

Children's rights and the Digital Futures Commission

By Sonia Livingstone

Both policymakers and businesses operating in the digital environment surely wish to respect children's rights and support children's wellbeing. But what rights are we talking about, and how do they apply in a digital world? In the rush to innovate and compete in a global market, answering these thorny questions so as to design for children's best interests can seem difficult, and attention to children's interests is too often deferred, or left to others.

On 4th February 2021, the UN Committee on the Rights of the Child adopted [General Comment 25](#) on children's rights in relation to the digital environment. On 24th March 2021, it will be published, along with a children's version, explanatory notes and the results of the global children's consultation conducted to inform the drafting. Do join the launch event [by registering here!](#)

The [General Comment](#) provides an authoritative analysis of how the [UN Convention on the Rights of the Child](#) (UNCRC) relates to the digital environment. [This is a game-changer](#) as it explains *why* and *how* States and other duty bearers (including businesses) should act to realize children's rights in a digital world. As with all international human rights frameworks, the UNCRC emphasises that rights are universal, interdependent and must not be ranked. It highlights that rights often tacitly reserved for adults – freedom of expression, assembly, non-discrimination and privacy – equally apply to children. It includes some rights distinctive to children – to be heard, to be treated according to one's evolving capacity and best interests, to protection, information and play, and to develop to one's full potential.



N.Cavallotto

So what will General Comment 25 mean for the Digital Future Commission's [research agenda](#)? There are many answers to this question, but here we'll highlight three steps we have already taken, and more that are underway.

What have we done so far?

- **Participation.** Article 12 of the UNCRC requires that children are consulted in matters that affect them. Hence our very first report, [Children and Young People's Voices](#), reflected on children's views of their experiences with the digital environment, noting their enthusiasm, frustrations, and calls for change. Once our work stream on [Play in a Digital World](#) got underway, we consulted children directly, and we're in the midst of analysing [their views and expectations](#).
- **Best interests. Since putting** children's best interests at the centre of the design of the digital world is our very mission, we wanted to be sure we understand this fundamental principle of the UNCRC (art. 3.1, that "in all actions concerning children... the best interests of the child shall be a primary consideration." We learned of the misconceptions as well as the nuances in applying the "best interests" principle to the digital environment, as explained [in our recent blog post](#).
- **Child Rights Impact Assessment.** In UNCRC [General Comment No. 5](#), the Committee on the Rights of the Child advocates a child rights version of human rights impact assessment, itself leveraging the established method of impact assessment familiar to public and private sector organisations. This tool turns out to have many names but is too little used by stakeholders. So [we delved](#) into its history to grasp its method, [pros and cons](#) and, significantly, [the growing calls for its use](#) early in developing all the digital policies, products and services that impact on children, whether or not children are the intended user.

What's next?

The General Comment recognises the complexity and ever-changing nature of the digital environment in its principled yet practical analysis. It demands that children must be protected and safe online but recognises their civil rights and freedoms too, and directs States to achieve a balance that optimises the best interests of children individually and collectively. It is sensitive to the interdependencies among rights – for example, that access to technology increasingly mediates all rights in our connected world, and that privacy matters more than ever in a heavily datafied society.

In consequence, each of the Digital Futures Commission's three work streams – on [play in a digital world](#), on [beneficial uses of education data](#), and on [guidance for innovators](#) – will be informed by the thinking that underpins the UNCRC and General Comment 25. We will map this for each work stream in future blog posts.

You can read more of our blog posts [here](#), and follow our work by joining our [mailing list](#).

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