

## **Submission to the United Nations Committee on the Rights of the Child on 'children's rights in relation to the digital environment' by the Children and Young People's Commissioner Scotland**

### **Author**

Children and Young People's Commissioner Scotland

### **Introduction**

1. This submission regarding the UN Committee on the Rights of the Child (the Committee) concept note of the General Comment on children's rights in relation to the digital environment relates to the protection of children's human rights in Scotland.
  - 1.1. The Children and Young People's Commissioner Scotland operates as an independent, national human rights body (CRC General Comment No.2 (2002)) to promote and safeguard children's human rights within its devolved context in the UK.
  - 1.2. Research by the Children's Commissioner for England has exposed the gulf between children's experiences online and the protections and preparation in place for them.<sup>1</sup> Despite the fact that one third of internet users are aged under 18, the internet itself is not designed with children in mind. It is essential that children's human rights be upheld in equal measure both offline and online. As the English Commissioner's office states, implementation of rights-based approaches to transforming our digital world would give children and young people 'resilience, information and power, and hence open up the internet to them as a place where they can be citizens not just users, creative but not addicted, open yet not vulnerable to having their personal information captured and monetised by companies.' We share this ambition and welcome the introduction of a General Comment on children's human rights and digital media.
  - 1.3. Our office is coordinating a national participatory project with the European Network of Young Advisors (ENYA) in order to inform the European Network of Ombudspersons for Children (ENOC) position statement on children's rights in the digital environment. This statement will be published in October 2019.
  - 1.4. Our submission on the Committee's concept note highlights four key recommendations by young human rights defenders in Scotland and proposes an amendment to the scope of the General Comment on children's rights in relation to the digital environment.

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<sup>1</sup> Children's Commissioner for England, *Growing Up Digital: A report of the Growing Up Digital Taskforce*, London, 2017

## **Purpose and scope of the General Comment**

2. We recommend that the Committee expands the purpose and scope of the General Comment to include a strong focus on children as human rights defenders. Doing so builds on the work of the Committee and UN Days of General Discussion on 'digital media and children's rights' in 2014 and 'children as human rights defenders' in 2018. This will provide further public recognition of the role of children as human rights defenders and call for better support for children human rights defenders, while maintaining that the promotion and protection of human rights are the responsibility of each Member State.
- 2.1. For example, 'The purpose of the General Comment will be to strengthen the case for greater action and elaborate what measures are required by States in order to meet their obligations to promote and protect children's rights and children human rights defenders in and through the digital environment, and to ensure that other actors, including business enterprises, meet their responsibilities.'

## **Recommendations for State parties by young human rights defenders in Scotland**

3. 'Promote, Protect, Defend': A report by our office on children and young people as human rights defenders in Scotland was co-written with young human rights defenders and outlines eight recommendations on how the State and international community can better support the work that they do to promote and defend human rights. Children growing up in a fast-paced, tactile and increasingly intelligent digital world bring unique perspectives on interpretation and implementation of the Convention on the Rights of the Child that no previous generation has. While it is important for the General Comment to address the mitigation and elimination of dangers to and violations of children's human rights online, young people have also expressed the need for more access to the internet, reliable information online, and safe digital spaces in which they can mobilise, exchange knowledge, participate in decision-making processes, and defend their human rights. The following recommendations are by young human rights defenders in Scotland:
4. **Create safe spaces online and offline for children human rights defenders to mobilise, share stories, and influence people in power.**
  - 4.1. Invest in safe spaces for children human rights defenders; including safe space co-design with children and young people, and a time investment to listen to and act on the recommendations of children human rights defenders who meet in safe spaces. Safe digital spaces provide an environment in which children can express themselves without being attacked.
  - 4.2. Collect and analyse data on digital accessibility. One of the most significant digital challenges children human rights defenders face is access to technology. More data - disaggregated by age, disability, language, rural or urban location, poverty and other relevant factors - is needed to understand the barriers children and young people face and how to improve accessibility.

**5. Establish and promote child-friendly complaint mechanisms for children human rights defenders.**

5.1. Create and raise awareness of child-friendly and accessible complaints mechanisms with and for children human rights defenders. In order to protect children human rights defenders who experience abuse online or in person, reporting procedures need updated with input from children and young people to ensure they are truly accessible.

**6. Incorporate the UN Convention on the Rights of the Child (UNCRC) into domestic law as a matter of urgency and ensure regular monitoring of implementation in the digital environment.**

6.1. 2019 marks the 30<sup>th</sup> anniversary of the Convention, and there is now a substantial body of international research and first-hand experience into which incorporation models work best. Once incorporated, Member States should ensure they consider the impact of the UNCRC on children's human rights in the digital environment and ensure CRC treaty monitoring processes include a review of children's rights within the national and international digital landscape.

**7. Use creative digital methods to include children human rights defenders in all levels of decision-making, including implementation and monitoring of the UN Convention on the Rights of the Child.**

7.1. Make use of digital media and the internet as a power for good in the facilitation of children and young people's meaningful participation. It is essential that children are part of the relationship between the Member State and international community, including but not limited to the UN Committee on the Rights of the Child. Creative digital methods will ensure international decision-making and accountability processes are accessible to all children.

**8. About the author**

**The Children and Young People's Commissioner Scotland** was created in accordance with the Commissioner for Children and Young People (Scotland) Act 2003 to promote and safeguard the rights of children and young people across Scotland, with reference to the United Nations Convention on the Rights of the Child (UNCRC) and wider international human rights framework. Under sections (4) and (5) of this legislation the Commissioner has a mandate to continually review the effectiveness of all law, policy and practice to promote and protect children's human rights and the best interests of children and young people. The Commissioner's remit includes children and young people aged 18 and under, and 21 and under if care-experienced.

**For more information please contact:**

Kara Brown, Legal Officer (International)

Children and Young People's Commissioner Scotland.

Telephone: (+44) 0131 345 5350

Email: [kara.brown@cypcs.org.uk](mailto:kara.brown@cypcs.org.uk)