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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Egypt,* Gambia, Kazakhstan, Kuwait, Kyrgyzstan, Malaysia, Senegal,* Singapore,* Somalia, United Arab Emirates, Vanuatu* and Yemen*: revised draft resolution

56/... Safety of the child in the digital environment

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the relevant international human rights instruments, in particular the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,

Recalling the relevant General Assembly and Human Rights Council resolutions,

Reaffirming resolution 70/1, adopted by the General Assembly on 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, while taking note of the interconnectedness of the Sustainable Development Goals set in the 2030 Agenda and the rights proclaimed in the Convention on the Rights of the Child, and in this regard emphasizing the impact of the digital environment on the rights of the child,

Reaffirming also that the rights of the child are human rights and must be respected, protected and fulfilled, including, inter alia, in the digital environment, and recognizing the immediate and long-term impact that the digital environment has on the physical, psychosocial and mental health of children, as well as on their development,

Reaffirming further that States shall take all necessary measures to fully implement the Convention on the Rights of the Child, including in relation to the digital environment, when applicable,

Reaffirming that the global challenge of the safety of the child in the digital environment requires a global coordinated response, international cooperation and national coordination, and that national efforts will be less effective without international cooperation and coordination, and taking note of the work of the Committee on the Rights of the Child related to the safety of the child in the digital environment,

Recognizing that child protection, including in the digital environment, is a shared responsibility requiring the contribution of all relevant stakeholders, including business enterprises,

* State not a member of the Human Rights Council.



Recognizing also the need to foster a policy of zero tolerance of all forms of violence against children, in particular girls, in the digital environment, in a manner consistent with States' obligations under international human rights law,

Expressing concern that many developing countries still face serious challenges in building their national science, technology and innovation base, in terms of availability, affordability and use of information and communications technology, related to monitoring and implementing legal provisions at the national level for the safety of the child, and that, for persons living in poverty, the promise of science, technology and innovation remains unfulfilled,

Acknowledging that, while the digital environment offers new opportunities for the realization of the rights of the child, it also poses risks of the violation or abuse of those rights,

Expressing concern that the potential risks posed by the digital environment can entail different forms of violence and harm, including cyberbullying and harassment, the promotion of suicide and self-harm, discrimination, racism, xenophobia, the advocacy of national, racial or religious hatred, recruitment into criminal, armed or terrorist groups, trafficking in persons, smuggling, economic exploitation, the marketing of harmful or inappropriate goods and services, such as weapons, drugs or gambling, fraud, identity theft, exposure to addictive and harmful algorithms and design mechanisms, data harvesting and misinformation,

Expressing concern also that the rapid expansion of the Internet globally, with its increasing and instant reach to individuals, has exposed more children to the risk of sexual abuse and to new forms of sexual exploitation, including the proliferation of child pornography, child prostitution, inappropriate contact with children and grooming by unknown adults, the distribution of self-generated content, including "sexting", sexual coercion and sexual extortion, the production and use of deep fakes generated by artificial intelligence and the broadcasting of videos of the sexual abuse of children, including through live streaming,

Underscoring the need to conduct dialogues with a full range of private sector representatives in the different geographical regions, including small and medium-sized companies, national human rights institutions, non-governmental organizations, Indigenous Peoples and educational institutions,

Recalling that, in accordance with their obligations under article 12 of the Convention on the Rights of the Child, States parties should assure to the child who is capable of forming his or her own views the right to express his or her views freely in all matters affecting the child, including those involving the development of policies and practices related to information and communications technology and to the protection from all forms of violence and harm, including child sexual exploitation and abuse, when designing prevention tools and in relation to children's service needs, in accordance with the age and maturity of the child and in a manner consistent with the procedural rules of national law when heard in any judicial and administrative proceedings,

Acknowledging the importance of reviewing, enacting, updating and effectively implementing legislation to protect, promote and ensure the enjoyment of the rights of the child, both offline and online, as well as the importance of making it a criminal offence to, inter alia, procure, access, possess, control, produce, offer, sell, distribute, transmit, broadcast, display, publish or make available any sexual content depicting or featuring children for sexual purposes,

Recognizing that the responsibility to respect the rights of the child extends to private actors and businesses, which should pay particular attention to the accessible design and operation of the digital environment and the safeguarding of the child's safety, protection and privacy from arbitrary or unlawful interference, including but not limited to products and services specifically designed for children or directed towards them, as well as those that are not targeted at children but which may still be used by them,

Expressing its concern over the challenges surrounding the provision of the child's privacy arising from arbitrary or unlawful interference, including with regard to consent to the collection, processing and storage of data or to the reuse, sale or multiple resale of the

personal information of children, as the collection, processing, use, storage and sharing of their personal information, including sensitive data, have increased significantly in the digital age,

Recognizing that girls are often at greater risk of being exposed to and encountering various forms of discrimination and violence, in particular in the digital environment,

Recognizing also the need to empower children with knowledge and skills in the digital environment through the development of their digital literacy and skills, as well as those of their parents or legal guardians, including by empowering children to report and seek help in responding to online threats in adequate ways, as well as raising their awareness of the risks of the misuse of information and communications technology,

Recognizing further the State's responsibility to ensure children's protection and care, including in the digital environment, as is necessary for their well-being, taking into account the rights, responsibilities and duties of their parents, legal guardians or other individuals legally responsible for them, and, to this end, to take all appropriate and legislative and administrative measures,

Recognizing that the family has the primary responsibility for the nurturing and protection of children, in the best interests of the child, including by empowering children in the digital environment, and that children, for the full and harmonious development of their personality, should grow up in a family environment and in an atmosphere of happiness, love and understanding,

Highlighting the responsibility of business enterprises to respect human rights, including, inter alia, the rights of the child, in line with the Guiding Principles on Business and Human Rights, including by implementing human rights due diligence policies and participating in good faith in domestic judicial and non-judicial processes,

1. *Urges* States to adopt and implement legislation, strategies and policies to ensure the protection, promotion and enjoyment of the rights and safety of the child in the digital environment;

2. *Stresses* that it is the responsibility of all business enterprises, including those developing, deploying and using digital technologies, to identify and address the adverse human rights impacts with which they are involved in the digital environment, and acknowledges that child rights impact assessments could be a tool in meeting this responsibility;

3. *Urges* States to provide children whose rights have been violated or abused with access to effective and appropriate judicial and non-judicial remedies, including reparation and guarantees of non-repetition, as appropriate;

4. *Calls upon* States to enact and enforce the necessary legislative, including criminal, or other measures, where necessary, in compliance with States' obligations under international human rights law, in consultation with relevant stakeholders, including the private sector and the media, including digital platforms, to prevent, punish and suppress all forms of violation and abuse of the rights of the child, both offline and online, including the distribution over the Internet of child pornography and other child sexual exploitation and abuse material, ensuring that adequate mechanisms are in place to enable the reporting and removal of such material and that, notably, its creators, distributors and collectors are prosecuted, as appropriate;

5. *Also calls upon* States to urge businesses that have an impact on the enjoyment of children's rights in relation to the digital environment to prevent or mitigate adverse impacts on the rights of the child that are directly linked to their design, operations, products or services and to establish and implement regulatory frameworks and promote industry codes and terms of service that adhere to the highest standards of ethics, privacy and safety in relation to the design, engineering, development, operation, distribution and marketing of their technological products and services and that respect the rights of the child;

6. *Further calls upon* States to work with relevant stakeholders, including the private sector and civil society, to take steps to bridge the digital divide, within and among countries, including the gender digital divide, as part of the efforts to ensure the

empowerment and safety of all children, including those living in rural and remote areas and those with disabilities, including by providing distance learning opportunities, especially in developing countries;

7. *Calls upon* States to engage in multi-stakeholder efforts, including with the private sector and civil society, to help to mitigate the potential risks posed by the digital environment for children, such as through media, digital and civic literacy education, as well as the use of games for such purposes, as complementary measures to enhance children's understanding;

8. *Requests* the Office of the United Nations High Commissioner for Human Rights, to convene five regional workshops, including through hybrid modalities, to assess the risks to the safety of the child in the digital environment and best practices to address these risks in different geographical areas, bearing in mind current and emerging business models, with the participation of civil society, including the private sector, child rights and youth-led non-governmental organizations, educational institutions, family organizations and faith-based organizations, as well as the contribution of children, and also with the participation of the Special Representative of the Secretary-General on Violence against Children, the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children, the Special Rapporteur on violence against women and girls, its causes and consequences, the Special Rapporteur on trafficking in persons, especially women and children, and representatives of the International Telecommunication Union, the United Nations Children's Fund and the United Nations Office on Drugs and Crime, in addition to inviting the Chair of the Committee on the Rights of the Child and representatives of WeProtect Global Alliance;

9. *Also requests* the Office of the High Commissioner to prepare a report containing a summary of those consultations, in an accessible and child-friendly format, which includes recommendations from the different stakeholders for options for a framework on the safety of children, including possible options for the global level, with a coordinated and cooperative multi-stakeholder approach, which involves private entities in particular, and with effective and targeted measures and activities, and to present it to the Human Rights Council, at its sixty-second session, to be followed by an interactive dialogue.
