
31. Children vs adults: negotiating UNCRC General comment No. 25 on children's rights in the digital environment

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INTRODUCTION

In its 2022 report to the UN General Assembly, the UN Committee on the Rights of the Child noted that 'more children and adolescents are taking into their hands the promotion and protection of all human rights' (2022, p. 5), but there remain 'alarming trends with regard to sexual abuse and sexual exploitation through the use of information and communications technology, including the use of real-time video streaming of sexual abuse'. It highlighted states' obligations and the responsibilities of business, as set out in General comment No. 25 (UN Committee on the Rights of the Child, 2021), including not only child protection but also 'the provision of unbiased and equitable access to digital services', digital literacy education and a range of regulatory mechanisms and proportionate remedies for infringements of children's rights in relation to the digital environment. While recognition of the digital environment is significant for the literature on children's rights, these developments also have implications for media and communications governance, specifically internet governance. Hence, as a contribution to the socio-legal literature on internet governance and human rights, this chapter tells the story of drafting General comment No. 25 (GC25), the instrument by which the UN Convention on the Rights of the Child (UNCRC, 1989) is applied to the digital environment.

Since children comprise both one in three people in the world and one in three internet users (Livingstone et al., 2016), and now that digital technologies impact even the lives of children without internet access, for instance, through digital birth registration or automated processing that determines health provision, these implications are substantial and multiple. GC25 addresses all governments. Also in the frame are not only all 'companies targeting children but all companies that may have child users or whose digital platforms impact on children', as UNICEF urged in the public consultation on the draft text, since businesses are also duty bearers for children's rights (see the UN Guiding Principles on Human Rights and Business, UN, 2011).

However, realising children's rights in relation to the digital environment is regarded as difficult by policymakers and expensive by businesses, with concerns being expressed regarding 'special pleading' and fears that the result would be an excessively regulated, even 'childish' internet for all. Possibly for such reasons, we have heard internet governance experts apologetically deferring attention to children to other spaces or future times, generally unspecified. Or they express the view that children's digital lives are a matter for parents rather than policymakers, notwithstanding that this is a false binary – for a child rights approach it is clear that both parents/caregivers and government have a role to play, according to the severity of

the threat to child rights posed by digital technologies and the particular circumstances of the child.

Recent years have seen growing attention to concerning statistics, victim stories, parental struggles and civil society advocacy for children's rights among the other human rights fighting for a place on the internet governance agenda. These, in turn, are stimulating growing representation by and on behalf of children at the annual global Internet Governance Forum (notably through the Dynamic Coalition on Children's Rights in the Digital Environment), and more measurement of children's digital access and safety (Livingstone et al., 2022) and efforts to promote child online protection by the International Telecommunications Union (n.d.), among public statements on child rights and internet governance from other UN agencies and special rapporteurs and representatives. A host of transnational multistakeholder initiatives – for example, WeProtect Global Alliance, UNICEF and ECPAT International – now seek to prevent child online sexual abuse and exploitation, the trade in child sexual abuse material, child trafficking, extremist recruitment, unfair datafication and commercial exploitation, including by calling for a high-level authoritative directive to states to realise children's rights in a digital world (Lievens et al., 2018; Third, Livingstone et al., 2019; UNICEF, 2017).

Yet the driver for many national and international efforts in relation to children's rights and digital technologies is the determination to mitigate threats to children's safety and welfare more than to promote children's civil rights and freedoms – their rights to freedom of expression, freedom of thought, association and assembly, and information, along with their other UNCRC rights to education and fullest development, to culture, play and rest, to privacy, identity, health and family life. Rather than concurring with those who Platt (2009) would call the 'child savers', believing that keeping children safe online fulfils the obligation to secure children's rights, in this chapter we set out an approach that does not privilege protection at the expense of children's other rights. Instead, noting that, in human rights frameworks, there can be no ranking of rights, for rights are indivisible, inalienable and interdependent, we present a mechanism for realising the full range of children's rights in relation to the digital environment.

AN INVITATION FROM THE UN COMMITTEE ON THE RIGHTS OF THE CHILD

The UNCRC is monitored internationally by the Committee on the Rights of the Child (the Committee). Its 18 members are elected by states that have ratified the UNCRC, to scrutinise progress made by states in implementing it and recommend measures to strengthen compliance, including by producing 'general comments'. General comments are the means by which 'the Committee makes recommendations on any issue relating to children to which it believes the State parties should devote more attention' (UN Committee on the Rights of the Child, n.d.-a). As authoritative documents of global application, they 'should be considered the Committee's jurisprudence' (Khazova, 2021, p. 7) regarding particular rights, such as health, or particular groups, such as children with disabilities or adolescents, or particular issues, such as business or, indeed, the digital environment.

GC25 originated in 2014 when the Committee held a Day of General Discussion on Children and Digital Media (UN Committee on the Rights of the Child, 2014). After meeting at this event, the first two authors decided to publish a special issue of *New Media & Society*

to deepen the intellectual agenda for children's and young people's rights in the digital age (Livingstone & Third, 2017). They then joined forces with the third author when invited by the Children's Commissioner for England to prepare a case for the Committee for a new general comment. Informed by detailed interviews with experts from UN agencies and international NGOs, as well as critically reviewing the available cross-national evidence (Kardefelt Winther et al., 2019; UNICEF, 2017), the case argued that attention to children's rights in relation to the digital environment was both vital and urgent (Livingstone et al., 2017).

Recognising that the UNCRC, drafted before the invention of the World Wide Web in 1989 and adopted that same year, needs reinterpretation in the context of digital innovation, the Committee accepted the case. A core team, coordinated and funded by 5Rights Foundation, proposed a methodology and began several years' collaboration with the Committee's working group, chaired by Olga Khazova and Amal Al-Dossari. The Committee formally adopted GC25 on 04 February, 2021.

In this chapter, we reflect on our experience as members of this team. The first two authors are academic researchers, and the third is an international children's rights consultant who led the drafting of three previous general comments. The other members were Beeban Kidron from the UK House of Lords and Chair of 5Rights Foundation, and Jutta Croll, Chair of the Board of Stiftung Digitale Chancen. Inspired by prior accounts of the process of producing human rights instruments (for example, Holzscheiter, 2010; Lansdown, 2014), and benefiting from many discussions with child rights and digital experts, we discuss some of the challenges, and the rich debate and complex tensions that surfaced through the multistakeholder collaborative process by which GC25 was produced. This included how children themselves held the Committee, the drafting team, and the adult stakeholders involved to account in ways that are unusual in the field of internet governance.

A DEMANDING PROCESS OF PUBLIC CONSULTATION

The production of general comments always follows a broadly similar process but each case varies in detail. One significant factor distinguishing this general comment from others was that, by the Committee's admission, the digital environment is a technical and fast-changing phenomenon in relation to which the members lacked the necessary knowledge and expertise. Hence, while tightly stewarded by the Committee, who reviewed and revised all drafts, the production of GC25 mobilised a genuinely international, intergenerational and multistakeholder community.

First, a *concept note* was published for public consultation in March 2019, receiving 136 submissions – from 29 states, five regional organisations and UN agencies, seven national human rights institutions, five children's and adolescent groups and 90 other stakeholder bodies – representing six UN regions, although with no submission from North America (note that Canada responded to the full draft consultation, see below).

Second, the Young and Resilient Research Centre at Western Sydney University led an international *consultation with children* in which child-facing organisations held five-hour creative, data generation workshops with 709 children and young people aged 9 to 22 years old in 27 countries primarily in the Global South (Third & Moody, 2021).

Third, in October 2019, once the results of the two preceding consultation phases had been analysed, 5Rights Foundation convened a meeting in London of 50 *international experts* from

across government, civil society and industry to tease out the more complex and challenging issues in the ‘zero draft’ over two days.

Fourth, a *full draft* was published for public consultation in August 2020, receiving 142 submissions from six UN regions – from 28 states, eight regional organisations and UN agencies, six national human rights institutions, one children’s and adolescent group, and 99 other stakeholder bodies. This unusually large number of submissions from governments, human rights institutions, private sector, academics, NGOs, INGOs and UN agencies generated a wealth of insights and evidence for the drafting team (for an indicative overview of the available evidence, see UNICEF, 2017). To ensure accountability, a spreadsheet mapped the 142 submissions onto the 129 paragraphs of the full draft to document all the contributions and the drafting team’s response to each point.

Unusual in internet governance circles was the inclusion of children in this process, even though the UNCRC stipulates children have the right to be heard on matters that affect them (art. 12). This right is important, including in relation to internet governance because, among the many powerful constituencies lobbying for their interests, children are structurally disadvantaged, both depending on adults to represent them or enable their representation and, because of their vulnerability, distinctively dependent on policy provisions. Although by ratifying the UNCRC, states commit to consulting children in national and international processes, not only is this commitment insufficiently translated into practice but, given the importance of Silicon Valley companies, it matters for internet governance especially that the USA has not ratified the UNCRC – the only state globally not to have done so. Combined with the widespread if tacit view that consulting children is difficult, expensive or inconvenient, the result is that children’s contributions go unheard in media and communications governance. Or, if they are included, the tendency is to privilege ‘the usual suspects’ (Banaji & Buckingham, 2013) rather than those with diverse and/or marginalised experiences.

The GC25 children’s consultation aimed to work with diverse children from around the world, and to facilitate ‘a dialogic process in which adults play a key role in interpreting and activating children’s contributions in policy and practice settings’ (Third et al., 2020, p. 175). With workshops held in low-, middle- and high-income countries in Africa, Asia-Pacific, Latin America and Eastern and Western Europe, the consultation included children from minority groups, children living with disabilities, migrants, refugees or children on the move, children in street situations, children in conflict with the law, and children from rural or low socioeconomic contexts, also making provision to hear about the experiences of girls and boys separately. For the drafting team, the children’s consultations were a constant reference point in the multiple rounds of drafting and revisions. We marked up versions of the draft highlighting how we had responded to needs, concerns, hopes and aspirations children had raised; debated what children had said, especially when their opinions were divided; or surfaced the detail of children’s perspectives on issues with which the drafting team grappled.

RECOGNISING THE FULL RANGE OF CHILDREN’S RIGHTS, INCLUDING AND BEYOND PROTECTION

For the Committee, children’s participation rights are fundamental to the exercise of all their other rights – in short, a child rights approach demands ‘a broader vision of protection as the positive promotion of dignity, optimal development and well-being’ (Lansdown, 2020, p. 5).

As Khazova (2021, p. 3) observes, ‘it remains a challenge to accept that children’s evolving capacities and immaturity should not be interpreted as an excuse for restricting children’s autonomy and self-expression’. For GC25, the starting point was the recognition that meaningful access to the digital environment affords children an extraordinary potential for education, culture and the arts, friendship, information, civic engagement, networking and beyond. In the consultations, children from every region in the world themselves affirmed its centrality in their lives (Third & Moody, 2021).

Nonetheless, the tension between participation and protection surfaced throughout the drafting of GC25, generating lively debate and handwringing in equal proportion, no matter that the Committee was resolute that this is a false binary. In relation to the digital environment, the mutually reinforcing nature of protection and participation means that creating a safe environment for children online, including content moderation, age ratings, data protection, advertising codes and other safety measures, facilitates children’s opportunities to access valuable online resources, for instance. Conversely, protective legislation, policies and professional codes of conduct are not sufficient to keep children safe if they are also not educated to recognise potentially abusive situations or take appropriate action to minimise risks and are not consulted in the design and development of those provisions (Lansdown, 2020).

The children’s consultation made it clear that children want to engage in digital spaces without fear of undue criticism, harassment, discrimination or aggression so they can express themselves, advocate on issues they care about, assert their identities and actively participate online. However, they fear that, by using technology to speak out on issues they care about, they may encounter discrimination or risks to their safety. Children were also concerned that adults often do not respect their right to participate online, saying that even their parents or caregivers would dismiss or denigrate their online expression. Further, while children are passionately keen to be part of the digital world, they are greatly frustrated by faults in its design and policies. They therefore call on states, the private sector and civil society to do more to ensure that children can participate online without fear of serious harm, concurring with the rights-based approach, which sees protection and participation as mutually reinforcing rather than in conflict.

But how can this be managed? Traditionally, children have lived in the world alongside adults while also, particularly in high-income countries, enjoying resources demarcated to meet their particular needs – schools, children’s libraries, parks and playgrounds, dedicated children’s media, and so forth. The provision and regulation of these dedicated spaces rests on a set of assumptions as to children’s best interests and their evolving capacities – but so does the provision and regulation of those wider spaces inhabited by anyone and everyone, including children, albeit in different ways. These assumptions have evolved over generations and are embedded in culturally specific contexts in ways understood by and meaningful for diverse populations. The challenge is to configure norms for differentiated spaces of action within a seemingly borderless online environment accessible globally and used by billions of users. While GC25 includes multiple insights and recommendations for how children’s rights can be realised, the next two sections focus on the application in a digital world of two concepts important to the realisation of children’s rights: children’s evolving capacities and their best interests. As should be clear, we intend these reflections to apply not only to digital spaces designed for children but also to children’s inclusion in the wider digital world.

CHILDREN AND THEIR ‘EVOLVING CAPACITIES’

In the children’s consultation, children were clear that, as they grow, they require different kinds of support to address the risks of harm they encounter and to assume greater levels of autonomy in their exploration of the digital environment. By introducing the concept of the evolving capacities of the child, article 5 of the UNCRC recognises children’s gradual acquisition of skills, competence and knowledge as they transition through childhood. And accordingly, GC25 para 19 requires states to ‘respect the evolving capacities of the child as an enabling principle that addresses the process of their gradual acquisition of competencies, understanding and agency’, recognising that ‘that process has particular significance in the digital environment, where children can engage more independently from supervision by parents and caregivers’. This counters the libertarian view that eschews any role for the state and holds parents entirely responsible for children’s welfare online (and offline).

Strong support was expressed in consultation responses across diverse stakeholder groups that, to address the different needs of children at different ages, the state must prioritise support for parents and caregivers through guidance and awareness-raising in relation to the digital environment. And it must exercise a duty of care where parents cannot or do not ensure an age-appropriate and rights-respecting experience for their children or for those children who are at risk from their parents, both circumstances that are in some ways exacerbated by digital technologies (Livingstone & Byrne, 2018). The role of parents remains controversial, however. The USA is the only state not to have ratified the UNCRC, in part because the USA prioritises parental rights over children’s rights (Bartholet, 2011; Woodhouse, 2010), contra the UNCRC assertion that ‘the child is no longer reduced to an object of law and of parental authority. Parental rights are not self-serving, but rather granted in the interest of the child’ (Kaesling, 2021, p. 185). In other parts of the world, too, parental authority is near-sacrosanct, and the role of the state is to support parents, as many consultation responses on the full draft commented (notably Mexico, Poland and the UK). This was put most strongly by Saudi Arabia in commenting on the child’s right to freedom of thought, conscience and religion:

We think it is important to refer to respecting the rights and duties of parents and legal guardians in guiding the child in the exercise of this right in a way that consists with the child’s advanced capacities, according to Article 5 of the Child Rights Conventions.

Other countries contested this prioritisation, however, echoing long-standing struggles within the child rights community now playing out in relation to the new challenges posed by the digital environment. For example, Finland wrote about protecting children from commercial advertising:

The Government wishes to note that a clarifying sentence about the importance of children’s consent for processing data (when applicable) might be good to avoid the impression that parental consent is the only thing that matters.

While the role played by parents vis-à-vis the state will always require attention, and perhaps will always be contested, it is particularly challenging to build an age-appropriate digital environment for children’s evolving capacities as they move through childhood, increasingly participating in a world with adults rather than sequestered from them and yet still requiring protection from technology’s potential harms. These challenges are all the greater in the digital

than the physical environment because the former's infrastructure and core services are largely commercial, meaning that the state's sphere of action in protecting children's rights is indirect. Following the logic of the UN Guiding Principles on Human Rights and Business (UN, 2011), GC25 therefore urges that 'States parties should ensure that digital service providers offer services that are appropriate for children's evolving capacities'. But whether and how services can be made age-appropriate in practice represents a further challenge.

Traditionally, states have used age as the mechanism for creating access thresholds, albeit inconsistently. However, age is a crude indicator of capacity since, at any given age, a range of individual, social and cultural factors affect children's ability to make informed choices (Lansdown, 2005). A long history of age ratings and age classification has sought to regulate the access of children of different ages to television, advertising, films, computer games and other media, often ineffectively (Livingstone et al., 2018). It is proving difficult to extend such measures to the digital media content now available to all, not least because users' age, capacity and circumstances are generally unknown to those who provide services for them. Even regulation to prevent children's access to pornography online is controversial, raising issues of principle concerning freedom of expression as well as practical issues of age determination. Self-declared age is an inadequate mechanism, widely flouted. Yet the alternatives – some form of age verification or age estimation, possibly linked to official systems of digital identity or biometric indicators such as facial recognition – raise privacy concerns. Parental consent mechanisms are also difficult to implement, for it is near-impossible to establish who is the parent of a child without collecting sensitive personal information.

The difficulties are also political. Responding to a recommendation in the draft text that 'States should require digital providers to offer or make available services to children appropriate for their evolving capacities', Finland argued in its consultation response that 'Digital providers have the freedom to build their own services. This can be recommended but not required'; and Israel argued similarly. Despite this view that businesses should be free from state interference, the final text strengthened rather than weakened this demand on states vis-à-vis business, recognising the importance of evolving capacity in the UNCRC. But while some digital services choose to offer differentiated versions of their service according to the age of their user, it remains controversial that they should do so in response to legislation. A more popular choice is to offer end-user tools for parents to protect their children, on the grounds that parents know their child's age and capacity best. Although GC25 urges that states provide guidance for parents, it remains the case that parental mediation of children's internet use is uneven, arguably unequal, and it is contested whether it is effective or respectful of children's rights (Third, Collin, et al., 2019).

WEIGHING AND BALANCING RIGHTS IN CHILDREN'S BEST INTERESTS

Article 3(1) of the UNCRC demands of states that, in all actions affecting children, their best interests must be a *primary* consideration. The concept of best interests may appear straightforward but there are some complexities. For instance, article 3 applies both to the individual child (where, in relation to adoption, for instance, the child's best interests must be paramount) and to children as a constituency (although here, it is recognised, there may be competing interests). Further, while it applies to the state, insofar as states must ensure businesses respect

children's rights, they may be expected to regulate the tech industry in ways that consider children's best interests. As General comment No. 14 (para 26) explains, this is especially important when businesses impact on children's economic, social and cultural rights or their civil rights and freedoms (including birth registration and protection against violence). Determining what is in children's best interests is complex. While traditionally, this has relied on parental or professional judgment, the results have sometimes been flawed, with damaging long-term consequences – as with, for example, the placement of hundreds of thousands of children with disabilities in large residential homes.

Notwithstanding these difficulties, in relation to the digital environment, respecting children's best interests seems to be emerging internationally as a way of weighing and balancing rights (Livingstone et al., 2024). Notably, the best interests of the child are referenced in the UK data protection regime via the legally binding Age Appropriate Design Code, triggering a range of improvements from social media platforms in their treatment of children's data (5Rights Foundation, 2022). But the very complexity of the concept allows scope for evasion, with companies seemingly picking and choosing which changes to make. For example, Meta recently developed its 'best interests' framework, citing the UNCRC while merely packaging old policies in new wrapping (Montgomery & Koros, n.d.). For example, although an accepted interpretation in child rights circles is that a child's best interests should trump the commercial exploitation of their data via profiling for advertising purposes, this is not evident in Meta's framework, which instead highlights the provision of new parental control tools.

Concerning best interests, the smallest words matter. The draft text specified, 'When making decisions relating to the regulation of the digital environment, States shall (...) apply the best interests of the child as *the determining principle*' [emphasis added]. Australia and Canada objected that this phrasing goes beyond that of the UNCRC art. 3(1), and the final phrase included in GC25 exactly matches the language of the Convention:

States parties should ensure that, in all actions regarding the provision, regulation, design, management and use of the digital environment, the best interests of every child is a *primary consideration*. (para 12, emphasis added)

The challenge, of course, is how to decide what other considerations might compete with or even overrule children's best interests. The draft text gives a clue about the Committee's thinking:

When making decisions relating to the regulation of the digital environment, States shall consider the nature, scale and prevalence of potential harms and violations of children's rights in such environments, *contrasted with assumed interests and rights of others*, and shall apply the best interests of the child as the determining principle. (para 14, emphasis added)

These 'assumed interests and rights of others' feared to threaten children's safety online were not further specified but likely included the actions of certain states, the freedom of expression rights of the general (adult) public, and the commercial interests of businesses, all of which are, arguably, newly empowered in one way or another by the advent of digital technologies. These interests are of different kinds and require different kinds of resolution: it is one thing when the protection of children in the digital environment appears to conflict with the realisation of adults' right to freedom of expression (Third, Livingstone & Lansdown, 2019), but a different thing when businesses prioritise profit over children's best interests. However,

the Committee (2013, para 37) has been clear that ‘primary’ sets a significant threshold that should not be downplayed: ‘the child’s best interests may not be considered on the same level as all other considerations. This strong position is justified by the special situation of the child: dependency, maturity, legal status and often voicelessness’.

General comment No. 14 identifies best interests as a general principle in the Convention designed to ensure the effective realisation of all children’s rights (CRC General comment No.14, CRC/C/GC/14, para 1). It also sets out a practical framework and accountable mechanism for weighing children’s best interests, including when evaluating the implications for children’s rights of a new policy, service or decision. Accordingly, GC25 requires states should ‘ensure transparency in the assessment of the best interests of the child and the criteria that have been applied’, despite Canada’s concern that this could prove ‘onerous’ for states. Such measures are designed to ensure that the concept’s application goes beyond a rather woolly sense of what adults consider best for children. Yet, beyond specialist child rights circles, this guidance seems to be little known, especially among internet governance and the policies of technology companies, where child rights and welfare expertise is sparse.

Finally, all children capable of forming a view have a right to be consulted or involved in decisions when determining their best interests. In other words, such decisions should not be made without serious engagement with children as users, with subsequent actions taking into account the experiences, concerns and recommendations they articulate. By thus emphasising the importance of article 12 (the right to be heard) to the best interests principle, the Committee tries to ensure that adult views do not usurp their power in overriding children’s views.

REFLECTIONS ON THE GC25 TEXT

How did the text of GC25 turn out? The structure follows that of recent general comments by foregrounding the four cross-cutting general principles of the UNCRC: art. 2, non-discrimination; art. 3(1), best interests of the child; art. 6, right to life, survival and development; and art. 12, respect for the views of the child. It then addresses the general measures of implementation by states parties, followed by attention to the UNCRC rights grouped according to the Committee’s guidelines for states’ formal obligation to report to the Committee every five years (UN Committee on the Rights of the Child, n.d.-b).

Unusually, the text includes direct quotations from the global children’s consultation. Perhaps oddly for a committee dedicated to child participation, this decision was somewhat controversial because a general comment represents the voice of the Committee. However, the inclusion of even a small number of quotations from children in the introduction of the document was welcomed in the public consultation by child rights organisations (e.g. Child Rights Coalition Asia), although they asserted the need to equally represent children living in the Global North and South (e.g. End Violence Partnership).

Beyond these quotations, the text includes many insights from the children’s consultation, and the points they raised were carefully weighed, even when in some ways conflicting with input from other (adult) stakeholders. For example, children who participated in consultations urgently called for better access to high-quality health information, particularly about taboo topics in their communities, such as mental health and sexual and reproductive health (Third et al., 2021). Although commentators from diverse national and cultural contexts preferred

that they should be protected from such information because it might threaten their normative identity development, the final text supports the children's calls (see para. 94).

The text also opens with a definition of the digital environment. In the academic literature, definitions of 'the digital' range from the highly technical to the too-specific and quickly outdated; or, the need for definitions is skipped entirely as seemingly obvious, although, in the world of child rights at least, the nature of the digital is far from obvious. Across various drafts of GC25, this paragraph appeared or disappeared in turns. Our original case for a general comment (Livingstone et al., 2017) devoted nearly 1000 words to explaining to the Committee the nature of digital media (as we then termed it, echoing the language of the 2014 Day of General Discussion). And many more words explained why it matters.

By March 2019, as the Committee prepared to consult on its concept note, the nature and the importance of the digital environment could perhaps be assumed, for no definition was provided. A definition was added to the full draft, which sought to recognise the 'continually evolving and expanding' nature of the digital before adding a list of technologies whose primary purpose was to be sufficiently inclusive and to make clear that, beyond a mix of devices, apps and connectivity, the digital environment also includes global systems, networked infrastructures, the data ecology and more. This received few comments in the public consultation on the draft text, so presumably it met with satisfaction.

The final version emphasises socio-technical change in an effort to future-proof a text that addresses continually innovating phenomena:

The digital environment is constantly evolving and expanding, encompassing information and communications technologies, including digital networks, content, services and applications, connected devices and environments, virtual and augmented reality, artificial intelligence, robotics, automated systems, algorithms and data analytics, biometrics and implant technology. (GC25, para 2)

A footnote was added to a terminology glossary developed late in the day (including terms such as automated processing, content moderation, immersive advertising, virtual and augmented reality); this hints at the tensions in explicating an expert domain for a broad audience of policymakers – and it is no accident that GC25 includes professionals and policymakers among the groups for whom training in the digital environment and children's rights is recommended.

As the drafting team, we fully supported the Committee's insistence that children's rights in relation to the digital environment should be recognised holistically. Children's civil rights and freedoms – which are one key feature that distinguishes the UNCRC from antecedent child rights instruments (Freeman, 1994, p. 318) – were represented in the text before their vulnerabilities and rights to protection from violence and exploitation, not because the latter are secondary but to ensure the former are not overlooked. The effort to correct the over-emphasis on protection in relation to the digital environment (Third, Collin et al., 2019) and thus to be even-handed vis-à-vis protection and participation was applied not only to the sequencing of the overall text but also within paragraphs.

As a model of good practice more familiar in child rights than internet governance circles, the text was produced in multiple forms in addition to the official UN text: a children's version of the text, a video of the text spoken by children, and a poster for schools, each in all official UN languages.

IMPACTING CHILDREN'S RIGHTS IN A DIGITAL WORLD

Reflecting on the impact of the UNCRC over the last 30 years, Committee member Olga Khazova concludes that it has 'informed the perception of the child as an autonomous rights-holder and brought tremendous changes in understanding the part that children should play in society' (Khazova, 2021, p. 3). We are similarly optimistic about the impact of GC25. However, our optimism is tempered by the pragmatism that led the Chairpersons of the Committee on the Rights of the Child (2006–2021) (2022, p. v) collectively to observe that:

Thirty years after the adoption of the CRC by the UN General Assembly, children's rights continue to be violated routinely and repeatedly in countries throughout the world. There is an urgent and pressing need for tools that can facilitate a better understanding of legislative and policy development in support of different rights of children and the implementation and monitoring of these structures vis-à-vis the child outcomes.

Indeed, an initial premise for GC25 was that children are largely invisible in academic and policy discussions regarding internet governance and, even when visible, they are regarded benevolently as an exceptional or edge case needing protection rather than rights-holders. Not only are they accorded little agency unless as the focus of blame (e.g. for cyberbullying), but there has been little interest in the part that children could and should play in a digital society. However, post-GC25, there are modest signs things are improving.

International NGOs and intergovernmental organisations gave GC25 its warmest welcome. On publication in early 2021, it was promptly recognised by End Violence Against Children, the International Telecommunications Association (ITU), World Childhood Foundation, World Health Organisation, UNESCO, ECPAT International (the Global Partnership to End Violence Against Children), the OECD and the WeProtect Global Alliance, as well as a range of national and regional organisations, such as the Council of Europe and the European Commission.

Such recognition can help change the discourse and reset priorities in both child rights and internet governance circles. By comparison with some general comments (such as that on play, a topic of broad interest but without obvious champions or advocates in national or international policymaking), it appears to us that some stakeholders were hungry for authoritative guidance on child rights and the digital environment, both because the topic is the focus of media scares and scandals and because powerful platforms are being publicly held to account for their responsibilities to human rights, including children's wellbeing. So, as a call to action, an authoritative point of reference, an agreed language for deliberation and high-level recommended actions, GC25 is proving useful.

However, looking beyond geopolitical issues to sectoral ones, it is concerning that only seven of the 136 responses to the concept note came from the business sector. Business was even more notably absent from the public consultation on the full draft. However, there are intriguing signs that the language and instruments of human rights – such as child rights due diligence and impact assessments – are finding their way into the policies and actions of certain digital businesses (Livingstone & Pothong, in press).

Moreover, for GC25, as for the UNCRC, 'there is no precise, clear answer to the question of how to ensure [its] wider implementation (...). It is a multi-faceted undertaking, consisting of different activities, actions, and strategies, that involves a variety of actors and close cooperation between them' (Khazova, 2021, p. 4). Measuring the successful implementation

of a general comment in policy and practice is challenging. There is no consistent baseline from which to monitor and evaluate change. It is also hard to attribute the direct impact of the general comment compared with multiple other factors. Efforts are now needed to begin tracking change by adopting a set of structural, process and outcome indicators (OHCHR, 2012).

Structural indicators would measure the changes in or introduction of legislation, regulatory frameworks, policies and guidelines to strengthen all children's access to and protection within the digital environment. Process indicators would measure evidence of the efforts to implement those provisions, including training, awareness-raising and adoption by specific industries. Outcome indicators would measure the actual changes that have taken place in, for example, access and usage by more marginalised children, children's experience of feeling safe online, numbers of children being cyberbullied and levels of civic engagement by children. Across all these indicator domains, criteria for success need to be developed in partnership with diverse children, because it is by centring the experiences of children in our mechanisms for measuring impact that we may ensure we can continue to impact their everyday experiences of their rights (Third et al., 2020).

None of this is easy and will necessarily require investment of time, resources and effort over many years (Morton et al., 2019). Moreover, the priorities will inevitably vary depending on the country context. However, if states are willing to engage in a wide-ranging collaborative process, including the involvement of children, then that process itself can be informative, educational and transforming. And if they would attend to children (for instance, through mainstreaming children's rights and conducting Child Rights Impact Assessments) within their wider review of the many legislative and policy changes necessitated by digital innovation, genuine improvements would ensue.

Certainly, the Committee is ready for action. In its session of May–June 2022, it formally considered state reports from 12 countries, citing GC25 in its 'concluding observations' for half of them – for example, calling on Cambodia to develop legislation, regulation and policies to better protect children's rights, privacy and safety in the digital environment and to enhance their digital literacy (UN Committee on the Rights of the Child, n.d.-b). It made similar points also to Iceland and Croatia, adding for the latter detailed guidance on how to protect children from all forms of violence. Cuba, too, was instructed to follow GC25 because of 'the exponential increase in Internet access and the greater Internet usage during the pandemic', and protect children from harmful content 'without limiting their access to a variety of age-appropriate information, including that related to sexual and reproductive health', as well as enhancing the digital literacy and skills of children and the professionals who work with them and ensuring children's access to diverse national and international sources of information. The expectation is that when the Committee next reviews these countries in five or so years, they will report on progress in actioning these recommendations.

GC25 clearly asserts that children's rights apply online as they do offline. In so doing, it demarcates a clear and pressing task for internet governance; that of securing the full range of children's provision, protection and participation rights as they play out in and in relation to the digital environment. Insofar as the internet 'has been largely conceived, implicitly or explicitly, as an adult resource in terms of provision, regulation and ideology' (Livingstone & Third, 2017, p. 658), then GC25 proclaims that the needs, aspirations and entitlements of one third of all internet users can no longer be ignored. An expansive vision drives GC25, and it encompasses multiple dimensions of life from the localised settings of school, community and family life to global decision-making forums.

A key challenge in realising the vision of GC25 is to overcome the momentum of adultist ways of imagining and acting upon the digital environment – ways that ‘have historically been dominated by adults and adult points of view’ (Wall, 2019, p. 4). Key players across institutions, systems, platforms and processes will need to commit to GC25; steadfastly make room for, listen and respond to, and work in partnership with children across the globe to activate it; and remain vigilant that GC25’s implementation over the coming decades delivers on the vision of an internet that respects, protects and fulfils the full range of children’s rights.

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