

Getting Children’s Safety Online Right

Today’s online environment can be difficult and even dangerous to navigate, especially for children.

The digital world that connects children to learning, community, and creativity also exposes them to real risks to their safety, privacy, and wellbeing. Calls for urgent steps to better protect children online are being met with a variety of new regulations. With children’s safety at stake, it is essential we find effective approaches that both address risks and protect children’s rights.

This brief offers some guidance to help ensure we get children’s safety online right.

Ten Key Steps for Regulations to Protect Children Online

1 FOCUS ON PLATFORM DESIGN TO CREATE A SAFER ONLINE ENVIRONMENT

Require platforms to make digital environments safer by design – rather than placing the burden on children and parents. Regulations should require rights-respecting business practices, including by addressing addictive design (such as infinite scroll, autoplay, and persistent notifications) and tightly regulating online marketing targeting children.

2 GROUNDING REGULATION IN CHILDREN’S RIGHTS

Effective regulation needs to be grounded in children’s rights (see box), which apply online as they do offline. This means an approach that takes account of children’s evolving capacities and their rights to access information, express themselves, and to participate.

3 PROTECT DATA PRIVACY

Maximum protection of children’s data should be required as a default setting. The ‘micro-targeting’ of children for commercial purposes – the profiling and targeting of children of any age based on a digital record of their actual or inferred characteristics – should not be permitted. Where data is collected, it must be minimized, purpose-limited, and subject to the highest safeguards, with children and parents afforded genuine control over how personal data is used.

4 MANDATE HUMAN RIGHTS DUE DILIGENCE BY COMPANIES

Require child rights impact assessments as part of broader human rights due diligence by companies – conducted on a rolling basis ahead of platforms introducing new tools and features or substantially modifying existing apps – with public reporting on the specific impacts of platforms on children, and clear consequences for non-compliance.

5 PUT GUARDRAILS AROUND AGE VERIFICATION SYSTEMS

Where age verification is used, strict requirements relating to collection and storage of data need to be in place to protect privacy. Transparency relating to those providing age-verification services, particularly when outsourced to third-parties, is essential, as are mechanisms for accountability. Age verification systems should be assessed to understand their human rights impacts, including to ensure they are non-discriminatory and that solutions are available for those who may lack formal documents.

6 TARGET AGE RESTRICTIONS TO SPECIFIC HARMS

Age-based restrictions on children’s access to specific services or content should be targeted to clearly identified harms, as is the case with existing restrictions relating to pornography and gambling. Emerging concerns such as restrictions on AI chatbot use or addictive design features may similarly warrant age restrictions or design changes to the specific features or services at issue.

7 GIVE CHILDREN A VOICE AND LISTEN TO WHAT THEY SAY

Children have the right to be heard, including on how digital environments are designed, governed and regulated, and must have a say in shaping the digital world that shapes their lives. Children should be consulted in regulatory processes relating to them, and their views on the impact of regulations once implemented should be collected and meaningfully considered.

8 REQUIRE TRANSPARENCY

Require platforms to ensure transparency about their design and data practices, and to enable independent scrutiny of these systems. This includes meaningful information about content moderation, recommender systems, and features that affect children, in a way that can be understood by regulators, researchers and the public at large.

9 INCLUDE OVERSIGHT AND ENSURE ACCOUNTABILITY

All the above must be supported by regular reporting mechanisms and subject to effective remedies and independent oversight, with legal consequences that serve as deterrents.

10 RELY ON AND COLLECT EVIDENCE TO IMPROVE RESPONSES

This is an evolving space, and regulators need to continually assess what approaches will best protect children. This requires companies to allow access for independent researchers, transparency by companies, and prompt action based on evidence that is collected.

Safer digital space for children and for us all

These steps, taken together, provide a pathway for regulation that enhances protection of children online while avoiding some of the pitfalls that arise in this complex space, such as across-the-board approaches that can inadvertently push kids to riskier, less monitored platforms and can be easy to circumvent.

We need approaches that do more than block access for some children, while leaving behind platforms that remain unsafe for those who circumvent the bans and for the rest of us. Online harms to children are not innate or inevitable. These ten steps provide a guide to navigating our way to safer online space for children and for us all.

CHILDREN HAVE RIGHTS TOO

- Children’s rights apply equally and fully in digital environments as they do everywhere else.
- The Convention on the Rights of the Child is the most widely ratified human rights treaty, with near-universal support. These binding legal obligations require states to consider “**the best interests of the child (Art. 3)**” and to show “**respect for their evolving capacities (Art. 5)**”.
- Children also have a **right to be heard (Art. 12)** and **not to face discrimination (Art. 2)**.
- The best interests of the child is a legal standard that cannot be selectively invoked by governments or companies. It requires paying attention to all the rights of children, including their rights to express themselves, to participate and access information, to privacy and to development.
- Under the UN Guiding Principles on Business and Human Rights and the Children’s Rights and Business Principles, companies bear the responsibility to respect children’s rights through human rights due diligence, including child rights impact assessments, and to ensure safety by design. Governments bear the primary duty to protect children’s rights, which requires effective legislation, regulation, oversight of digital platforms, and provision of effective remedies.