



ICTS and VIOLENCE AGAINST CHILDREN: MINIMISING RISKS AND RELEASING POTENTIAL

**EXPERT CONSULTATION
Costa Rica, 9-10 June 2014**

Renato Leite Monteiro

**Council of Europe Expert on Data Protection,
Right to Information and Freedom of Expression**

**Data
protection**

**Council of Europe
Convention 108**



Council of Europe's provisions:

- European Convention of Human Rights ('ECHR');
- Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data ('Convention 108');
- Budapest Convention – Cybercrime Convention;
- Convention on Protection of Children against Sexual Exploitation and Sexual Abuse - Lanzarote Convention.

**Data
protection**

Council of Europe
Convention 108



Convention 108's human rights approach

- **purpose:** to secure for every individual the right to privacy (article 1)
- **common core principles** giving effect not only to ECHR, but to universally recognised human rights
- facilitating **harmonisation** of national legislations and free flow of information

Data
protection

Council of Europe
Convention 108



Strengths of Convention 108

- **legally binding force**
- **universal basic principles**
- **simple and technologically-neutral language**
- **cross-cutting scope of application** covering public and private sector
- **frame for multilateral cooperation (Uruguay and Morocco)**

**Data
protection**

Council of Europe
Convention 108



Recommendation CM/Rec(2014)6 on a Guide to human rights for Internet users:

- Internet is a public service;
- One of the goals of the guide is to ensure that existing human rights and fundamental freedoms apply equally offline and online;
- Regarding specifically children and young people, the recommendation and the guide recognize that a child or young person has all the rights and freedoms outlined in the guide.

**Data
protection**

Council of Europe
Convention 108



Declaration, 20 Feb 2008, on protecting the dignity, security and privacy of children on the Internet:

Recalled the United Nations Convention of the Rights of the Child, and stated that other than in the context of law enforcement, there should be no lasting or permanently accessible record of the content created by children on the Internet which challenges their dignity, security and privacy or otherwise renders them vulnerable now or at a later stage in their lives.

**Data
protection**

Council of Europe
Convention 108



Human rights guidelines for Internet Service Providers:

Regarding the issue of Illegal and/or harmful content and risks for children, the guidelines state that ISPs should provide information about risks of encountering or contributing to the dissemination of illegal content on the Internet as well as the risks for children of being exposed to harmful content or behaviour when they are online.

**Data
protection**

Council of Europe
Convention 108



Human rights guidelines for online games providers:

Recognizes that games can be powerful tools to enhance learning, creativity and social interaction. Games designers and publishers were therefore encouraged to promote and facilitate gamers' well-being and should regularly assess and evaluate their information policies and practices, in particular regarding child safety and responsible use, while respecting fundamental rights, in particular the right to freedom of expression and the right to privacy.

**Data
protection**

Council of Europe
Convention 108



Recommendation CM/Rec (2009)5 on measures to protect children against harmful content and behaviour and to promote their active participation in the new information and communications environment.

Highlighted the need to provide children with the knowledge, skills, understanding, attitudes, human rights values and behaviour necessary to participate actively in social and public life, and to act responsibly while respecting the rights of others.

**Data
protection**

Council of Europe
Convention 108





- encouraging the development and use of safe spaces (**walled gardens**), as well as other tools facilitating access to websites and Internet content appropriate for children;
- promoting the further development and voluntary use of **labels** and **trustmarks** allowing parents and children to easily distinguish non harmful content from content carrying a risk of harm;
- promoting the **development** of **skills** among children, parents and educators to understand better and deal with content and behaviour that carries a risk of harm.

Recommendation CM/Rec (2008)6 on measures to promote the respect for freedom of expression and information with regard to internet filters expressed that member states shall refrain from internet filtering for reasons other than laid down in Art. 10 par. 2 ECHR.

But regarding appropriate filtering for children and young people it highlighted that the Internet has significantly increased the amount of readily available content carrying a risk of harm, particularly for children and young people.

**Data
protection**

Council of Europe
Convention 108



Recommendation Rec(2006)12 on empowering children in the new information and communications environment.

It recommended that member states develop, where necessary, a coherent information literacy and training strategy which is conducive to empowering children and their educators in order for them to make the best possible use of information and communication services and technologies.

**Data
protection**

Council of Europe
Convention 108





Council of Europe is willing to continue its cooperation regarding the protection of children and young persons and aims to contribute to UNICEF work under any possible format.

Data protection

Council of Europe
Convention 108



Thank you