

Statement by the Digital Opportunities Foundation, Germany to the
Second Reading and Informal Consultation on GDC, June 21, 2024

Dear Excellencies, Co-facilitators and distinguished participants we are grateful to the co-facilitators for the open and inclusive process of commenting and shaping the GDC. As a civil society organisation we would like to comment on the GDC rev. 1 as follows.

It is not by accident but on purpose that children's rights are enshrined in the UN-CRC since 1989. Although children enjoy all human rights, due to them being in a weaker position than adults, additional efforts to ensure they can exercise their rights in all areas of life must be emphasised. The UN-Committee on the Rights of the child have acknowledged the important role digitalisation plays in nowadays children's lives and therefore have adopted the General Comment No.25 on Children's Rights in the Digital Environment in 2021.

In the era of digitalisation these last three years are – although a short period of time – a phase of very fast development and technical innovation. This has to be taken into account for a trend-setting agreement as the GDC shall be in order to make it a sustainable and reliable instrument of guidance.

- We appreciate the GDC commits to the full spectrum of children's rights as a guiding principle in para 8 (c).
- We also welcome children being addressed as a target group for tailored capacity-building measures and to taking their views into account in the design and implementation of programmes, nonetheless we suggest not to perceive children only as a vulnerable or marginalised group in this regard.
- In the light of the fast and steadily growing number of cases of online child sexual exploitation and abuse we strongly support the acknowledgement of our collective responsibility to establish and maintain robust risk mitigation and redress measures that also protect privacy and freedom of expression. However, a balanced approach doesn't come easily and may require compromises. Given the best interests of the child shall be a primary consideration in all actions concerning them any deviation from this guiding principle of the UN-CRC (para 3) would need an irrefutable justification.
- We trust in Governments to take the best interest of the child into account and encourage them to prioritize the development and implementation of national online child safety policies and standards, in compliance with international human rights law, as the GDC demands in para. 30 (b), we also encourage them not to shy away from regularly monitoring and reviewing digital platform policies and practices on countering child sexual exploitation and abuse which occurs through or is amplified by the use of technology (para 30 (f)) and taking action if risk mitigation measures are not implemented at all or are not working effectively.
- We support to call on social media platforms to provide online safety-related training materials and safeguards to their users, and in particular children and youth who engage in their services (para 31 (c)) and to call on social media platforms to establish safe and secure reporting mechanisms for users and their advocates to report potential policy violations, including special reporting mechanisms for children (para 31 (d)). Nonetheless, we suggest to strengthen these calls to action to social media platforms by putting in place strict regulatory instruments in case of non-compliance with such requests.

With generative AI and Virtual Reality we are on the threshold to a new and augmented digital environment, the metaverse is laying ahead of us and children will be its earliest inhabitants. Virtual worlds and generative artificial intelligence offer a wide range of opportunities and benefits for children but, hazards and risks cannot be ruled out. To reap the benefits, the hazards and risks must be anticipated and managed by a concept based on the principle of safety by design. The overarching principle of the UN-CRC is the best interest of the child as a primary consideration, this should also give guidance in shaping the digital environment of the future.

We strongly plead for adhering to this principle in the GDC and for building on and deployment of the benefits, a multistakeholder approach holds for addressing the challenges ahead of us in a human rights centric manner.

On behalf of Digital Opportunities Foundation, Jutta Croll, Chair of the Board,
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