

Meeting of the Council at Ministerial Level, 31 May-1 June 2021**REVISED RECOMMENDATION OF THE COUNCIL ON CHILDREN IN
THE DIGITAL ENVIRONMENT****(Adopted by the Council at Ministerial Level on 31 May 2021)****JT03477330**

THE COUNCIL,

HAVING REGARD to Article 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the OECD Guidelines for Multinational Enterprises [[OECD/LEGAL/0144](#)], the Recommendation of the Council concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data [[OECD/LEGAL/0188](#)], the Seoul Declaration for the Future of the Internet Economy [[OECD/LEGAL/0366](#)], the Recommendation of the Council on Principles for Internet Policy Making [[OECD/LEGAL/0387](#)] the Recommendation of the Council on Consumer Protection in E-commerce [[OECD/LEGAL/0422](#)], the Declaration on the Digital Economy: Innovation, Growth and Social Prosperity (Cancún Declaration) [[OECD/LEGAL/0426](#)], the Recommendation of the Council on Artificial Intelligence [[OECD/LEGAL/0449](#)], and the Recommendation of the Council on Consumer Product Safety [[OECD/LEGAL/0459](#)];

HAVING REGARD to the United Nations Conventions on the Rights of the Child (A/RES/45/104), the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (A/RES/54/263), the Council of Europe Guidelines to respect, protect and fulfil the rights of the child in the digital environment (CM/Rec (2018)7), and the Council of Europe Convention on Protection of children against sexual exploitation and sexual abuse (CETS No. 201);

HAVING REGARD to the important work being carried out on children in the digital environment in other international governmental and non-governmental fora;

RECOGNISING that the digital environment is a fundamental part of children's daily lives and interactions in a number of contexts, including formal and informal education, formal and informal health services, recreation, entertainment, maintaining links to culture, socialising, expressing themselves and their identity through the creation of digital content, engagement with political issues, and as consumers;

RECOGNISING that the digital environment is complex, subject to rapid evolution and has the capacity to shape and reshape children's lives in a variety of ways, bringing major benefits and opportunities for children, including into adulthood, whilst exposing children to a spectrum of risks, to which children might be more vulnerable than adults, including content, contact, and conduct risk, as well as risks related to children as consumers, product safety, digital security, data protection and privacy;

RECOGNISING that creating a digital environment that both empowers and protects children is critical for enabling children to access and realise the benefits of the digital environment;

RECOGNISING that children's capabilities vary by age, maturity, and circumstances, and that actions and policies for children in the digital environment should be age-appropriate, tailored to accommodate developmental differences, and reflect that children may experience different kinds of access to digital technologies based on their socio-cultural and socio-economic backgrounds and the level of parental, guardian, and carer engagement;

RECOGNISING that safeguarding children's privacy and protecting children's personal data is vital for children's well-being and autonomy and for meeting their needs in the digital environment;

RECOGNISING that governments have a key role in responding to the needs of children in the digital environment, and that this requires policies and regulation which empower children to become confident and competent users of digital technology, foster their resilience, can reduce harms, and can establish a safer digital environment by design;

RECOGNISING the essential role of Digital Service Providers in providing a safe and beneficial digital environment for children;

RECOGNISING that the different individuals and organisations involved in the digital environment, and in providing services to children therein, have widely varying roles and varying capacity to set policies or practices in such an environment;

RECOGNISING that parents, carers, and guardians have a fundamental role in protecting their children in the digital environment, and need support in this role;

RECOGNISING that while regional and local cultural differences may impact the risks and benefits of the digital environment for children, international dialogue and co-operation is valuable for establishing effective policy approaches in an inherently global digital environment;

MINDFUL that the protection of children and the promotion of their rights in the digital environment may be covered by other legal frameworks and international standards;

HAVING REGARD to the Guidelines for Digital Service Providers [C/MIN(2021)7/ADD1], that seek to support Digital Service Providers in determining how best to protect and respect the rights, safety, and interests of children when they take actions that may directly or indirectly affect children in the digital environment and that may be modified as appropriate by the Committee on Digital Economy Policy;

On the proposal of the Committee on Digital Economy Policy:

- I. AGREES** that for the purpose of this Recommendation, the following definitions are used:
- i) **‘Actors’** refers to all public and private organisations who play an active role in setting policies and practices or providing services for children in the digital environment;
 - ii) **‘Children’** refers to every individual below the age of eighteen years recognising that different age thresholds may be appropriate in providing certain legal protections;
 - iii) **‘Digital Service Providers’** refers to any natural or legal person that provides products and services, electronically and at a distance;
 - iv) **‘Stakeholders’** refers to all organisations and individuals involved in, or affected by, the maintenance of a safe and beneficial digital environment for children. Actors are a subset of stakeholders.

PRINCIPLES FOR A SAFE AND BENEFICIAL DIGITAL ENVIRONMENT FOR CHILDREN

II. RECOMMENDS that Members and non-Members having adhered to this Recommendation (hereafter the “Adherents”) promote and implement the following principles for a safe and beneficial digital environment for children and **CALLS ON** all other Actors, according to their role, to promote and implement the same.

1. **Fundamental Values**

Actors, in all activities concerning children's participation in, or engagement with, the digital environment, should:

- a) Uphold the child's best interests as a primary consideration; and
- b) Identify how the rights of children can be protected and respected in the digital environment and take appropriate measures to do so.

2. **Empowerment and Resilience**

Actors should take measures to support children in realising and enjoying the benefits of the digital environment by:

- a) Supporting parents, guardians and carers in their fundamental role of evaluating and minimising risks of harm and optimising the benefits to their children online as well as offline;
- b) Making sure children and their parents, guardians and carers are aware of their rights in the digital environment and putting in place accessible mechanisms for enforcing such rights, including complaints mechanisms or legal remedies;
- c) Supporting children and their parents, guardians and carers in understanding:
 - i. children's rights as data subjects; and
 - ii. the way in which children's personal data is collected, processed, shared, and used;
- d) Upholding and respecting children's right to freely express their views and their ability, as appropriate considering their age and maturity, to participate in matters that affect them in the digital environment;
- e) Making children, as well as their parents, guardians, and carers, aware of legal, psychosocial, or therapeutic services available to children requiring assistance as a result of activities or action in the digital environment, and providing access thereto; and
- f) Developing mechanisms to make children, parents, guardians, and carers aware of online commercial practices that may cause children harm.

3. **Proportionality and Respect for Human Rights**

Measures taken by Actors to protect children in the digital environment should:

- a) Be proportionate to the risks, evidence-based, effective, balanced, and formulated with a view of maximising the opportunities and benefits for children in the digital environment;
- b) Promote children's freedom of expression, and not undermine other human rights and fundamental freedoms;

- c) Not be unduly punitive; and
- d) Not unduly restrict digital service provision or limit innovation that can foster a safe and beneficial digital environment for children.

4. **Appropriateness and Inclusion**

In their activities in the digital environment, Actors should:

- a) Account for the different needs of different children, taking into consideration their age and maturity; and
- b) Seek to ensure that no child is more vulnerable to risk because of their particular social or economic circumstances and that no child is at risk of being excluded or discriminated against, or likely to suffer a future bias, because of:
 - i. a lack of digital access or digital literacy;
 - ii. inappropriate digital access or digital literacy; or
 - iii. the way in which services are designed.

5. **Shared Responsibility, Co-operation, and Positive Engagement**

Actors, in view of their shared responsibility to provide for a safe and beneficial digital environment for children, should:

- a) Engage in and promote multi-stakeholder dialogue including parents, guardians, carers, educators, and children themselves;
- b) Foster co-operation and positive engagement in policy making and the development of practices relating to children in the digital environment, including through multi-stakeholder bodies and by involving children;
- c) Encourage the positive engagement of business and Digital Service Providers in policy making;
- d) Support parents, guardians, carers, and teachers to identify opportunities and benefits and evaluate and mitigate the risks of the digital environment, recognising that the continually increasing complexities of digital technologies may increase the necessity for such support; and
- e) Support parents, guardians, carers, and teachers to fulfil their role in helping ensure children become responsible participants in the digital environment.

OVERARCHING POLICY FRAMEWORK

III. RECOMMENDS that Adherents implement the following recommendations, consistent with the principles in section 1 and as part of developing an overarching policy framework for a safe and beneficial digital environment for children. To this effect, Adherents should:

1. Demonstrate **leadership and commitment taking into account the best interests of the child** in the digital environment, including by:
 - a) Adopting clear policy objectives at the highest level of government;
 - b) Articulating a whole-of-government approach, through a national strategy where appropriate, that is flexible, technology neutral, and coherent with other strategies for fostering a sustainable and inclusive digital economy;
 - c) Consider establishing or designating oversight bodies, with a view to:
 - i. Coordinating stakeholders' views, efforts, and activities in the development of policies;
 - ii. Meeting policy objectives;
 - iii. Reviewing the effectiveness of policy actions and measures implemented to account for the best interests of children in the digital environment;
 - iv. Coordinating, in accordance with their legal and institutional frameworks, the relevant actions of government bodies with responsibility for responding to the needs of children;
 - v. Ensuring that the actions of government bodies are cohesive and mutually reinforcing, rather than an accumulation of isolated or stand-alone, and potentially inconsistent, initiatives; and
 - vi. Promoting co-operation across borders;
 - d) Dedicating adequate and appropriate financial and human resources to implement policy measures.
2. **Review, develop, and amend as appropriate, laws that directly or indirectly affect children in the digital environment**, such that:
 - a) Legal measures and frameworks are fit for purpose, enforceable, and do not limit children's enjoyment of their rights;
 - b) Legal frameworks provide effective remedies for harms suffered by children via the digital environment, and new measures are introduced if existing legal frameworks fail to protect children or provide effective remedies;
 - c) Legal measures are in place to promote responsible business conduct;

- d) Legal frameworks define conditions under which Digital Service Providers may be held liable for illegal activity by, or illegal information from, third parties using their digital products and services, which harm children; and
 - e) Children are not unnecessarily criminalised. In this regard, other appropriate methods of dealing with harmful behaviour, such as educational or therapeutic methods, should be considered in the first instance.
3. Promote **digital literacy as an essential tool** for meeting the needs of children in the digital environment, in particular by:
- a) Clarifying categories of digital risks according to age, maturity, and circumstances of children, together with harmonising the terminology used to inform the public;
 - b) Supporting children in:
 - i. Understanding how their personal data is collected, disclosed, made available or otherwise used;
 - ii. Critically considering and appraising information to increase resilience in dealing with misinformation and disinformation; and
 - iii. Understanding terms of service, user redress and moderation processes and how these can be used to flag and report harmful content.
 - c) Regularly measuring the evolution of children's digital literacy and skills.
4. Adopt **evidence-based policies** to support children in the digital environment, in particular by:
- a) Conducting regular impact assessments of laws and policies to ensure they remain appropriate;
 - b) Encouraging and supporting research into the use of, attitudes towards, benefits of, and risks associated with children and the digital environment;
 - c) Coordinating with all stakeholders, including business, academia, and civil society, to share and develop evidence; and
 - d) Seeking to ensure that research is responsibly undertaken in accordance with data protection principles which include protection of children's privacy, data minimisation, and purpose limitation.
5. Promote the adoption of measures that provide for **age-appropriate child safety by design**, in particular by:
- a) Fostering the research, development, and adoption of privacy protective, interoperable and user-friendly technologies that can restrict contact and access to content that is inappropriate for children, taking into account their age, maturity, and circumstances; and
 - b) Providing all stakeholders with clear information as to the trustworthiness, quality, user-friendliness, and privacy by design of such technologies.

INTERNATIONAL CO-OPERATION

IV. RECOMMENDS that Adherents actively co-operate at the international level by:

1. Strengthening international networks of domestic organisations dedicated to upholding the best interests of children in the digital environment, such as hotlines, helplines, and awareness centres and, where appropriate, facilitate an expansion of their role;
2. Sharing information about domestic policy approaches to children in the digital environment, and develop the empirical foundations for quantitative and qualitative international comparative policy analysis through:
 - a) Developing proposals for shared statistical frameworks that enable internationally comparable indicators on children's engagement with the digital environment, risk prevalence, awareness by children, parents, carers, and guardians of these risks and how to respond to them, as well as policy impact and efficiency;
 - b) Developing proposals for harmonised terms and statistical definition of risks and benefits, related policy responses, as well as children's age groups used for statistical purposes; and
 - c) A shared commitment to regularly update official quantitative data within a timeframe that takes into account the dynamic development of the digital environment and of its uses by children.
3. Supporting regional and international capacity-building efforts to improve policy and operational measures that take account of the best interests of children in the digital environment, including sharing of successful learning and awareness raising tools; and
4. Ensuring the good co-ordination of work by the various international and regional organisations and bodies that play a role in supporting government efforts in this area.

DIGITAL SERVICE PROVIDERS

V. RECOMMENDS that Adherents promote the Guidelines for Digital Service Providers, their continued development, and other efforts to develop best practices and codes of conduct, taking into account the domestic legal and regulatory context in which Digital Service Providers' operate, as well as differences in their roles and the services and products they provide.

VI. CALLS ON Digital Service Providers, taking into account differences in their roles and the services and products they provide and the domestic legal and regulatory contexts in which they operate, to respect the Guidelines for Digital Service Providers when taking actions that may directly or indirectly affect children in the digital environment and to take part in their continued development, as well as in the development of other best practices or codes of conduct.

VII. ENCOURAGES all stakeholders, as appropriate to their role and involvement in the digital environment, to support and promote the implementation of this Recommendation.

VIII. INVITES the Secretary-General and Adherents to disseminate this Recommendation, including to all stakeholders and other international organisations.

IX. INVITES non-Adherents to take due account of and adhere to this Recommendation.

X. INSTRUCTS the Committee on Digital Economy Policy, in particular through the Working Party on Data Governance and Privacy, to:

- a) develop further practical guidance on the implementation of this Recommendation;
- b) support the implementation of the Guidelines for Digital Service Providers and update them when necessary to ensure they remain relevant over time;
- c) serve as a forum for exchanging information on policies and activities relating to children in the digital environment, including experience with the implementation of this Recommendation, and to foster dialogue with and among stakeholders; and
- d) review the implementation, dissemination, and continued relevance of this Recommendation and report thereon to the Council no later than five years following its adoption and at least every ten years thereafter.