



A children's rights perspective on the responsibility of social network site providers

Prof. dr. Eva Lievens

Research Fund Flanders – KU Leuven – University Ghent

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The Council of Europe Commissioner's *human rights comment*

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Protecting children's rights in the digital world: an ever-growing challenge



60



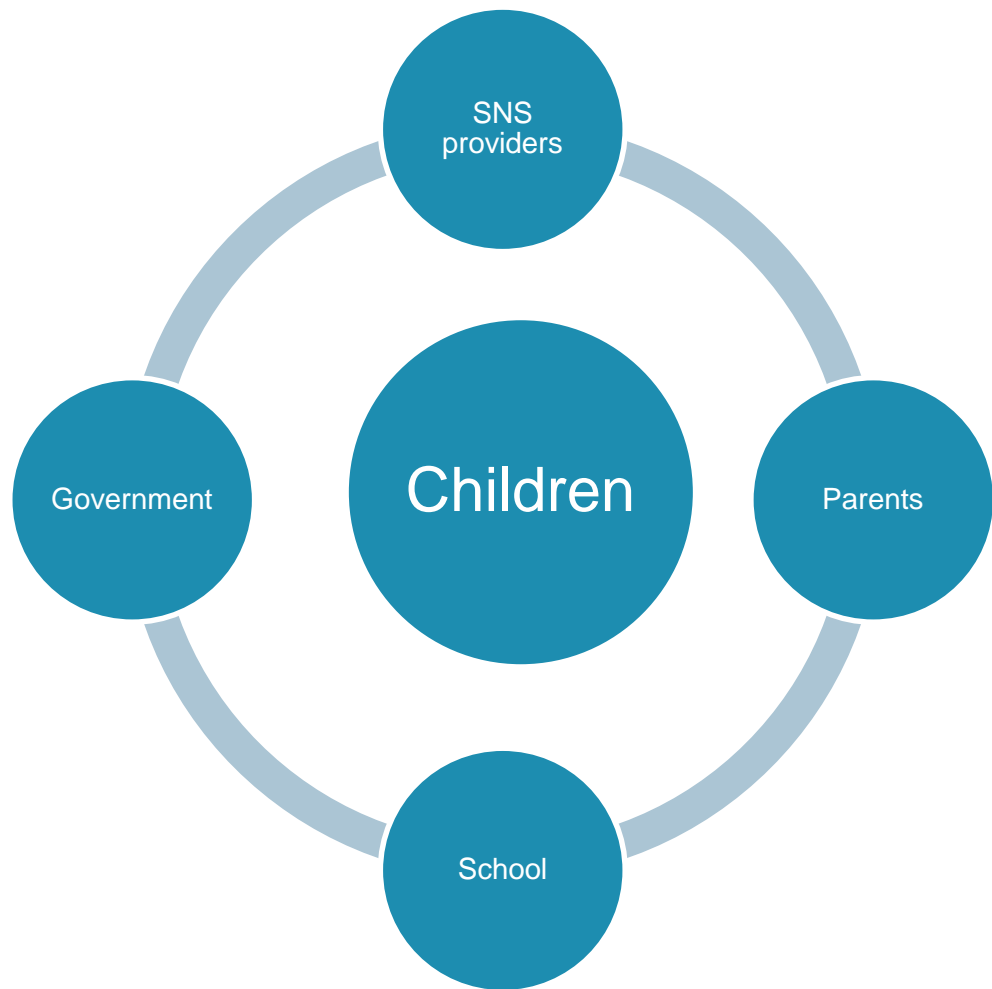
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Social networking services play an increasingly important role in the life of children and young people, as part of the development of their own personality and identity, and as part of their participation in debates and social activities.

Council of Europe (2012) Recommendation on the protection of human rights with regard to social networking services



IGT COALITION

CEO Coalition
to make a
**BETTER
INTERNET
for KIDS**

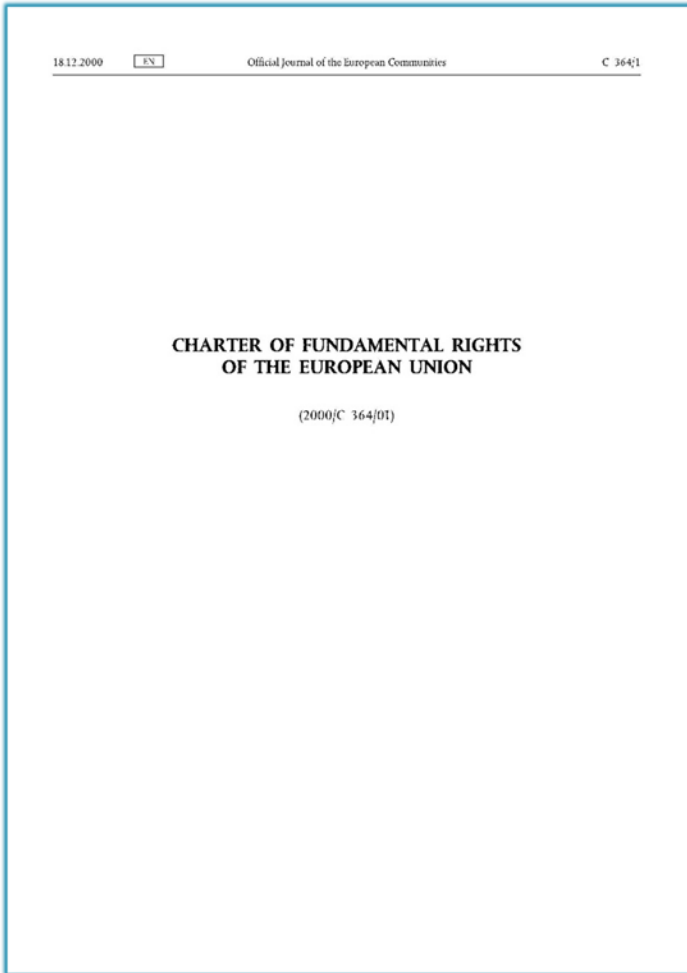
Children and fundamental rights



- Article 13: right to freedom of expression
- Article 16: right to privacy
- Article 17: access to information and protection from harmful material
- Article 18: responsibility of parents

Complaints!

Children and fundamental rights



Article 24:

- 1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.*
- 2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.*

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

An EU Agenda for the Rights of the Child

Children and fundamental rights



The screenshot shows the official website of the Council of Europe Committee of Ministers. The header features the Council of Europe logo and the text 'Council of Europe' and 'Committee of Ministers'. A navigation bar includes links to 'The Council in', 'Human', 'Democracy', 'Rule of', 'Organisation', '47', 'Topics', and 'Newsroom'. Below the navigation bar, there are buttons for 'LOGIN', 'PRINT', 'WORD', 'SEND', 'BOOKMARK', 'RELATED DOCUMENTS', 'LANGUAGE', and 'HELP'. The main content area displays the title 'Recommendation CM/Rec(2014)6 of the Committee of Ministers to member States on a Guide to human rights for Internet users' and its adoption date. The text of the recommendation is presented in three numbered paragraphs.

**Recommendation CM/Rec(2014)6
of the Committee of Ministers to member States
on a Guide to human rights for Internet users**

*(Adopted by the Committee of Ministers on 16 April 2014
at the 1197th meeting of the Ministers' Deputies)*

1. Council of Europe member States have the obligation to secure for everyone within their jurisdiction the human rights and fundamental freedoms enshrined in the European Convention on Human Rights (ETS No. 5, the Convention). This obligation is also valid in the context of Internet use. Other Council of Europe conventions and instruments, which deal with the protection of the right to freedom of expression, access to information, the right to freedom of assembly, protection from cybercrime and of the right to private life and to the protection of personal data, are also applicable.
2. The obligations of States to respect, protect and promote human rights include the oversight of private companies. Human rights, which are universal and indivisible, and related standards, prevail over the general terms and conditions imposed on Internet users by any private sector actor.
3. The Internet has a public service value. People, communities, public authorities and private entities rely on the Internet for their activities and have a legitimate expectation that its services are accessible, provided without discrimination, affordable, secure, reliable and ongoing. Furthermore, no one should be subjected to unlawful, unnecessary or disproportionate interference with the exercise of their human rights and fundamental freedoms when using the Internet.

Section targeted at
children and
young people!

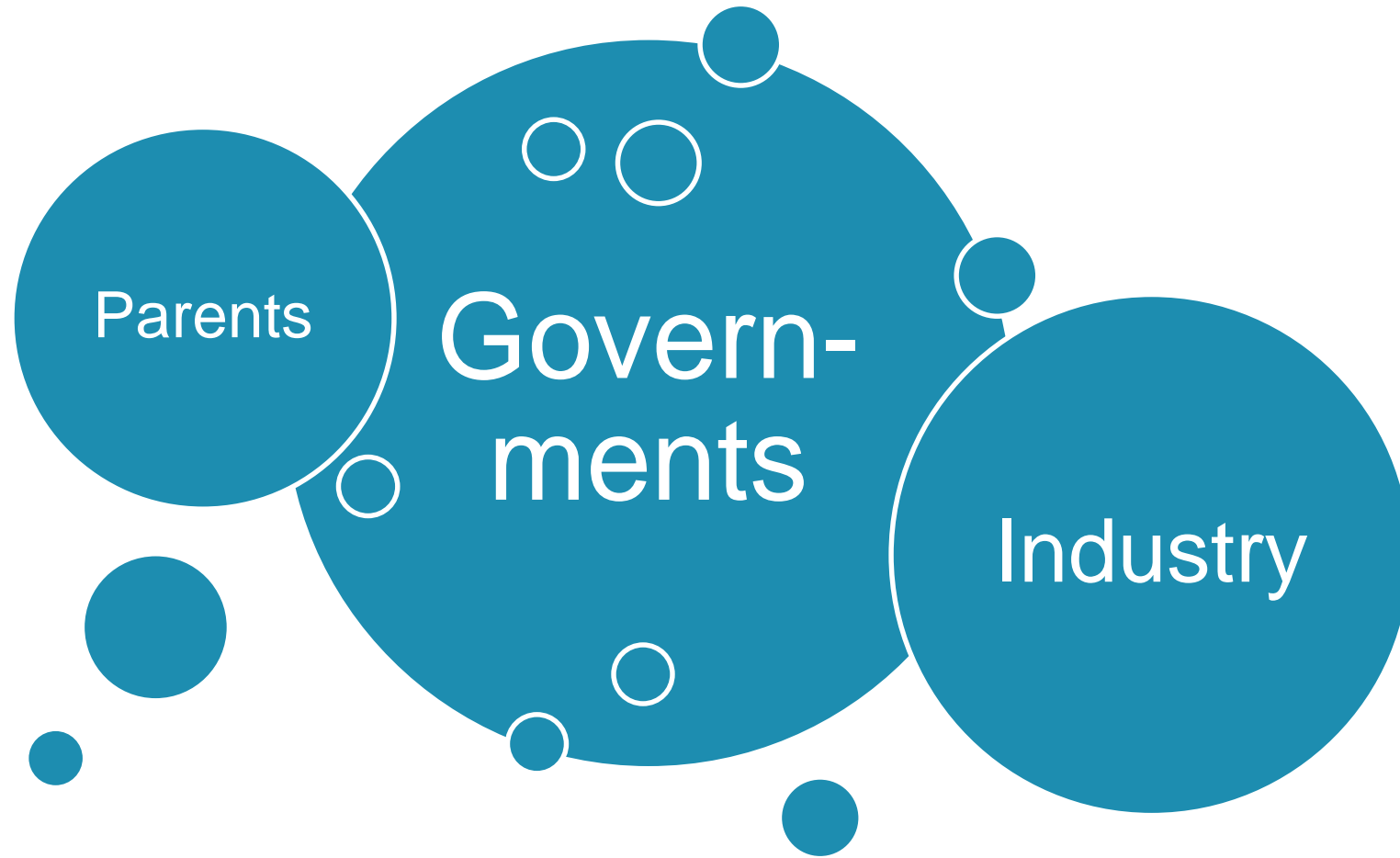
Children's online rights...

... are currently far from realised

Sonia Livingstone & Monica Bulger (2013)

A global agenda for children's rights in the digital age

Responsibility for realising children's rights?





Enterprise and
Industry

**Sustainable
and
responsible
business**

▼ **Corporate social
responsibility**



Corporate Social Responsibility (CSR)

Corporate social responsibility (CSR) refers to companies taking responsibility for their impact on society. As evidence suggests, CSR is increasingly important to the competitiveness of enterprises. It can bring benefits in terms of risk management, cost savings, access to capital, customer relationships, human resource management, and innovation capacity.

ICT Sector Guide on Implementing the UN Guiding Principles on Business and Human Rights



- > Providing direct links and information on ways for users to report abusive images or behaviours such as bullying;
- > Training moderators to help identify and respond to concerning or suspicious behaviour in online forums and services for children;
- > Implementing effective age and identity verification mechanisms at the level of individual users, such as password-protecting content and preventing third party “plug-ins” from collecting such information without parental notice or consent;
- > Implementing appropriately heightened security measures for personal information that has been collected from children (including any location-related information, which can pose particular risks to children);
- > Seeking parental consent before using or disclosing information collected from children;
- > Considering any unintended consequences of decisions on child safety (for example, posting information about unaccompanied children on privately-run, post-disaster family reunification websites);
- > Engaging with external child safety and children’s rights experts, including relevant civil society organisations and government, to provide on-going feedback and guidance on the company’s approaches.

Incentives?

Moral
obligations

Sustainability

License to
operate

Reputation

Shared value

Incentives for SNS providers

- Supporting the emergence of knowledgeable and responsible future users
- Developing and maintaining trust and confidence towards services
 - sustain competitive knowledge economy & digitally skilled labour force
- Better and wider use of the internet by children
 - source of innovation, new markets, innovative online content and services

 Children are a target audience worth investing in!

Conscious and substantial investment of resources
in putting the rights laid down in the UNCRC into practice

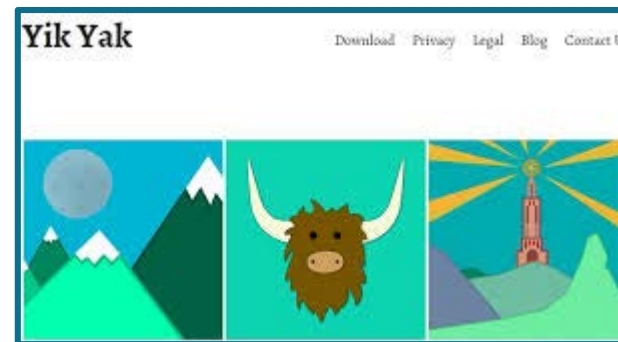
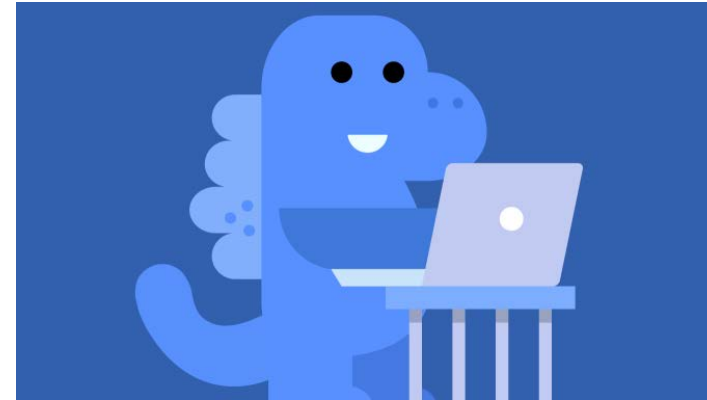
How?

E.g.

- (further) development of reporting mechanisms with a fast and supportive follow-up
- provision of clear and age-appropriate information in a transparent manner through innovatively designed Terms of Use and privacy policies
- participatory strategies to involve young users in the improvement and identification of elements that should be included in the CSR strategy

Conclusion

- States/governments should facilitate environment
 - Legal certainty for SNS providers?
 - Google Spain-case?
- Cautious optimism?
 - ICT Principles, Facebook Dino
 - Pioneering strategies!
- Empirical research into SNS use!
 - Extend to e.g. mobile apps!



Thank you!

eva.lievens@law.kuleuven.be



Interdisciplinary Centre for Law & ICT (ICRI) – KU Leuven

e.lievens@ugent.be

Ghent University