

Joint statement on the INI report: ensuring children's rights across the online environment

Together with 31 undersigning organisations and experts from across Europe, we believe the upcoming own-initiative (INI) report on the protection of minors must fill existing gaps and push for higher standards, in accordance with key principles presented in this statement. As the EU seeks to become a global leader in protecting and empowering children online, Members of the European Parliament now have a critical role to play in addressing shortcomings and ensuring a safe and beneficial digital environment for children.

Ensure a harmonised child-rights approach

Children's rights must serve as the foundation of the report. All EU Member States have ratified the UN Convention on the Rights of the Child, further elaborated in the UNCRC General comment No. 25 regarding the digital environment. The report must therefore recognise the full spectrum of children's rights, including children's rights to privacy, information, participation, education, health and play.

This report is a key opportunity to address prevention, protection and empowerment in the digital environment. In a landscape where different jurisdictions are adopting varied solutions, from different age verification systems on specific services to potential bans on social media, the EU must promote a harmonised approach rooted in children's rights. Avoiding fragmentation would strengthen compliance incentives and, more importantly, ensure that all children enjoy equal rights and a high level of protection, regardless of where they live in the EU.

Advance on the enforcement of existing regulation

While the EU has already developed a regulatory framework to address the current challenges to children's rights online, such framework must be duly enforced to ensure that the digital products and services children use are safe.

However, some of the world's richest and most innovative companies continue to drag their feet on compliance and effecting changes on their services, exploiting regulatory gaps.

Potential gaps should never be an excuse for non-compliance with existing norms. This report presents a crucial opportunity to further the robust enforcement and implementation of existing legislation, including the Digital Services Act, the General Data Protection Regulation and relevant consumer law. Standards, such as the CEN-CENELEC CWA 18016, and national guidelines, such as the Dutch Children's Code, the Irish Fundamentals and the Swedish Stakeholder Guide just to name a few, must be leveraged to support implementation.

Identify and fill in existing gaps in online child protection

Despite existing legal frameworks, regulatory gaps remain, particularly in sectors such as education technology and video games that can have a significant impact on children's development. Deceptive and persuasive designs constantly manipulate children into making choices against their best interests, including by requiring excessive data disclosures or engaging

children in vicious dynamics affecting their wellbeing. Children's rights are fundamentally threatened by these predatory practices, ultimately affecting their right to a healthy development and their potential to become citizens and decision-makers of tomorrow.

Legal certainty is needed to ensure all digital services and products relevant for children, covered or not by the DSA, provide the necessary safeguards to ensure children's rights. The report must stress that the Digital Fairness Act must provide a comprehensive safety net for children's online experiences across digital products and services, tackling deceptive and persuasive design features and reversing the burden of proof, at least for vulnerable users such as children.

Ensure holistic and appropriate approaches to age assurance and parental supervision tools

Age assurance can be a powerful tool to keep children safe, while also enabling them to access age-appropriate experiences. However, age assurance must not be contemplated in isolation but integrated in a child rights by design approach.

While different technologies and levels of age assurance are needed, any solution must comply with standards of effectiveness, privacy, inclusiveness and proportionality to the risks, based on a child rights impact assessment.

Critically, children's privacy, safety and empowerment should never be reduced or equated to mechanisms for age assurance, parental controls and digital literacy, which effectively shift off the responsibility to children, parents, educators or other industry players.

Children should have the widest possible access to online spaces in line with their rights. Similarly, parental supervision may have a role to play in safety by design approaches, provided these also respect children's rights and privacy, effectiveness and proportionality requirements.

The upcoming INI report must provide a comprehensive approach that does not regard these tools as a standalone answer. Ensuring effective age assurance and parental supervision cannot in any way replace or reduce platforms' accountability for ensuring their services and products are safe and appropriate for children by design and by default.

This INI report is a crucial opportunity for the European Parliament to advance on public and democratic accountability of online platforms. Tech companies must invest and innovate towards designing and developing more empowering age appropriate experiences for children. While age verification is one step towards this goal, it should not distract or pre-empt the development of holistic solutions that address all online risks to children and their impact on their rights. Society as a whole stands to benefit from innovation that promotes children's engagement, development and wellbeing.

Signatories: Organisations

1. 5Rights Foundation
2. Article 3 (Ukraine)
3. Børns Vilkår (Denmark)
4. CCDH - Center for Countering Digital Hate
5. Children's Rights Alliance (Ireland)
6. ChildX (Sweden)
7. COFACE Families Europe
8. Defence for Children – ECPAT (Netherlands)
9. Deutsches Kinderhilfswerk e.V (Germany)
10. ECPAT Hungary-Hintalovon Foundation (Hungary)
11. ECPAT International
12. European Parents' Association
13. Eurochild
14. FICE (Croatia)
15. Instituto de Apoio à Criança (Portugal)
16. Mental Health Europe
17. Missing Children Europe
18. Pancyprian Coordinating Committee for the Protection and Welfare of Children (Cyprus)
19. Pomoc Deci (Serbia)
20. Novi put (Bosnia and Herzegovina)
21. Prins Carl Philips och Prinsessan Sofias Stiftelse (Sweden)
22. Protect Children - Suojellaan Lapsia (Finland)
23. Save the Children
24. Telefono Azzurro (Italy)
25. Terre des Hommes Netherlands
26. The Smile of the Child (Greece)
27. Thorn

Individual Experts

28. Professor Simone van der Hof, Professor of Law and Digital technologies, Leiden University
29. Mie Oehlenschläger, Co-Founder of Tech&Childhood
30. Rosalba Mirci, Individual Member of Eurochild
31. Associate Professor Anne Mette Thorhauge, Centre for Tracking and Society at University of Copenhagen