed on April 9, 2019.

[41] See Thorn at https://www.thorn.org/child-trafficking-statistics/, accessed on April 9, 2019.

[42] See Equality Now at https://www.equalitynow.org/interrupting_the_vicious_cycle_of_online_sex_trafficking, accessed on April 9, 2019.

[43] See https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html, accessed on March 31, 2019.

extended to children with disabilities and reaffirms that they must enjoy all rights and freedoms and the Optional Protocol[44] provides for an individual complaints' mechanism.

International Convention on the Elimination of Racial Discrimination

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is a United Nations convention designed to eliminate racial discrimination, and that outlaws hate speech and criminalizes membership in racist organizations.

Racial discrimination online may affect children in chat groups, video streaming platforms, online video games, social networks and more. Messages of hate and intolerance can be easily spread in the online world as anonymous users craft messages that they would not dare do in the physical world. Online disinhibition, as described by John Suler,[45] can fall into two categories: benign disinhibition and toxic disinhibition.

As applied to children, benign disinhibition where children may choose to self-disclose to find like-minded children or they show kindness to others can be a meaningful form of support. However, toxic disinhibition, where children engage in online behaviour that they might not use in real life, such as threats, criminal activity, violence, profanity, pornography, can often times lead to hate speech, racism, xenophobia.

Toronto Declaration[46]

Amnesty International and Access Now[47] launched a declaration on human rights and artificial intelligence to ensure that algorithms respect basic principles of equality and non-discrimination. The impact of this technology on children's rights must examined so that public and private sectors can avoid discrimination in the use of machine learning. [48] This international declaration is included here because the

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[44] See https://www.ohchr.org/en/HRBodies/CRPD/Pages/OptionalProtocolRightsPersonsWithDisabilities.aspx, accessed on April 9, 2019.

[45] Suler, John. (2004). The Online Disinhibition Effect. Cyberpsychology & behavior : the impact of the Internet, multimedia and virtual reality on behavior and society. 7. 321-6. 10.1089/1094931041291295.

[46] See https://www.accessnow.org/cms/assets/uploads/2018/08/The-Toronto-Declaration_ENG_08-2018.pdf for full text. Accessed on March 31, 2019.

[47] See https://www.rightscon.org/access-now-amnesty-international-launch-toronto-declaration/ accessed on March 30, 2019.

[48] See https://www.accessnow.org/the-toronto-declaration-protecting-the-rights-to-equality-and-non-discrimination-in-machine-learning-systems/, accessed on April 9, 2019. The rights to equality and non-discrimination are only two of the human rights that may be adversely affected through the use of machine learning systems: privacy, data protection, freedom of expression, participation in cultural life, equality before the law, and meaningful access to remedy are just some of the other rights that may be harmed with the misuse of this technology. Systems that make decisions and process data can also implicate economic, social, and cultural rights; for example, they can impact the provision of services and opportunities such as healthcare and education, and access to opportunities, such as labour and employment.

misuse of algorithms and machine learning can so clearly have an impact on children's rights. It is open for signature.

European legal standards – Council of Europe

The Council of Europe 2016-2021 strategy[49] for children's rights focuses on five priority areas for children 1) equal opportunities, 2) participation, 3) violence-free life, 4) child-friendly justice and 5) digital environment rights. Priority area number 5, digital environment rights, is now reinforced by the newly adopted Recommendation CM/Rec(2018)7 of the Committee of Ministers to member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment.[50]

The purpose of the guidelines is to ensure children's interaction and safety and includes topics such as the protection of personal data, provision of child-friendly content, helplines and hotlines, vulnerability and resilience, as well as the role and responsibilities of business enterprises. In addition, the guidelines call upon states to engage with children, including in decision-making processes, to ensure that national policies adequately address developments in the digital environment.

Prior to the creation of the guidelines the Council of Europe had adopted several legal standards with a view to enhancing human rights protection on the Internet, which include the protection of children's rights on the Internet. These legal instruments[51] and recommendations[52] for the Council of Ministers are summarized from the Council of Europe site.

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[49] Strategy for the Rights of the Child (2016-2021)

[50] http://rm.coe.int/guidelines-to-respect-protect-and-fulfil-the-rights-of-the-child-in-th/16808d881a accessed on March 29, 2019.

[51] The Court has published a fact sheet summarising all leading cases in the field of technology and human rights. In the framework of the European Convention on Human Rights (ECHR) (ETS No. 5) the European Court of Human Rights has developed case-law on human rights on the Internet. Examples of rights at stake in such cases include the right to respect for private and family life (Article 8) and freedom of expression (Article 10). The Convention on Cybercrime (Budapest Convention) (ETS No. 185) establishes a common approach to the criminalisation of offences related to computer systems and aims to make criminal investigations concerning such offences more effective. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) (CETS No. 201) responds to potential risks faced by children when using the Internet by imposing criminal penalties for online child pornography and grooming, that is, the solicitation of children for sexual purposes. The Council of Europe's Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108) (ETS No. 108) ensures respect for fundamental human rights with regard to processing of personal data. The European Social Charter is a Council of Europe treaty that guarantees fundamental social and economic rights as a counterpart to the European Convention on Human Rights, which refers to civil and political rights.

[52] Recommendation CM/Rec(2018)7 of the Committee of Ministers to member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment : Among the many topics covered are the protection of personal data, provision of child-friendly content adapted to their evolving capacities, helplines and hotlines, vulnerability and resilience, as well as the role and responsibilities of business enterprises. In addition, the guidelines call upon states to engage with children, including in decision-making processes, to ensure that national policies adequately address developments in the digital environment. Recommendation CM/Rec(2016)2 to member States on the Internet of citizens: This text recommends that member States recognise digital culture as one of the key issues for modern cultural policy making and revisit their cultural policy approaches with a view to implementing the policy guidelines contained in this recommendation, so as to serve citizens to the best of their ability. Recommendation CM/Rec(2014)6 on a Guide to human rights for Internet users The recommendation calls on member states to actively promote the Guide to human rights for

In addition to Council of Europe Recommendations, there are also Parliamentary Assembly Recommendations[53] and internet-specific documents such as the Digital Citizenship Education Handbook[54] and the Internet Literacy Handbook.[55] The Internet Literacy Handbook is a tool for children, parents, teachers and policy makers to be able to make the most of Internet and prepare future generations to use the Internet safely and confidently by being aware of opportunities and risks. The Digital Citizenship Education Handbook is an extension of that guidance in the form of 10 digital domains that children and young people should understand to act as responsible digital citizens.

And finally, to complete our review of European legal standards is the newly adopted General Data Protection Regulation, designed to give EU citizens more control of their data. With respect to children, the GDPR enhances the protection of children's personal data and ensures that children are addressed in an understandable, child-friendly manner.

<p style="text-align:center">***</p>

Internet users. Recommendation CM/Rec(2012)2 of the Committee of Ministers to member States on the participation of children and young people under the age of 18 means that children have the right to freely express their views, to be heard and to contribute to decision making on matters affecting them, their views being given due weight in accordance with their age and maturity. Recommendation CM/Rec(2012)4 of the Committee of Ministers to member States on the protection of human rights with regard to social networking services: As social networks play an increasingly important role in the life of children and young people, this recommendation calls for better protection against harmful content and behaviour, stressing the need for a balanced approach and shared best practices. Recommendation CM/Rec(2009)5 on measures to protect children against harmful content and behaviour and to promote their active participation in the new information and communications environment: This recommendation highlights the need to provide children with the knowledge, skills, understanding, attitudes, human rights values and behaviour necessary to participate actively in social and public life, and to act responsibly while respecting the rights of others. Recommendation CM/Rec(2008)6 on measures to promote the respect for freedom of expression and information with regard to Internet filters: The recommendation reinforces the need for appropriate filtering for children and young people regarding content carrying a risk of harm, while specifying that member states shall refrain from Internet filtering for reasons other than laid down in Article 10, paragraph 2 of the European Convention on Human Rights. Recommendation Rec(2006)12 on empowering children in the new information and communications environment: This recommendation calls on member states for a coherent information literacy and training strategy which is conducive to empowering children and their educators to make the best possible use of information and communication services and technologies. Declaration of the Committee of Ministers on protecting the dignity, security and privacy of children on the Internet (20 February 2008): This declaration affirms that there should be no permanently accessible record of content created by children on the Internet which challenges their dignity, security and privacy or otherwise renders them vulnerable now or at a later stage in their lives.

[53] Recommendation 1882 (2009) The promotion of Internet and online media services appropriate for minors: This recommendation calls on member states' parliaments to take action to increase the safety of minors using the Internet and online media services. It promotes the initiation of public awareness campaigns targeted at the risks and opportunities for minors using Internet and online media services. Recommendation 1980 (2011) on combating "child abuse images" through committed, transversal and internationally co-ordinated action: This recommendation recommends that the Council of Europe take a strong position on the action to be taken to combat child abuse images. The Parliamentary Assembly recommends that the articles of the Lanzarote Convention on child pornography should be strengthened and further developed so as to include the obligation to block websites with illegal content when their rapid deletion is not possible.

[54] Please see the Digital Citizenship Handbook at https://rm.coe.int/168093586f, accessed on April 9, 2019.

[55] Please the Internet Literacy Handbook at https://rm.coe.int/internet-literacy-handbook/1680766c85, accessed on April 9, 2019.

Overall, legal standards both international and European are in place to protect children's rights in the digital environment. The legal standards continue to emphasize UNCRC pillars of provision, participation and protection, however, the implementation and realization of the UNCRC needs to truly capture the evolving digital landscape. In the interim, policy standards have been developed in academia and governments to further support the UNCRC pillars and provide guidance. Currently, there are consultations for a UNCRC General Comment on the Rights of the Child in the Digital Environment which should effectively capture expert opinion and provide an informative guide for States regarding their obligations to realize children's rights in the digital age.

3.2. Academic standards

Many academic researchers have commented regarding children's rights in the digital age and have noted their concerns. The *Children's Data and Privacy Online Report, an Evidence Review* published in 2018 and led by Sonia Livingstone stated "With growing concerns over children's privacy and the commercial uses of their data, it is vital that children's understandings of the digital environment, their digital skills and their capacity to consent are taken into account in designing services, regulation and policy."[56]

Professor Jackie Marsh of the University of Sussex led the DigiLitEY COST Action project with the aim to develop an interdisciplinary network that enables researchers to synthesise existing research and identify gaps in knowledge in this area while ultimately creating outcomes for policy and early childhood practice. Professor Marsh investigated internet use by children under 8 and found that "the inclusion of very young children within the digital realm raises many issues and the speed with which this has happened has outpaced policy development and evidence-based research."[57] Even given the positive uses of digital technologies in play-based curriculums, research is still needed to address "key concerns around privacy, children's rights, policy development, risks and benefits."[58]

Professor Brian O'Neill of the Dublin Institute of Technology noted that "policy making for digital parenting, particularly with regard to younger children, is still at a very early stage of development." Professor O'Neill suggests that in addition to paediatricians and psychologists, policy makers need more expert opinions to support parents "in regard to mediating the role technology plays in the lives of their children."[59]

Professor Eva Lievens of Ghent University is currently examining whether and how the right to privacy and data protection for children and youth in the digital age

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[56] See http://www.lse.ac.uk/media-and-communications/assets/documents/research/projects/childrens-privacy-online/Evidence-review-final.pdf accessed on March 24, 2019.
[57] See http://www.digitisingearlychildhood.com/, accessed on April 1, 2019.
[58] *Ibid.*
[59] See http://www.digitisingearlychildhood.com/keynote-addresses.html, accessed on April 1, 2019.

should be re-thought. [60] "The project focuses on a critical analysis of the child's right to privacy and data protection and investigates whether there is a need for a re-conceptualisation of those rights in the light of recent legal, technological and social developments." [61]

And finally, Professor Amanda Third of the University of Western Sydney created one of the most comprehensive reports on children's view in the digital age, *Young and Online: Children's perspectives on life in the digital age. The State of the World's Children 2017 Companion Report.* The main messages are reproduced below: [62]

Children are overwhelmingly positive about the role that digital technology might play in their lives. They identified connection, communication and sharing as the key benefits of engaging with digital technology.

Social, cultural and economic divides profoundly shape both the challenges and the opportunities children face in using and making the most of digital technologies. Not all children have the same opportunities to enjoy the benefits of digital technologies and efforts must focus more intently on supporting them to connect and participate meaningfully.

Many children navigate significant barriers to their online participation. Poor connectivity, prohibitive costs of data and devices, and a lack of appropriate equipment are key barriers for many children around the world, particularly in low-income countries. They say that safety concerns, rules imposed by parents, carers and schools, and limited digital literacy also constrain their digital practices.

Children see digital technology as vital to their development and their capacity to contribute to their communities. Even in places with limited access, children believe digital technology supports them to seek and generate information, to contribute to awareness-raising, and to work with others to respond to real-world challenges. However, children's ability to mobilise digital media for these purposes is dependent on resolving access and digital literacy issues.

Children view digital technology as central to achieving their goals for their futures, and many use digital technology for learning purposes, at school and beyond. But the benefits of technology for children's education are unevenly distributed both inter- and intra-nationally. Social, cultural and economic divides mean that many children are still far from being able to reap the potential educational benefits of digital technology.

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[60] See https://www.ugent.be/re/mpor/law-technology/en/research/childrensrights.htm, access on April 1, 2019.

[61] "The research project *'A children's rights perspective on privacy and data protection in the digital age: a critical and forward-looking analysis of the General Data Protection Regulation and its implementation with respect to children and youth'* is funded by the Special Research Fund Ghent University and runs from 2017 to 2021. See https://www.ugent.be/re/mpor/law-technology/en/research/childrensrights.htm, access on April 1, 2019.

[62] See https://www.unicef.org/publications/files/Young_and_Online_Children_perspectives_Dec_2017.pdf, accessed on April 1, 2019.

Children are concerned about commonly discussed online risks, such as interacting with strangers online, accessing inappropriate content, or being exposed to malware or viruses. They also worry about the reliability of their access to technology; parental intrusion into their 'private' lives online; and their digital literacy skills. In general, children have a strong understanding of and practical strategies for dealing with a wide range of risks they may encounter online.

Digital technology use impacts on family dynamics in both positive and negative ways; it facilitates and strengthens family interactions and also causes intra-family tensions. Children generally understand their parents' concerns for their wellbeing online. Children noted that they both teach and learn from siblings, parents and grandparents about digital technology, indicating there is scope to use intergenerational relationships to enhance the digital literacy of children and adults.

Despite their concerns about the potential negative impacts of digital technology on their health and happiness, when weighing the impacts, the vast majority of children say either that technology's effects were positive or were a balance of positives and negatives. Even so, more evidence is needed about the impacts of digital technologies for children's health and wellbeing to enable targeted health interventions and to ensure that technology-based health initiatives do not inadvertently reinforce existing health inequities.

The ways children talk about their concerns often echo mainstream media narratives and the adult-centric concerns of online safety initiatives, limiting their ability to imagine the opportunities digital media afford. It is critical that children be given space and encouraged to develop their own languages and ideas about the opportunities digital technology afford. [63]

3.3 Policy positions

Various policy-makers have addressed children's rights in the digital age and those writings also contribute to this review of the current standards and positions.

Yana Toom, Estonian politician and Member of the European Parliament from Estonia, submitted the *DRAFT REPORT on education in the digital era: challenges, opportunities and lessons for EU policy design* where she highlights that *"Digital skills education is necessary to educate children and young people for the future – future jobs, future lives and future homes."* [64]

The European ICT Coalition, an organisation bringing together a variety of companies aiming to help children across Europe use internet responsibly while dealing with any potential challenges and risks, published a report *"Looking forward: Technological and social change in the lives of European children and young*

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[63] See https://www.unicef.org/publications/files/Young_and_Online_Children_perspectives_Dec_2017.pdf, accessed on April 1, 2019.
[64] See http://www.europarl.europa.eu/sides/getDoc.do?type=COMPARL&reference=PE-623.621&format=PDF&language=EN&secondRef=01, accessed on April 9, 2019.

people"[65] Key findings of the report as summarized by COFACE Families Europe include:

- Parents of younger children struggle with identifying positive or educational content and services and with avoiding inappropriate or unsafe material. Older children and parents struggle with the amount of time they each spend online and want tools and support to help ensure this time is well spent.
- Parents and young people are both excited about and sceptical of the Internet of Things, especially in relation to impact on their physical health, privacy and relationships.
- While parents and young people value the ease with which they can communicate using digital technologies, the ability to be constantly in touch also creates new pressures and anxieties (a pressure to be always connected or missing out if not).
- Young people find ways of managing when they have difficult experiences online, but rarely do they turn to parents, teachers or industry (reporting harmful content for example).
- The industry has been proactive in providing tools and services to help support child safety online, but their uptake and impact is far from clear.
- Only a minority of children are engaging in creative digital opportunities, like producing their own content. In other words, children are mostly passive consumers as opposed to active contributors.[66]

Professor Sonia Livingstone of EU Kids Online recently expounded on the concerns facing children in the digital environment.

"A mounting set of threats to children's safety and wellbeing is leading to a widespread clamour that something must be done – think of, among many other instances; the web streaming of child sexual abuse and exploitation, the massive data breaches of children's personal data via the Internet of Toys, or the explosion in 'fake news' along with multifarious covert forms of persuasion – as with the case of self-harm messaging on Instagram. Something indeed must be done. However, it's important that this doesn't undermine the many positives of internet access for children too – think of the educational possibilities, as children gain access to many kinds of information, along with the civic and political possibilities for young citizens, not to mention the sheer pleasure, sociability and fun of many online activities. A holistic, balanced approach is greatly needed, one that respects these wider benefits and doesn't just try to manage ad hoc problems as they arise. This should begin by listening to children, as is their right under article 12 of the Convention."[67]

The Organisation for Economic Co-operation and Development (OECD), Directorate for Education has produced a series of working papers related to children in the digital age. The descriptions of three available reports follow:

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[65] For the full report, see http://www.coface-eu.org/wp-content/uploads/2019/01/ICT-REPORT_2018_WEB.pdf, accessed on July 14, 2019.

[66] See http://www.coface-eu.org/digitalisation/report-for-the-european-ict-coalition-for-children-online/, accessed on July 14, 2019.

[67] See https://blogs.lse.ac.uk/parenting4digitalfuture/2019/04/03/rethinking-the-rights-of-children-for-the-internet-age/, accessed on April 9, 2019.

- New technologies and 21st century children:[68] This paper provides a synthesis of the literature on and recent trends in new technologies and its effect on 21st century children (0-18 years old) and also notes that building digital resilience is an important skill for 21st century children.

- What do we know about children and technology:[69] This report summarises some of the guidelines that have been established for children's use of screens. It also provides an overview of the research on the impact of using technologies – including television, video games and social media – on children's developing brains and bodies.

- Impacts of technology use on children:[70] This paper explores some of the literature on the effects of technology use on children in terms of their brain, cognitive, socio-emotional and physical development, and summarises what is clearly demonstrated in the literature. It also highlights where more quality research is needed to better understand the impact of technology on children, and support the development of effective, evidence-based guidelines.

DigiLitEY examined children and virtual reality with the key question being: can industry, academia, child health and education collaborate to establish best practice self-regulating codes of conduct, in advance of regulation or negative perceptions?[71]

Pew Internet[72] examined people's attitudes towards mobile phones and across the 11 countries surveyed mobile phones were viewed positively. There were, however, concerns about mobile phones and the impact on children with the majority of the public saying that "the increasing use of mobile phones has had a bad impact on children today" and children might be exposed to harmful or inappropriate content. [73]

Children's Charities' Coalition on Internet Safety[74] "recognises and embraces the technology as a wonderful and enriching aid to education, tremendous source of fun and games as well as being a great way of staying in touch with friends and family" and calls for safe and equal access to the internet for all children and young people everywhere.

We Protect, Global Alliance, Global Threat Assessment, 2018[75] demonstrated how criminals will continue to leverage technology to sexual exploitation and abuse children. "Increasingly, offending is taking place online and includes coercing or

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[68] See https://www.oecd-ilibrary.org/education/new-technologies-and-21st-century-children_e071a505-en, accessed on March 31, 2019.

[69] See http://www.oecd.org/education/ceri/Booklet-21st-century-children.pdf, accessed on March 31, 2019.

[70] https://www.oecd-ilibrary.org/education/impacts-of-technology-use-on-children_8296464e-en, accessed on March 31, 2019.

[71] See http://digilitey.eu/926-2/, accessed July 14, 2019.

[72] See https://www.pewinternet.org/2019/03/07/majorities-say-mobile-phones-are-good-for-society-even-amid-concerns-about-their-impact-on-children/, accessed on March 31, 2019.

[73] *Ibid.*

[74] See http://www.chis.org.uk/about, accessed on March 31, 2019.

[75] See https://static1.squarespace.com/static/5630f48de4b00a75476ecf0a/t/5a83272c8165f5d2a348426d/1518544686414/6.4159_WeProtect+GA+report.pdf, accessed on March 31, 2019.

extorting children into producing indecent images of themselves or engaging in sexual activity via webcams, which can be captured and distributed by offenders. In the past three years the level of active offender organisation, facilitated by technology, has created new, safe havens online for offenders to share, discuss and plan coordinated OCSE offences. The scale, complexity and danger of the threat has escalated. This must not be allowed to continue." [76]

Family Online Safety Institute[77] examined internet use among Americans of all ages and the report offered insights into the impact of technology on families. "Today's parents are the first generation to be confronted with technology use by their parents and elderly relatives, as well as their children, and are in uncharted territory. This study confirms families' significant participation in the growing ecosystem of online services, and their role on the frontlines of navigating various online threats, and managing the use of tools and technologies to protect their safety and security online."

Digital 5 a Day[78] was created by the English Children's Commissioner as a simple framework that reflects parental concern on children's internet use. It is a guide for parents and children to encourage them to enjoy the online world without being totally consumed by it.

Source: Digital 5 a Day

Growing up Digital[79] notes that while the internet has many benefits it was not designed with children in mind. "Having considered how, with a group of technology, legal and policy experts, the Children's Commissioner believes it is time for a step change in how we prepare children for digital life. She is calling for three interventions from government: the creation of a digital citizenship programme, to be compulsory in every school from 4 – 14; implementation of the intent of the General Data Protection Regulation, by introducing simplified Terms and Conditions for digital services offered to children; and a new Children's Digital Ombudsman to mediate between under 18s and social media companies."

Barnardo's Northern Ireland in Connections, Parenting Infants in a Digital World, examined how "digital technology impacts the lives of infants, their relationships to

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[76] *Ibid.*
[77] https://www.fosi.org/policy-research/online-safety-across-generations/
[78] See https://www.childrenscommissioner.gov.uk/2017/08/06/digital-5-a-day/, accessed on July 15, 2019.
[79] See https://www.childrenscommissioner.gov.uk/publication/growing-up-digital/, accessed on July 15, 2019.

others and their social, emotional and cognitive development"[80] as a basis for policy development. The report advises to raise parent's awareness of digital technology, help parents understand quality screen time and "identify ways in which parents can use digital technology to benefit their child in terms of learning, play and developing skills including ways parents can assess the educational benefits of apps and programmes."

3.4 Synthesis of standards

The previous sections laid out available standards and positions related to children's rights in the digital environment. Analysis of each of the core subjects as they relate to children and their rights in a world of internet and technology is summarized in the following chart.

Children's Rights in the Digital Environment		
Standard / position	title / author	Area of child protection
International legal standards	UN Convention on the Rights of the Child	Protection, provision, participation 54 articles dedicated to children
	Optional Protocol 1	Sale of children, child prostitution and child sexual abuse materials
	Optional Protocol 2	Children in armed conflict
	Optional Protocol 3	Communications procedure
	Convention on the Rights of Persons with Disabilities	Children with disabilities have full rights and freedoms
	Optional Protocol	Complaints procedure
	Convention on the Elimination of all forms of racial discrimination	Racial discrimination
	Toronto declaration	Human rights and artificial intelligence
European legal standards	Guidelines to respect, protect and fulfil the rights of the child in the digital environment	Children's interaction and safety in the digital environment
	European Convention on Human Rights	Children's rights are human rights
	Convention on Cybercrime	Cybercrimes against children
	Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)	Sexual exploitation and sexual abuse of children

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[80] See http://www.barnardos.org.uk/connections-parenting-infants-in-a-digital-world-executive-summary.pdf, accessed on July 15, 2019.

	Council of Europe's Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108)	Data protection and privacy
	Recommendation CM/Rec(2016)2 to member States on the Internet of citizens	Internet citizens include children
	Recommendation CM/Rec(2014)6 on a Guide to human rights for Internet users	Internet users are children
	Recommendation CM/Rec(2012)2 of the Committee of Ministers to member States on the participation of children and young people under the age of 18	Participation in the digital environment
	Recommendation CM/Rec(2012)4 of the Committee of Ministers to member States on the protection of human rights with regard to social networking services	Social networks and networking services
	Recommendation CM/Rec(2009)5 on measures to protect children against harmful content and behaviour and to promote their active participation in the new information and communications environment	ICT, but 10 years old and ICTs evolve rapidly
	Recommendation CM/Rec(2008)6 on measures to promote the respect for freedom of expression and information with regard to Internet filters	Internet filters but dated 11 years and while freedom of expression and information is valid, internet filters have evolved
	Recommendation Rec(2006)12 on empowering children in the new information and communications environment	ICT and basic foundation but dated and not future-proofed
	Declaration of the Committee of Ministers on protecting the dignity, security and privacy of children on the Internet (20	Data protection and privacy of children; dated 11 years old and GDPR provides reinforcement

	February 2008)	
	Recommendation 1882 (2009) The promotion of Internet and online media services appropriate for minors	Promotion and advertising to children, but dated 10 years old
	Recommendation 1980 (2011) on combating "child abuse images" through committed, transversal and internationally coordinated action	Child abuse mages
	General Data Protection Regulation	Data protection and article 8 for children
Academic positions	London School of Economics, Sonia Livingstone	Children's data protection, privacy, digital skills and their capacity to consent
	University of Sheffield, Jackie Marsh	Key concerns around privacy, children's rights, policy development, risks and benefits
	Dublin Institute of Technology, Brian O'Neill	Policy-making should include all stakeholders invested in children's success
	Ghent University, Eva Lievens	Data protection and privacy must be re-conceptualised
	University of Western Sydney, Amanda Third	Children are overwhelmingly positive, but there are concerns
Policy positions	European Parliament, Toom	Digital skills and education
	ICT Coalition 2018	Future proof the internet for children
	EU Kids Online 2018	Mounting threats should be met with balance
	OECD 21st Century Children 2018	Resilience building skills and the impact of technology - brain, cognitive, socio-emotional and physical development
	DigLitEY	0-8-year olds use of internet
	Pew Internet	Mobile phones and harmful content
	Children's Charities' Coalition on Internet Safety	Safe and equal access
	We Protect, Global Alliance, Global Threat Assessment, 2018	Sexual exploitation and abuse children is complex and a threat
	Family Online Safety Institute	Internet use has impact on all family members
	English Children's Commissioner	Children's offline rights must be extended online

	Barnardo's Northern Ireland, Connections, Parenting Infants in a Digital World	Parental involvement and awareness of digital technology to increase the social, emotional and cognitive development of infants

4. Current practices of children's rights in the digital environment

The review of the legal, academic and policy standards was performed to identify and highlight a collation of standards and evidence to support a statement on children's rights in the digital environment.

The questionnaire undertaken by the Chair of the ENOC Working Group on Children's Rights in the Digital Environment drew on the Recommendation of the Committee of Ministers to member States on guidelines to respect, protect and fulfil the rights of the child in the digital environment (CM/Rec(2018)7). The survey aimed to identify positive measures and protections that were currently in place, areas where improvement is needed and examples of good practice.[81]

4.1 Good practices defined

A list of "good practice" criteria was drawn up from a range of sources[82] to be used as a filter to extract good practice from the 26 questionnaire responses.

Good practice generally has the following characteristics:

1. clear definition of objectives with positive impact;
2. proven through implementation to be effective in realising a specific objective;
3. replicable and adaptable to different contexts;
4. responds to current and future needs of the target population;
5. technically, economically and socially feasible and sustainable;
6. contributes to an inclusive society, adaptable for all;
7. demonstrates outcomes and impact evaluation;
8. participative process that is able to generate a feeling of ownership.

4.2. Findings from the ENOC members' questionnaire[83]

Is there a recognised definition of the digital environment in your jurisdiction?

There was a mixed response from ENOC Members in terms of whether there was a recognised definition of the digital environment in their jurisdiction. Of the 25

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[81] ENOC and NICCY (2019) Children's Rights in the digital environment: ENOC Members Questionnaire Findings, Results Report. Available at: http://enoc.eu/
[82] See http://www.fao.org/capacity-development/en/ and http://ec.europa.eu/citizenship/pdf/report_3_good_practice.pdf accessed on 29 March 2019.
[83] The information provided in this section is taken from: ENOC and NICCY (2019) Children's Rights in the digital environment: ENOC Members Questionnaire Findings, Results Report. Available at: http://enoc.eu/

countries that responded to this question 12 reported that there was no recognised definition, 8 stated that there was and 5 did not know.

Of those jurisdictions that had a recognised definition, many respondents cited data protection, cybersecurity or child protection imperatives and few reported that definitions were in place that addressed the digital environment in its entirety.[84]

In your jurisdiction is there government or other research on any or all of the following: Children's use of technology and online safety, child development/child health, mental health, parenting, and children's views and experiences in their use of digital technology?

The majority of respondents (20 out of 23) reported that government or other research was available on aspects of digital technology, although there was variation in the types of research available. The most commonly cited research related to child protection and child safety online, internet use and devices in the home. A number of countries also referenced research around digital parenting including Estonia, Ireland and the Netherlands.

A number of responses also referred to a broader network of organisations or jurisdictions that provided greater capacity for producing research.

Wales noted that the UK has benefitted from a cross-jurisdictional study called the Millennium Cohort Study that has been tracking a cohort of children across then UK since they were born in the year 2000. At age 14 they collected data on children's time use, which included use of technology.

The Safer Internet Centre was mentioned by Italy, Latvia and Netherlands and appears to produce a wide range of research on different aspects of the digital world and its interface with children and young people. The response from Malta noted:

The Office of the Commissioner for Children forms part of the Maltese Safer Internet Centre and therefore makes various remarks and recommendations with regard to children's digital rights.

In Luxembourg there is a nationwide training workshops in schools provided by BEE SECURE. The trainers meet thousands of students, parents, teachers, citizens and elderly people every year. Their experiences regarding problems, emerging trends and other observations, are regularly recorded and reported.

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[84] The following are examples of definitions of the digital environment for those respondents that answered yes to this question. Cyprus: The total of digital resources (computers, software, storage, systems) used to manage an academic enterprise and support, enable or manage learning. Poland: National Cyber Safety Strategy 2017-2022. Azerbaijan: According to the Law "On the Information, process of informing, protection of information", information technology is defined as system of methods and ways used during information processes, including application of computing and communication technique. Ukraine: The Law of Ukraine "On the Basic Principles of Ensuring Cybersecurity of Ukraine" contains the definition of the cyber space. Slovakia: The Ministry of culture is working on a new definition based on the recommendation of the Council of Europe from July 2018. The Commissioner for Children participates in this process.

There was very limited reference to research that looked at child health and development and it also appears that most research cited by respondents is quantitative rather qualitative. The limitations of this were highlighted by Norway in their response. *Mostly it is research on limited topics and the ombudsman considers it a problem that we have several topics we need more research on. It is also a problem that there is not much qualitative interdisciplinary research on children and the digital environment.*

Has your office undertaken work; published reports and/or made recommendations in relation to the digital environment?

The majority of responding ENOC Offices (23 out of 25) had undertaken some work in relation to the digital environment, this included: publishing reports including, annual reports, monitoring reports, corporate plans; providing advice to Government, responding to national surveys, or Government consultations and collaborating with organisations working on this area, such as, National Advisory Council for Online Safety, Safer Internet Centre, Council of Europe, ENOC.

Does your jurisdiction have a legal framework or specific legislation regarding the digital environment?

The majority of respondents (15 out of 23) reported that there was a legal framework or specific legislation in their jurisdiction. A range of legislation was referenced that related to aspects of the digital environment but for most countries there was not an all-encompassing one. Data protection, in particular GDPR, and modernisation of aspects of criminal law was the most commonly cited legislation. Some respondents referred to recent changes in the law or steps to change the law that take account of new issues coming to the police and courts, for instance, cyberbullying, sextortion and revenge porn.

In 2016, the French legal system reinforced existing laws on specific topics (increased fines by the CNIL in case of recurrence, increased sanctions for revenge porn, strengthened obligations for digital businesses regarding transparency and confidentiality), and created new provisions, such as a more protective "right to be forgotten" for children.

In March 2019, the Minister for Communications, Climate Action and Environment in Ireland announced that he is proposing to introduce a new Online Safety Act to improve online safety, including the protection of children online. Among the provisions that it is expected will be made in the Online Safety Act is for the establishment of an Online Safety Commissioner. A public consultation is currently underway.

No-one referred to how commonly used or effective the range of legislation in their country was. A number of respondents did make the point that much of the legislation concerning the digital environment was general and not specifically for children and young people.

Does the legal framework, so far as possible, pursue restorative approaches and prevent criminalisation in relation to online peer to peer violence and abuse? This may include 'sexting' and user generated images.

There was a mixed response to the question of whether the legal frameworks across ENOC Members included restorative approaches and prevented criminalisation in relation to peer to peer activities. Slightly over half of respondents (14 of the 25) indicated that restorative approaches or criminalisation prevention were part of their legal framework, however 9 indicated that it was not and 2 did not know.

In Catalan, the approaches to online violence and abuse are similar to the ones provided to similar crimes that can be take place offline. Penal Code has been modified to include some specific crimes on children using internet, telephone and other technologies, but not specifications on restorative and preventing practices. There are programmes to work mainly with children and teenagers on school environments to prevent online abuses and criminalisation (by police and education departments).

In the Netherlands, the attorney general of our Supreme Court advised the government to penalize sexting between teenagers, with the exception of teenagers who are romantically involved with each other. According to the Minister of Justice and security, sexting is normal and acceptable behaviour among modern-day teenagers and should thus not be penalized. Netherlands also has a programme for (potential) young offenders of cybercrime.

In Northern Ireland it was noted that although the legislative framework does not prevent criminalisation due to 'sexting' statutory agencies have stated their intention to prevent unnecessary prosecution. However, the Children's Commissioner has called for further reform.

Does your jurisdiction have strategies/action plans/policies in place in relation to the digital environment? And do they address children's rights and best interests?

The majority of responses (18 out of 23) indicated that there were strategies, action plans or polices in place in relation to the digital world. However, it was recognised that often reference or actions are speckled throughout a range of strategies or plans, rather than being part of one overall strategy, as articulated in the response from France.

In France, there is no overall strategy on the subject of the digital environment, but sectoral strategies, such as the 2017 strategy to promote digital inclusion (https://societenumerique.gouv.fr/strategie-nationale-pour-un-numerique-inclusif/) Most national strategies, however, have integrated the issue of the digital environment in relation with their specific subject, including strategies focused on children's rights. For instance, the 2017 plan for action violence against children provides measures to prevent the exposure of children to pornography on digital supports.

Of these 18 responses, 12 indicated that they addressed children's rights and best

interests.

In Serbia, the Cybercrime Strategy 2019-2023 recognizes fully children's rights and is based on the CRC and other international treaties on children's rights. In Slovakia, best interests of the child and children´s rights are one the main goals of the upcoming documents.

Does the national framework include: identification of bodies to implement the strategy/action plan/policies; resources for implementation; engagement of stakeholders including children; a review of implementation?

In total, 17 of 23 responses to this question indicated that a national framework was in place. In some countries, these national action plans have a specific focus on children and young people but in others there is not. As already highlighted by respondents, the focus tends to be on specific aspects of the digital environment, most commonly online protection, rather than a broader reaching comprehensive plan.

In Italy, the national plan of action states that the Government "shall establish public initiatives to raise awareness on and to prevent online bullying, through the direct involvement of local social and educational services and in cooperation with schools. In the framework of the plan of action … the Presidency of the Council of Ministers, in cooperation with the Ministry of Education, University and Research and the Authority for Communications shall develop, within the limits of the budget under the first sentence of paragraph 7, regular information campaigns to prevent and raise awareness about cyberbullying, to be published on the main media, the broadcast and printed press and private entities. Starting a year after entry into force of this law, the Minister of Education, University and Research shall submit to Parliament by 31 December each year a report on the outcome of the work of the Board of Experts for the Prevention and Fight Against Online Bullying under paragraph 1 above. For the purposes of enforcing the provisions of paragraph 5, a yearly budget of €50,000 starting in 2017 shall be allocated. This amount shall be made available by reducing the allocation for the years 2017, 2018 and 2019 of the current account special fund 2017-2019 of the "reserve and special funds" of the "available funds" of the Economy and Finance Ministry 2017 budget, partly using the provision of such Ministry. The Economy and Finance Minister may issue orders to make the necessary budget adjustments".

In Ireland, 'Better Outcomes, Brighter Futures' is the Irish Government's national policy framework for children and young people and covers the period 2014-2020. This policy framework makes a number of commitments in relation to children and the digital world. Commitments under Outcome 3 ('Safe and protected from harm') focus on supporting efforts to limit children's exposure to age-inappropriate behaviour online; supporting efforts to combat child sexual abuse, exploitation and trafficking; and promoting best practice by social media providers regarding privacy controls and reporting mechanisms with a view to better protecting children online. Outcome 5 ('Connected, respected and contributing to their world') includes a commitment to supporting youth organisations to provide quality assured information and support that responds to young people's needs, including online.

Vulnerable groups: Does this address the circumstances and needs of vulnerable groups, such as, children in care, children in rural areas, children with disabilities, children in detention settings, LGBT+ children?

The majority of responses to this question (13 of the 19) reported that national strategies or action plans did not take account of the circumstances of vulnerable groups of children. In most cases where respondents indicated that a focus was given to children and young people in the national action plan, this tended to be for all children and young people, with no specific reference or actions for 'vulnerable groups'.

Some responses, including those from Malta, Montenegro and Poland noted that policies or services did take account of the needs of particular groups of children, such as, children in care, children with disabilities and children in rural areas.

Participation: Does the national framework address the role of the digital environment in promoting children's participation in local, national and global debates and recognise children as creators and distributors?

Of the 21 responses to this question, over half (n=12) indicated that the national framework does not promote children's participation or recognize their role as creators and distributors of digital based material. However, there were 8 countries that indicated that this was happening and 1 did not know.

In Cyprus, under the National Strategy, the Cybersafety Youth Panel has been established, with members of the Cyprus Youth Parliament, the Cyprus European Youth Parliament, Commissioner's Young Advisors. The CyberSafety Youth Panel allows young people to express their views and exchange knowledge and experiences concerning their use of digital and online technologies, as well as tips on how to stay safe. They also advise on the strategy for the creative use of digital and online technologies with safety and responsibility, help create innovative resources and disseminate eSafety messages to their peers and other audiences.

In Montenegro, promoting children's participation in policy is mainly only evidenced by the Children's Ombudsperson and UNICEF. The Ombudsperson has direct and continuous communication with children through regular activities and direct work with children, and through the Golden Advisers' Network, which is a permanent body of the Ombudsperson and consists of 25 children of different ages from different towns of Montenegro. These children actively participate in all activities of the Ombudsperson as well as in the preparation of documents, advertising materials, research, analyses and recommendations.

Protection: Does the national framework address e-safety/online safety? Does this include protection from the full range of harmful and violent images and content (including child sex abuse; grooming; adult content; bullying; harassment; self-harm and suicide; radicalisation; racism and hate speech and commercial exploitation)?

The vast majority of respondents (22 out of 26) indicated that their national framework addresses e-safety or online safety. However, a number including

Norway and Estonia highlighted that digital protections are addressed across a range of laws or strategies rather than being part of one specific comprehensive strategy.

Estonia reported that the elements listed above are addressed in different laws. Child Protection Act prohibits dissemination of objects (printed matter, films, audio and video recordings and other objects) with pornographic content and promoting violence. Penal Code stipulates punishments for: requesting access to child pornography and watching thereof; manufacture of works involving child pornography or making child pornography available; agreement of sexual purpose for meeting with child; sexual enticement of children; exhibiting cruelty to minors.

Most also indicated that these national frameworks included protection from some but not all of the harmful and violent images and content (19 out of 22). For example, Cyprus indicated that current provisions through its national legal framework do not take account of risk young people face online from grooming and radicalisation.

In Finnish law sexual harassment and exploitation in digital environment are not specially criminalised but may fall in scope of criminal code crimes such as sexual exploitation, possessing and sharing pictures of children that are against the sexual morality or grooming (often in social media), that was criminalized in 2011.

In Montenegro, the Agency for Electronic Media has recently banned inappropriate contents on the national frequencies – television media by protecting certain contents with a PIN code and the parents then have the responsibility to decide whether the child will be allowed to watch the inappropriate contents.

Education: Is digital literacy or digital citizenship provided in schools and other education settings? Is it mandatory and in all levels of education?

The vast majority of respondents (23 out of 25) stated that digital literacy or citizenship was provided in their schools or other educational settings. However, there was a very mixed picture in relation to whether digital literacy or citizenship was mandatory and whether it was provided at all levels of education.

Some respondents cited that guidance was available for teachers in their country on content.

In Wales, the Digital Competence Framework is part of the new school curriculum, which will be used throughout Wales by 2022. Digital competence is a cross-curricular responsibility alongside literacy and numeracy. The Digital Competence Framework guidance for teachers is separated into four strands: Citizenship, Interacting and collaborating, Producing and Data and computational thinking. Citizenship includes identity, image and reputation, health and well-being, digital rights, licensing and ownership, online behaviour and cyberbullying.

In the Basque region, digital skills are provided at all levels of education (from pre-school to university) as basic cross-cutting skills in line with the European Parliament and Council Recommendation of 18 December 2006, on keys competences for life-long-learning (2006/962/CE).

Some respondents, such as Northern Ireland, raised specific concerns regarding the lack of a mandatory curriculum to ensure high quality digital literacy or citizenship was provided in all education settings.

Data: Does the national framework address processing and protecting children's data, including privacy by design; restrictions on the use of sensitive data; age verification and ensuring children/parents and carers/legal representatives provide informed consent?

The majority of respondents (15 out of 22) reported that there was data protection legislation their country, and GDRP and DPA were commonly referenced. However, the point was also made that typically legislation addresses some, but not all of the relevant issues regarding processing and protecting children's data.

A number of respondents, including Catalan and Norway also raised concerns that even when legislation is in place, enforcement can be weak.

Does your jurisdiction provide government or official guidance on children's use of social media and/or screen time?

There was a mixed response to the question about whether official guidance on safe use of social media or screen time for children was available, with essentially, an equal proportion of countries replying 'yes' (n=9) and 'no' (n=10) to this question.

Some of the responses also highlighted an ongoing debate in many countries around this issue. As Norway's response illustrates:

There is some advice given by governmental agencies for parents on the use of social media. Little on screen time. There is a need for more information on children's use of social media. In Norway this has mostly been a debate on age limits. There has also been a big debate on the ban of cellphones in schools. The Ministry of Education is clear that the use of phones in schools must be decided by the municipalities or schools.

Is there a framework or mechanism for co-operation between government authorities, independent authorities, civil society and business enterprises?

The majority of the respondents reported that a framework or mechanism for co-operation was in place (16 out of 24). However, there was variation in the structure and membership of existing frameworks.

In Albania, the government is establishing an Advisory Technical Committee on Child Safety on the Internet, at the National Council for the Rights and Protection of Children. It is proposed that the committee, consisting of one representative from each signatory ministry, one member from AMSHDF, State Police, AKCESK, AKEP etc. A member of the committee may be any organization of civil society, public institution, Telecommunications Company etc. The modalities of the establishment

and functioning of the committee are defined by the instruction of the minister responsible for children in Albania.

In Cyprus, the National Strategy for a Better Internet for Children includes a network called CYberSafety, which brings together major national stakeholders in order to create a safe internet culture, empowering creative, innovative and critical citizens in the digital society. CYberSafety aims to provide an awareness platform where actors can find resources and tools, share experiences, expertise and good practices. At the same time it aims to contribute towards a European approach and provide qualitative and quantitative feedback at European level, through the core service platform.

In France, the CNIL (National Commission on Informatics and Liberty) is an independent French administrative regulatory body in charge of ensuring the application of data privacy law. It produces guidance and initiatives about children's rights in a digital environment, with the "Educnum" group. With its counterpart authorities, the CNIL agreed on an international standard on digital education. "Educadroit", a project created by the Defender of Rights, creates tools to educate children to their rights. Educadroit has created a working group on "law and the digital environment", in cooperation with the CNIL.

The CSA (Superior Council of the Audiovisual, an independent regulatory institution) integrated the issue of the digital environments in the works of its expert committee on the protection of young public. The French government's "inter-ministerial action plan for mobilizing and combatting child abuse" contains provisions to prevent the exposure of children to pornography on digital media.

In Luxembourg, Digital Luxembourg is a multi-disciplinary governmental initiative collaborating with public, private and academic stakeholders to exploit digitalisation and to achieve a positive digital transformation. In order to achieve this goal, digitalisation is tackling globally, focusing on the strengthening and the future of five priorities: skills, policy, infrastructure, ecosystem and government. By executing the digitalization strategy of the Luxembourg government, Digital Luxembourg is launching new projects, supporting existing ones and boosting the visibility of national efforts.

In Malta as part of the Safer Internet Centre there is an Advisory board which brings together key stakeholders which inform the work carried out by the safer internet centre. The Safer Internet Centre also coordinates 3 different fora which also feed into the advisory board, namely, the parent/carer forum, the pyscho-social forum and the industry forum.

Are businesses and others required to take reasonable steps to ensure they undertake child rights impact assessments; that their terms and conditions are enforced; that requirements are in place regarding safety and privacy by design; age verification; and that child protection policies and vetting procedures? Is there a code of conduct for digital business? Is it statutory?

In terms of business practice and standards regarding digital services, the survey responses highlight that it was more common for countries not to have reasonable

measures in place than to have them. A significant proportion of the respondents were not sure about business practices in their country, perhaps indicating wider issues about awareness and transparency by the industry and government regulation.

Serbia reported that apart from legal provisions regarding criminal acts and children in media and advertising, there are no other legal provisions, which would put additional requirements on companies.

Denmark was the only country that referred to having a statutory code for digital businesses in their country. In the main most countries indicated that where an industry code of conduct was in place these tended to be self-regulated. In some countries such as the UK, there is currently a lively debate, including through parliament and parliamentary committees about the need for industry regulation.

In Latvia, there are no general codes of conducts in our jurisdiction, but a lot of companies have their own codes of conduct.

Do children, their parents/carers or legal representatives have access to reporting mechanisms (including for the reporting of child abuse material)?

	Yes	No	Don't Know
Access to reporting mechanisms?	25	0	0
Reports made anonymously?	21	2	1
Children or Parents/ Carers have access to support?	23	0	1
Access to legal remedies?	20	1	3
A range of legal remedies available?	19	1	4
Child Friendly material on reporting and remedies?	15	5	3

As shown in the table above, overall there was a relatively positive response to this question in which most countries stated that they had some form of reporting mechanism(s) and remedies in place. Every respondent stated that there was access to reporting mechanisms in their jurisdiction. While the majority of countries reported that they had the facility to make reports anonymously please note that two respondents stated that this was not possible in their country.

Belgium (Flemish Region) raised the point that although mechanisms for remedy were available in their country, they 'are not very accessible and effective in practice.'

Estonia has web-constables who provide advice about internet safety and if necessary forward information or proceeding to relevant police stations. Web-constables are police officers working in internet. They respond to notifications and letters submitted by people via internet and train children as well as adults at issues

of internet security. They also help to remove unlawful content. For compensation one has to go to court.

Save the Children Finland hosts a web page where anyone can give information about illegal activity concerning sexual exploitation of children. It is also possible to contact police about that kind of material. In 2019 a new web page Someturva www.someturva.fi) gives expert guidance to bullying, harassment and threats in social media (some). The service is youth and child friendly. The page is run by Save the Children Finland, Ministry of Justice and Ministry of the Interior.

Every respondent, apart from one, also reported that there was support available for children and parents or carers. Most countries referenced this support being available via generic services and not specialised support around internet safety. However, Denmark and Luxemburg did reference specialised helplines on digital media.

Has your jurisdiction ratified the following instruments?

The table below shows that most countries have ratified each of the international instruments listed. However, it is of note that not all countries have. This appears to be particularly the case for the UNCRC Optional Protocol on a communications procedure and the Council of Europe Convention on Cybercrime.

	Yes	No	Don't know
Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000);	23	1	0
Optional Protocol to the United Nations Convention on the Rights of the Child, and on a communications procedure (2011);	14	10	0
Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108);	22	0	2
Convention on Cybercrime (ETS No. 185) and its Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS No. 189);	18	5	1
Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197);	22	1	1
Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201).	22	2	0

Is there an adequate legal basis/treaties/other mechanisms to ensure international co-operation, including making and executing requests for assistance and information?

There was a relatively low response to this question (n=18) with only 11 countries agreeing that there was an adequate legal basis or mechanism for ensuring international co-operation and 8 indicating that they did not know.

Northern Ireland raised specific concerns about the impact of Brexit and the lack of certainty about future co-operation with European bodies (such as Eurojust) and mechanisms (such as the European Arrest Warrant).

Can criminal justice agencies connect with INTERPOL in relation to child sex abuse material and ICANN in relation to identifying and removing web addresses which promote child sex abuse or other child abuse material?

The majority of responding countries (17 out of 22) reported that they could connect with INTERPOL and ICANN. No-one said they could not and 5 did not know.

Are there examples of best practice from your jurisdiction, such as, children's involvement in policy development, production of accessible terms and conditions, child friendly reporting mechanisms?

In response to best practice examples with respect to this question 18 of the 25 respondents provided specific examples including.

In Estonia, a youth panel convened as part of the Smartly on the Web project advise the project team on the planning and implementation of activities aimed at young people. The panel passes on young people's views regarding the kind of information they need to use the Internet safely and successfully and how this information would best be conveyed to kids.

Lithuania mentioned that they had a very successful project initiated by the private telecommunication company "Telia" https://auguinternete.lt/. They also referred to their child friendly reporting mechanisms, and how policy and good practices inform the scope of the Safer internet project in their country which includes a youth forum.

In Montenegro, the Protector of Human Rights and Freedoms – Ombudsperson has a "Brave Mailbox" on its website intended for reporting abuse on the Internet – intended for children. The Protector's Brave Mailbox is directly linked to the CIRT program. The golden box as a mechanism for reporting inappropriate content that is available to children on the Internet and abuse of children on the Internet is, in addition to the Ombudsperson's website, also promoted on current social networks.

The response from Bosnia-Herzogovina also notes that children and parents can report any form of violence through anonymously through a "courageous mailbox".

Serbia highlighted that there had been a national campaign on prevention from cyber predators on social networks though short videos published on TV channels with national frequency, other TV channels, internet (ads on popular content on the internet), etc. The only deficiency of this campaign was that it was too short as it lasted only couple of months.

What are the priority areas for the work of your office in relation to ensuring children's rights in the digital environment?

The majority of ENOC Members (n= 22) highlighted priority areas of work for their office in relation to children's rights in the digital environment. This included: awareness raising of dangers of online world; highlighting the right basis of the digital environment; the impact of screen time on young children; stressing the need for national mechanisms to strengthen regulation on all aspects of internet safety; the need for further inter-disciplinary research and cross-sectoral training and informing the drafting of Government e-safety strategy or action plans. Four of the responding Members were not planning any further work.

What are the three priority issues which your office advises should be addressed in ENOC's statement on children's rights in the digital environment?

Twenty of the responding Members indicated their view on what should be addressed in the ENOC statement on children's rights in the digital environment.

The following list provides a summary of some of the main priorities identified by respondents:
- Addressing new and emerging issues, such as, the impact on children's health and development (including toxic technology), on parenting and persuasive design.
- Advocating for the introduction of statutory codes of conduct and regulation of industry, addressing for instance, accessible terms and conditions, informed consent and safety and privacy by design.
- Awareness raising with children and parents / carers of the dangers in the digital environment, including reporting mechanisms and protections after reporting.
- Protection of children from harmful information and content.
- Violence or harassment against children, including peer-to-peer.
- The right to universal access: adequate, accessible and secure access.
- Fake news and disinformation on the internet.
- Supporting practical implementation of the Council of Europe Recommendation.
- Mobilising general measures for implementing children's rights under the UNCRC.

The response from the Basque Country stated that although it is not specifically focsued on children and young people, the Universidad de Deusto recently presented an "On-line Declaration of Human Rights" which could be a useful reference document when finalising the ENOC statement and deciding on the recommendations.

In completing this questionnaire has your office engaged with children and young people and/or drawn on research or evidence which involved children and young people.

Of the 20 responses to this question, 11 indicated that they had engaged with children and young people or drawn on research / evidence to inform the completion of the survey and 8 had not. A number of countries, including Albania, Estonia and Serbia consulted with young people via workshops or focus groups to inform the completion of the questionnaire and a number of the other ENOC Members stated that they were planning to start engagement as part of the ENYA (European Network of Youth Advisors) Project on children's rights in the digital environment.

5. Final comment

Overall, the aim of this compilation is to provide examples of rights based instruments and standards and good practices to ENOC members and others working with children and looking for ways to support children's rights in the ever-changing digital landscape.

The digital environment has provided children with many opportunities, ranging from access to information, creative self-expression, social interaction and innovate means of play and fun. The digital environment has also exposed children to new risks and threats. While some positive measures have been taken, there is still significant progress to be made if children's rights are to be fundamentally respected, protected and fulfilled in the digital age.

In order to aid States in the development of a cohesive framework to protect children while simultaneously affording them the benefits of the digital world, ENOC is developing its Statement to bring children's perspectives to these issues and to ensure that children's rights to education, access to information, freedom of expression, and indeed every right that is embedded in the UNCRC and other international and European instruments, is accorded to them. This evidence paper was designed to facilitate members' implementation of their obligations in respect of children in the digital environment and to encourage the adaptation of good practices that are flexible and adaptable, while robust in child protection.