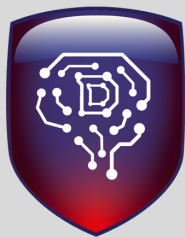


**HOMO DIGITALIS**

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**CONCEPT NOTE TO THE  
UNCRC FOR A GENERAL  
COMMENT ON CHILDREN'S  
RIGHTS IN RELATION TO  
THE DIGITAL ENVIRONMENT**



**Homo  
Digitalis**

Protect your rights

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**14 MAY 2019**

## Concept Note to the UNCRC for a General Comment on children's rights in relation to the digital environment

*Homo Digitalis* is the first Greek Non-Profit Organization for the promotion and protection of digital rights. Thus, one of our main goals is the protection of children's digital rights, given that children are nowadays digital citizens.

New ICT Technologies expand and democratize the public sphere. Internet is a key pillar and contributes to the creation of a new public space of interactive communication under conditions of equality and freedom. In this context, broad protection of digital rights is needed and this should be a central goal of any political or legislative intervention for the governance and regulation of ICT.

As ITU Secretary-General Hamadoun I. Touré expressed, “the revolution in electronic communications has created tremendous opportunities for young people today, but at the same time exposes them to new risks in cyberspace”. Global concern is coalescing around the need to understand how to reduce the risk children face online, while maximizing their opportunities for learning, participation and creativity.

The best interest of the child, the right to a quality education, the right to equal opportunities, the right to dignity and freedom are some of the fundamental children's rights which require particular protection not only in real world, but also in the digital world.

### Keywords for children's digital rights

- digital citizenship
- digital literacy
- digital marketing
- digital responsibility
- best interest of the child
- International cooperation

#### 1. How can children's views and experiences be expressed and taken into account when formulating policies and practices which affect their access to, and use of, digital technologies?

Children have the right to be prepared for active and responsible citizenship. Participation is a criterion for assessing a democratic society. It is a right indispensable for any democratic society and is related with citizenship. Children should develop a digital literacy, through digital social responsibility, active participation in the digital society and reduction of digital illiteracy.

As far as active participation is concerned, it is important to note that the voice of children should be heard, so that they can indeed have an influence to the results, to the decisions. Policy makers should not just consult with children, but

should give children a place to an active participation, to an active involvement of all children in decision-making procedures that change and not maintain the current situation. Thus, we should always wonder about the effectiveness of their participation.

The graduation of participation, the ownership of decisions, the ability to express and challenge, self-respect and awareness of rights, citizenship and democracy, are some of the benefits that children can gain through participation.

In Greece there is not any official form of children's participation in policy-making procedures, apart from the forum of the Youth Parliament. In this context, we decided to visit some schools and talk to students for their digital rights, preparing them for their participation in the Youth Parliament. The National Centre for a Safer Internet for kids performs the role of the collector of children's voices and concerns and its data may be used by any interested stakeholder.

Indicators of best practice could be the creation of children's participation culture, children's participation in the policy-making procedures in the relevant legislative organs on topics of interest to children, by providing children with the appropriate information which they will collect in friendly places for children. Children's participation in school is also crucial. For instance in Greece, the Ministry of Digital Policy should open its doors and consult with children regarding topics of interest to them.

## **2. How can discrimination (originating offline or online) be effectively addressed, to ensure all children have their rights realized in a digital world?**

Internet is an open network that allows easy and low-cost access and use of its services and on which individuals, corporations and public sector are connected and interacting. Tim Wu, one of the leaders in this field, referred to the neutrality of the Internet as "a principle that the internet does not favor an application at the expense of others". The worldwide web was initially intended as a method of connecting every human being on Earth. This cannot be achieved if people do not possess the requisite hardware and software. Due to the lack of both access to technological means and equipment and technical skills, access to information is limited. This lack of access to pluralism of internet can lead in some way to discriminatory treatment. Little knowledge and lack of education increases racism, sexism and any kind of discrimination. Therefore, all human beings should have unimpeded access to the Internet and unequal opportunities and digital illiteracy should be limited.

However, due to inequalities in access to various technological tools, there are differences in the degree of knowledge of the handling of new tools among individuals. This digital gap concerns the most developed countries in the world which are trying to eradicate it, at least to delimit it. The causes of digital illiteracy usually are related with age, gender, education and place of residence.

For example, urban areas are less exposed to digital illiteracy. The most important effect of this phenomenon is the creation of inequalities in the field of employment, as the less familiar one is with new technologies, the less competitive he/she can be in the labour market. A solution to the phenomenon of digital illiteracy is the equal opportunity to access to digital knowledge. This can only be achieved if training programs are implemented to familiarize adults, young people and children from all over the world with the new technologies. Digital education should be an ongoing procedure. Furthermore, resources should be given to underdeveloped countries, so that children can have the necessary tools and equipment.

Last but not least, due to the rapid growth of Artificial Intelligence, children's rights should be taken also into account when ethics are implemented in this realm, so that any bias is tackled.

### **3. How should the General Comment treat the role of parents and other caregivers?**

First and foremost, parents should leave behind the ideology of protectionism, which means being overprotected and one-dimensional decision-making, without having heard first the child's opinion. In this way, parents and caregivers will be able to protect indeed the best interest of the child in its core essence. The dialogue is the key solution for parents and caregivers to respond to their roles in the digital world. But, which is this role?

Parents' and caregivers' main role is to protect the best interest of the child and in general children's rights. However, this means also that they have to cover their physical, social and psychological needs. For this reason, they should be aware of online risks, such as cyberbullying, child grooming, privacy and data protection violations, hate speech online etc. This awareness means also that they should be aware of the means of protection, gain digital knowledge and be familiar with the function and risks of the digital world.

Moreover, parents and caregivers should also 'control' their behavior online. It is often the case that many parents and caregivers do not know how to protect children's data and are the ones who expose them. Therefore, it is of great

importance that children are familiar with the sense of privacy in digital world from an early age, in order to be able to construct some limits and their online privacy.

#### **4. How should the practices of businesses operating in the digital environment support the realization of children's rights?**

Children and young people are an extremely powerful group of consumers. They do not only commercial influence through the use of technology, but they can also influence the purchasing choices of their parents. However, the children's ability to critically engage in traditional broadcast marketing techniques is limited due to their inexperience, innocence and immaturity, and their ability to avoid the impact of indirect advertising is rather non-existent.

Children should be considered as holders of rights who are entitled to protection from privacy violations and deserve an internet without manipulative and exploitative practices, as UNICEF has been repeatedly stating. Therefore, they should be able to recognize and understand the tactics and forms of digital marketing. In this context, the development of advertising literacy is detrimental. Parents and caregivers, school and civil society should inform children about the new ways of digital marketing, support them to develop critical thinking and protect their rights as consumers.

A second good practice, regarding businesses, is to embed children's rights. This means that businesses should be diligent of their impact on children's lives and social behavior and, thus, they should always take under consideration children's life at each stage of production and marketing. This means that businesses should take the reasonable and appropriate both preventive and repressive measures to limit any risks of children's rights violations.

#### **5. How can States better realize their obligations to children's rights in relation to the digital environment?**

The internet has reformed children's lives in many ways, exposing them to a multitude of opportunities, and being properly used, is a tool that helps to enhance children's knowledge. Internet access and digital literacy are gradually seen as a dimension of children's rights to freedom of expression, to the participation of young people and to education. However, the digital environment can also expose children to risks, including cyberbullying, online grooming and self-exposure, which may affect their well-being and the enjoyment of human rights.

Therefore, states should take action to ensure that the Internet is a safe and favorable environment especially for children and that all children's rights are respected. A multi-stakeholder approach is needed to address this problem, including the state, civil society, academia, the private sector, parents, caregivers and the children themselves.

It is worth mentioning that a multidisciplinary approach is necessary, given that the social environment, the psychological situation of the child and other socio-psychological factors are detrimental for the construction of the proper legal framework of children's online protection. The State's cooperation with the international and European community and stakeholders is of great importance. However, not only cooperation but also compliance with international and European rules and their proper and prompt implementation determines online child protection in the national level.

#### **6. Is the realization of children's rights in the digital environment necessary to realize children's rights in other environments?**

Digital technology has affected each and every of our lives. We use technology to make our lives easier and simpler. Thus, work, everyday transactions with corporations and administration, justice and health system operate also in the digital plane. The protection of digital rights means the protection of human rights in each industry and aspect of life but in the digital environment.

Recognizing children as subjects of digital rights determines the recognition and protection of their rights as digital workers, digital citizens, digital students, digital consumers, digital patients, digital plaintiff or complainant. The regulation of a proper legal framework for children's digital rights is needed for the holistic and meaningful protection of children's rights.

The analogical world and the digital environment are two different worlds that interact with each other. The protection of children's rights in the digital world should be as important as a priority as their protection in the analogical world.