**Committee of Experts on the Council of Europe Strategy for the Rights of the Child
(DECS - ENF)**
1st meeting

Children and ICTs in the Council of Europe

**Prepared by the Children's Rights Division
Directorate of Human Dignity and Equality**

A.   INTRODUCTION

As a human rights organisation the primary aim of the Council of Europe in the field of new information and communication technologies (ICTs) is to offer an open, inclusive and secure Internet (and other ICTs) to all, including children, while ensuring the protection of their human rights. Through its thematic and transversal strategies the Council of Europe is taking action to protect children in the digital environment, to empower them and to protect them from the violence they may be subject to in all settings. One of the strengths of the organisation is its ability to adopt legal standards, binding as well as non-binding, and Guidelines which support states in putting systems in place which contribute to ensuring the respect for human rights, ensuring democracy and protecting the rule of law.

The Secretariat of the Council of Europe is pleased to take part and to contribute to the reflection of the Committee on the Rights of the Child during its Day of General Discussion. This document provides an overview of the key legal standards, recommendations, guidelines, strategies and good practices in place in the 47 member states of the Council of Europe that are directly linked to the challenges of protecting and empowering children in the age of digital media. It is hoped that these instruments and tools may serve as inspiration and as a basis for the future work of the Committee.

B.   COUNCIL OF EUROPE STRATEGIES

Both the Council of Europe Strategy on the Rights of the Child and the Strategy on Internet Governance attach importance to the protection and the empowerment of children in the Internet. Objectives include:

- securing the right to privacy of citizens, including children, in the new media environment;
- developing criteria for trustmark and labelling systems to enable children and their families to identify suitable online content;
- protecting children against violence, violence in schools including bullying, sexual violence including grooming;
- sharing best practice on secure and age-appropriate spaces for children on the Internet, including the development of age verification systems and access to quality content;
- developing awareness raising activities for parents concerning the protection of children and young people on the Internet.

The Council of Europe Strategy for the Rights of the Child (2012-2015)

Since 2012 the Council of Europe Strategy on the rights of the child for 2012-2015 has been guiding the organisation as a whole as well as its partners in protecting and promoting the rights of the Child. The overarching goal of the Strategy is to achieve effective implementation of existing children's rights standards, which are all anchored in the UN Convention on the Rights of the Child.

The four strategic objectives of the Strategy are:

1. Promoting child-friendly services and systems
2. Eliminating all forms of violence against children
3. Guaranteeing the rights of children in vulnerable situations
4. Promoting child participation

The Council of Europe programme "Building a Europe for and with Children" is responsible for the establishment, co-ordination and consolidation of partnerships to implement the Strategy for the Rights of the Child and it co-operates with the Council of Europe, Information Society, Department regarding media, Internet governance, data protection and cybercrime.

This Strategy, while not having a focused children and internet strategic objective, provides a number of guidelines as to how children should be protected and empowered in the digital age.

During the Mid Term Review Conference of the Strategy, held in Dubrovnik, Croatia, 27-28 March 2014, a sound call for further action to empower children on the Internet was made. With preparations being launched in 2014 for the next Council of Europe Strategy for the Rights of the Child, it is clear that a more focused action in this area is to be expected.

The Council of Europe Internet Governance Strategy (2012-2015)

The Council of Europe Strategy on Internet Governance was adopted on 15 March 2012, which, *inter alia*, aims at enabling children to safely play, learn, communicate and develop within the realm of the Internet.

This strategy contains a number of objectives related to the protection and empowerment of children in the Internet:

"securing the right to privacy of citizens, including children and vulnerable persons, in the new media environment in line with Convention 108, in particular by:

- promoting the development of measures and tools for children and their families to better manage their privacy and personal data and, in this connection, their identity, such as by using pseudonyms on the Internet;

- promoting practices that enable the deletion of content produced by children, including its traces (logs, records and processing) within a reasonably short period of time; and exploring whether this approach may be broadened;

[...]

- developing criteria for trustmark and labelling systems to enable children and their families to identify suitable online content;

- sharing best practice on secure and age-appropriate spaces for children on the Internet, including the development of age verification systems and access to quality content;

- training education professionals regarding the attitudes, skills and knowledge for learners to become responsible users and producers of content based on respect for human rights and human dignity;

- developing awareness raising activities for parents concerning the protection of children and young people on the Internet, in particular by updating and translating into different language versions Council of Europe human rights media literacy materials such as the Compasito Manual on human rights for children, the Internet Literacy Handbook and the Wild Web Woods online game."

B.   COUNCIL OF EUROPE STANDARDS

This chapter provides an overview of the key legal standards guiding the Council of Europe member states in their action on protecting children in the digital age.

Legally-binding instruments

- In the framework of the European Convention of Human Rights (ECHR) ratified by all member states of the Council of Europe, the European Court of Human Rights developed a case-law on ICTs and human rights, in particular in the context of the right to respect for private and family life (Article 8) and freedom of expression (Article 10).

- The European Social Charter, ratified by 43 member states, as interpreted by its monitoring body, the European Committee of Social Rights, guarantees a wide range of rights to children, including the right to education, and the special protection of children against the misuse of ICTs and against exposure to harmful material on ICTs (Articles 7§10 and 17 in particular).

- The Convention on Cybercrime (Budapest Convention) – ratified by 42 states including 6 non-member states - and its Protocol on Xenophobia and Racism committed through computer systems which was ratified by 20 member states – is particularly relevant since it deals specifically with crimes committed by means of ICTs. States parties are required, in particular, to criminalise offences against and through computer systems, to introduce procedural law measures to provide law enforcement with effective means to investigate cybercrime and to cooperate efficiently with each other and provide a framework for international cooperation, including police and judicial cooperation in computer-related cases involving crimes against children.

- The Convention on the protection of children against sexual abuse and sexual exploitation (Lanzarote Convention), ratified by 31 member states, is the first international treaty covering all forms of sexual violence, including that faced by children when using the Internet and other ICTs. In this specific regard, the Lanzarote Convention notably provides that criminal penalties be imposed for online access to child pornography and grooming, i.e. the solicitation of children for sexual purposes through ICTs (Article 23 of the Lanzarote Convention). The Lanzarote Convention is the first international legally binding instrument which includes grooming amongst the offences to be fought by states. The work of the Lanzarote Convention's recently established monitoring body, the Lanzarote Committee, is of clear added value in this area. In particular, the replies provided by Parties to the Convention, to a general questionnaire developed by the Lanzarote Committee, provide information concerning the process of implementation at national level of measures to protect children from sexual violence over the Internet and support victims of such crimes. The first hearing of the Lanzarote Committee in September 2014 will focus on grooming to which children fall victim across Europe and the world. The outcome of the Lanzarote Committee in this area will provide solid recommendations to state Parties on how they can improve their legislation and practice in protecting children against grooming.

The attached study was developed illustrating the need for all states to sign and ratify the Budapest and Lanzarote Conventions which should serve as benchmarks for future legal action:
http://www.coe.int/t/DGHL/cooperation/economiccrime/cybercrime/Documents/Reports-Presentations/2571_Child_benchmark_study_V32_pub_4_Dec12.pdf

- The [Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data](#) ('Convention 108') has the purpose, common core principles and aim to act as a gateway to harmonize national legislations and facilitate the free flow of information. Its strengths are its legally binding force, its universal basic principles, the simple and technologically-neutral language, the cross-cutting scope of application covering public and private sector and its goal to work as a frame for multilateral co-operation.

- The [Convention on Human Rights and Biomedicine](#) (Oviedo Convention), provides core principles for the protection of dignity, identity, integrity and other fundamental rights of everyone with regard to the application of biology and medicine. It includes specific provisions for the protection of persons not able to consent, in particular children. Those provisions, further developed in additional protocols to the Oviedo Convention, are particularly relevant with regard to the technological developments in the field of genetics and their convergence with information technologies.

Non-legally binding instruments

Committee of Ministers

- [Recommendation CM/Rec(2014)6 on a Guide to human rights for Internet users](#): one of the goals of the Guide is to contribute to an equal exercise and protection offline and online of the existing human rights and fundamental freedoms. Regarding specifically children and young people, the Recommendation and the Guide recognize that a child or young person has all the rights and freedoms outlined in the instrument.

- [Recommendation CM/Rec(2012)2 of the Committee of Ministers on participation of children and young people under the age of 18](#): All citizens have the right to participate in the workings of democratic society, and children as full rights holders are no exception. Children's participation means the right of children to be heard and involved in decision making, whether at home, in the general life of the community, on-line, at school or in individual legal and administrative matters that concern them.

- [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 behavior, stressing the need for a balanced approach and shared best practices.

- [Human rights guidelines for Internet Service Providers [pdf]](#): Developed by the Council of Europe in close co-operation with the European Internet Services Providers Association (EuroISPA), these guidelines provide human rights benchmarks for internet service providers (ISPs) giving also practical advice with regard to how to minimise risks for children stemming from illegal and/or harmful content.

- [Human rights guidelines for online games providers [pdf]](#): Developed by the Council of Europe in close co-operation with the Interactive Software Federation of Europe (ISFE), these guidelines provide human rights benchmarks for online games providers and developers. While underlining the primary value of games as tools for expression and communication, they

stress the importance of gamers' safety and their right to privacy and freedom of expression and, in this connection, the importance for the games industry to be aware of the human rights impact that games can have notably on children and young people.

- 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, 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 reinforces the need for appropriate filtering for children and young people regarding content carrying a risk of harm, while expressing that member states shall refrain from Internet filtering for reasons other than laid down in Art. 10 par. 2 of the European Convention on Human Rights.

- Recommendation Rec(2006)12 on empowering children in the new information and communications environment calls on member states for a coherent information literacy and training strategy which is conducive to empowering children and their educators in order for them to make the best possible use of information and communication services and technologies.

- Recommendation CM/Rec(2010)13 on profiling which stresses that the profiling of children may have serious consequences for them throughout their life, even more so as they are unable, on their own behalf, to give their free, specific and informed consent when personal data are collected for profiling purposes.

- Declaration, 20 Feb 2008, on protecting the dignity, security and privacy of children on the Internet: 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.

Parliamentary Assembly

- Recommendation 1882 (2009) The promotion of Internet and online media services appropriate for minors

- Within the organisation, current discussions in this area concern the possible "blocking" or "deletion" of child abuse images on the Internet. There is no common position in Europe in this regard. The Council of Europe does not have a stand. However, in 2011, a Parliamentary Assembly report with a recommendation on "Combating "child abuse images" through committed, transversal and internationally co-ordinated action" was adopted.

Commissioner for Human Rights

- Human Rights' Comment: "Protecting children's rights in the digital world: an ever-growing challenge", 14 April 2014, provides important guidance for states as to which action would need to be determined for the future to provide a safe on-line environment for children.

C. OTHER TOOLS AND CAMPAIGNS

Council of Europe tools

- PESTALOZZI Programme: Training of education professionals for effective use and incorporation of the online media environment in a responsible, critical and beneficial way started an effective cascading process. The courses, lasting over 18 months, focus on the individual professional contexts of education professionals, demonstrating that empowered and responsible users are the best guarantee for democratic governance of the Internet.

- Online game "Through the Wild Web Woods" to help children learn basic Internet safety rules with its "Through the Wild Web Woods" Teachers guide: designed to help 7 to 10 year-olds understand the Internet and acquire the skills to become wise Internet users, to understand the basic concept of human rights, and to learn about their own rights and how to respect the rights of others in an interactive manner. It is also intended to help children to develop sufficient knowledge to be able to protect themselves from violence. Since its launch on-line, more than 4 million children have played the game, had fun and learnt about their rights. The game is currently available in 27 languages.

- CoE Internet Literacy Handbook: Guide for teachers, parents and students which explains how to get the most out of the Internet and how to protect privacy on websites and social networks.

- Young people, well-being and risk on-line, 2006: this study explores the meaning of harmful content to promote coherence in the protection of children and young people in the Information Society. It has become clear that an examination of harmful content alone does not sufficiently address the nature, scope, scale or extent of the risk of harm that may be associated with children's and young people's use of the Internet and new communication services.

- Protecting children against harmful content, 2009: this extensive report promotes a coherent pan-European approach to the protection of minors from harmful content delivered by the new communications technologies.

- Presentation made by the Council of Europe at the Organisation for Economic Co-operation and Development (OECD) "on policy frameworks promoting a safer internet for children" (April 2009) – Council of Europe measures for the protection of children against online sexual exploitation and abuse
http://www.oecd.org/dataoecd/63/54/43511974.pdf

- Human rights education programme with young people: a long term programme of the Council of Europe Youth Department aiming at empowering youth NGOs and networks to promote human rights and preventing human rights violations, including human rights violations online. In this context, the educational/training manuals "COMPASS" and "COMPASITO" serve as basic tools for this programme (and could be used also in schools).
http://www.coe.int/t/dg4/education/edc/default_en.asp
http://eycb.coe.int/compass/

Campaign

- [The Council of Europe ONE in FIVE Campaign](#) to stop sexual violence against children campaign has two main goals: to achieve further signature, ratification and implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse; and to generate public awareness and debates on the need to break the taboos around sexual violence against children, including in the digital environment.

- [Young People Combating Hate Speech Online](#) is a project being run by the Council of Europe's youth sector between 2012 and 2015. It aims to combat racism and discrimination, as expressed online as hate speech, by mobilising young people and youth organisations to recognise and act against such human rights violations. The project is a tribute to youth participation and co-management. It was initiated by the youth representatives in the Joint Council on Youth, the committee which brings together youth leaders of the Advisory Council on Youth and the governmental youth representatives of the European Steering Committee on Youth. The project is therefore being carried out by young people with the support of governmental youth institutions.

D. RECOMMENDATIONS TO THE COMMITTEE

The Secretariat of the Council of Europe submits the following recommendations to the Committee:

The Committee :

- is encouraged to build on existing binding and non-binding instruments and tools of the Council of Europe protecting and empowering children in the digital age;

- could encourage states to accede to the Lanzarote, the Cybercrime and the Data Protection (Convention 108) Conventions, which are all open for accession by non member states of the Council of Europe, thereby generating increased international co-operation and concerted action to protect and empower children;

- should encourage sustainable and structured international and multi-stakeholder co-operation to fight on-line threats to children.

- could promote action to empower educators and parents to accompany and support children in acquiring skills to live in the digital environment;

- encourage states to ensure that all children have access to ICTs, effectively combatting the existing digital divide between children who have effective access to ICTs and children who don't.

- encourage public-private partnerships to promote the use of these technologies to support children's access to information on their rights and to facilitate their participation in the shaping of policies, programmes and services concerning them.

Contact:
e-mail: children@coe.int
Website: www.coe.int/children