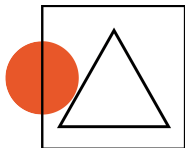


Realising children's rights in the digital age: The role of digital skills

Principle 2: Best interests

Embed children's best interests in product development, design and policy.



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- This principle requires a balancing act across the full spectrum of children's rights as well as the rights of others, also taking into consideration the contexts of use. Consequently, ensuring children's best interests includes giving at least equal consideration to children's wellbeing, growth, development and agency as to businesses' interests.¹
- The significance of the child's best interests is to ensure the full and effective enjoyment of the rights recognised in the UNCRC and the holistic development of the child. Crucially, policy, business or design decisions will not be in the best interests of children if the outcomes of such decisions conflict with children's rights, viewed holistically. Nor can decisions be reached without consulting children and considering their opinions.
- Making children's best interests 'a primary consideration' in the 'provision, regulation, design, management and use of the digital environment' does not mean innovators cannot profit from their investments. But in the search for suitable compromise, authorities and decision makers must weigh up the rights of all those concerned, bearing in mind that the best interests of the child have high priority and are not just one of several considerations.

“I made a Facebook account to try to contact my family, but I was sadly unsuccessful because they ... don't even have internet. I am keeping it in case I can find them one day.” (Sudanese teenager, UK) (26)

“With digital skills we are able to use the internet for our benefit and also to protect ourselves.” (teenager, Portugal) (25)

While a migrant adolescent may be put at risk from exploitative online contacts, it may also represent their lifeline to their family (26). Such an intense situation illustrates the difficult decisions facing those responsible for such children. *General comment No. 25* observes that, 'The best interest of the child is a dynamic concept that requires an assessment appropriate to the specific context... States parties should ensure that, in all actions regarding the provision, regulation, design, management and use of the digital

¹ [UNCRC](#), Article 3(1).

environment, the best interests of every child is a primary consideration' ([UN Committee on the Rights of the Child, 2021](#)). The digital environment increasingly encompasses and provides the infrastructure for most activities in children's and young people's lives – for all society, in fact. This means that it is now vital for the realisation of children's rights, as emphasised by *General comment No. 25*. It also means that the complexities and contingencies that have long shaped children's lives now create not only opportunities but also complications and disagreements in determining what is in children's best interests in a digital world.

As discussed in relation to the principle of equity and diversity, tensions may arise between ensuring equity of outcome without overriding cultural differences or forcing girls and boys into the same digital activities irrespective of different preferences and interests. Another tension arises in the relation between online risks and opportunities, as indicated regarding the EU Kids Online findings (9). These are themselves deepened by ySKILLS findings that **gaining digital skills and literacy increases children's online opportunities**. However, certain dimensions of skills (notably, content creation skills) can also increase the likelihood that **children and young people will encounter risky content online** (12, 13, 17, 19) (see the discussion of the principle of safety, Section 6.8). Indeed, **sophisticated digital skills do not necessarily make for better mental health and wellbeing outcomes, as being skilled internet users can also result in riskier online engagement**, at times breaching young people's abilities to cope (17). As the research with young people facing mental health difficulties further reveals, young people might find themselves in unhelpful communities or problematic online spaces, yet their efforts to leave can be experienced as a betrayal of that community, adding to the isolation of both those who leave and those who relied on their community participation. In short, in such circumstances **identifying what is in everyone's best interests is difficult** (17).

The UN Committee on the Rights of the Child has provided authoritative guidance on enacting Article 3(1) of the UNCRC in the form of *General comment No. 14*, making it clear that consultation with children (see the next principle) is a requirement in making best interests decisions, whether for an individual child or for children collectively. Also, it is a requirement to ground decisions in the best available evidence, as we seek to identify in this report. Ultimately, questions of balance and best interests require a broad view. For instance, ySKILLS research found that children and young people found it easier to discuss negative than positive dimensions of their digital engagement, perhaps due to their exposure to numerous awareness-raising and educational efforts that tend to prioritise online safety initiatives over comprehensive efforts to foster media and digital literacy (13). In this instance, we can recognise that while awareness-raising efforts are well intentioned, **an unintended result is that children have become fearful of and cautious regarding the internet, more aware of the risks than of the potential benefits**. This might make them worried about exploring, experimenting or following their enthusiasms online ([Livingstone & Pothong, 2021a](#)).

Translating the Committee's guidance in relation to the digital environment is challenging, given that digital providers do not always know when users are children. Nor is it straightforward to design products and services that treat children according to their particular needs and circumstances, especially without unwarranted collection of personal data that risks children's privacy. This poses a particular challenge for the principle of 'age appropriate' – intended to respect children's evolving capacity. However, **a holistic approach remains a priority if children's best interests are to be respected**. The task for child rights advocates is eased by evidence of positive synergies across children's rights in relation to the digital environment. For example, the findings shows that the breadth of online activities children engage in is a significant predictor of digital skills. Feeling safe on the internet was likewise a positive predictor, and when all other variables are held constant, adolescents who are more invested in online activities or those feeling safe on the internet tend to have better digital skills. In other words, the more children feel safe online, the better knowledge and understanding of the internet they gain, thereby supporting their acquisition of digital skills (19). Hence, **the best interests of children require a balanced approach that enables the development of synergies across children's rights in relation to the digital environment**.

Additional data

EU Kids Online findings for 9- to 16-year-olds in 19 countries showed that:

- The more children that experience online opportunities, the more they also encounter online risks in that country. However, the association is fairly weak, and it seems that in some countries, children enjoy more opportunities without a commensurate increase in risks. Meanwhile, in other countries, the balance is tipped towards the risks without also benefiting from more opportunities.
- In short, national factors (e.g., policies and practices among others) seem to make a difference to the balance of risks and opportunities that the internet affords to children, and there is considerable scope to serve children's best interests better.