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The protection of children against online violence

Reply to Recommendation[1]: Recommendation 2274 (2024)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly Recommendation 2274 (2024) "The protection of children against online violence". It has forwarded it to relevant bodies for information and possible comments.[2] In view of the rise of digital technology and children's unhindered access to potentially harmful materials, whether intentionally or unintentionally, the Committee of Ministers shares the concerns expressed by the Assembly on this issue.

2. Protecting children from online violence is a complex task due to the constantly evolving nature of digital platforms, the global reach of the internet, the difficulty in regulating online content across borders, and the need for co-ordination between multiple stakeholders, including tech companies, law enforcement, and educators. Additionally, balancing children's safety with privacy rights and freedom of expression adds further complexity to these efforts. These different dimensions are addressed by different bodies within the Council of Europe (see below), with a view to addressing those challenges which fall within the competences of our Organisation.

3. In response to paragraph 1.1 of the recommendation, the Parliamentary Assembly will be aware that the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law was adopted by the Committee of Ministers on 17 May 2024 and opened for signature during a conference of Council of Europe Ministers of Justice in Vilnius in September 2024. It is the first ever international legally binding treaty aimed at ensuring that the use of AI systems is fully consistent with human rights, democracy and the rule of law. The Committee of Ministers would underline that Article 18 of the Convention relates to the rights of persons with disabilities and of children and provides that "Each Party shall, in accordance with its domestic law and applicable international obligations, take due account of any specific needs and vulnerabilities in relation to respect for the rights of persons with disabilities and of children."

4. The protection of children against online violence falls under two priority areas of the Council of Europe Strategy for the Rights of the Child (2022-2027), namely priority area 1. "Freedom from violence for all children" and 3. "Access to and safe use of technologies for all children".

5. With regard to paragraph 1.2 of the Assembly's recommendation, the Committee informs the Assembly that during its 9th plenary meeting, the Steering Committee for the Rights of the Child (CDENF) welcomed a "Feasibility study on age-appropriate comprehensive sexuality education to strengthen responses for, *inter alia,* preventing and combatting violence against children, including sexual violence and harmful or risky behaviour". The study emphasises the importance of providing this education in formal, informal, and non-formal settings to equip children with the skills to recognise and report online violence. It also identifies key elements for a non-binding instrument on age-appropriate comprehensive sexuality education, which will be developed by the CDENF by the end of 2026. The Committee of Ministers encourages the Assembly to collaborate with the CDENF in developing this instrument.

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1. Adopted at the 1513th meeting of the Ministers' Deputies (27 November 2024).
2. The Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee), the Steering Committee on Media and Information Society (CDMSI), the Steering Committee for the Rights of the Child (CDENF) and the Committee on Artificial Intelligence (CAI).

6. The Committee of Ministers also draws attention to the relevance of its Recommendation CM/Rec(2023)8 on strengthening reporting systems on violence against children, adopted in September 2023, and its particular relevance to the need of States to ensure safe reporting of violence against children, including violence inflicted through digital technologies.

7. With regard to paragraph 2.2 of the Assembly's recommendation: ["providing children and parents with tools to raise awareness of the dangers of the internet"], the Committee of Ministers notes the continued commitment of the CDENF to "actively promote its Recommendation CM/Rec(2018)7 to member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment" and to "take specific measures regarding its implementation in order to enable all children to fully exercise their human rights and fundamental freedoms online" as called for in the Declaration by the Committee of Ministers on the need to protect children's privacy in the digital environment. A number of tools have been developed to support this process, including the child-friendly version of the Guidelines, "Learn about your rights in the digital environment", translated in many languages and the checklist for parents and caregivers in the document "Parenting in the digital age – Positive parenting strategies for different scenarios". The storybook and video entitled "Kiko and the Manymes" on the misuse of pictures in the online environment have been developed to support children and parents by raising awareness on the dangers of the internet. The Internet Literacy Handbook is a more general tool for children, parents, teachers and policy makers to be able to use the Internet safely and confidently by being aware of opportunities and risks. For teenagers, the leaflet "So, this is sexual abuse?" addresses sexual abuse, including online abuse and the circulation of sexual images.

8. Recognising that additional measures should be taken to protect children from harmful online content, the CDENF recently approved a Mapping Study on children's rights and artificial intelligence (AI), focusing on legal frameworks addressing AI in the context of children's rights. The study highlights the responsibility of public authorities to protect and empower children by raising awareness of the risks posed by AI systems, and emphasises the importance of education and awareness campaigns for young people. Additionally, the CDENF organised a thematic exchange to explore how to protect children from the risks of accessing pornographic content online, underscoring the role of age verification, education, digital literacy for both children and parents, and the involvement of policymakers, tech companies, and social media platforms. As a follow-up to this exchange, the CDENF is developing a thematic guidance note on the issue, in line with its mandate.

9. The Council of Europe also continues its work to protect children against all forms of violence through the implementation of the Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, also known as "the Lanzarote Convention". The Lanzarote Convention requires States to educate children about the risks of sexual exploitation and sexual abuse in a way that is adapted to their evolving capacity (Article 6), raise awareness among the general public about the phenomenon of sexual exploitation and sexual abuse of children and on the preventive measures which can be taken (Article 8), as well as to encourage reporting of these offences (Article 12) and provide helplines (Article 13) and assistance to victims of these crimes (Article 14).

10. In 2022, the Lanzarote Committee adopted an implementation report on the Protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies which specifically addressed the challenges raised by child self-generated sexual images and/or videos.

11. The Committee of Ministers also recalls that the 2024 edition of the annual Day on the Protection of Children against Sexual Exploitation and Sexual Abuse (18 November) focused on Emerging technologies: threats and opportunities for the protection of children against sexual exploitation and sexual abuse.

12. The Committee of Ministers would also underline that it has adopted several recommendations of relevance in this area, in the field of media and information society. With regard to the protection of children against online violence, it would draw particular attention to three of these. The first, Recommendation CM/Rec(2022)13 on the impacts of digital technologies on freedom of expression stresses, in its preamble, the need to protect children, whose human rights may be disproportionally harmed by certain types of content that are widely available online and that any measures to protect them need to respect freedom of expression and other human rights, including freedom of expression as protected by Article 10 of the European Convention of Human Rights. The second, Recommendation CM/Rec(2018)7 on Guidelines to respect, protect and fulfil the rights of the child in the digital environment reiterates that the best interests of the child shall be a primary consideration in all actions concerning children in the digital environment and that In assessing the best interests of a child, States should make every effort to balance, and wherever possible, reconcile a child's right to protection with other rights, in particular the right to freedom of expression. The third,

Recommendation CM/Rec(2022)11 on principles for media and communication governance, provides a comprehensive framework for regulating, co-regulating, and self-regulating digital environments in a manner that complies with human rights, including legislative and other measures aimed at protecting children.

13. Finally, the Committee of Ministers informs the Assembly that its Steering Committee on Media and Information Society (CDMSI), in the framework of its current terms of reference, takes fully into account the protection of minors and the principle of best interest of the child, in particular in the ongoing work carried out by the Expert Committees on online safety and empowerment of content creators and users (MSI-eSEC) and on the implications of generative artificial intelligence on freedom of expression (MSI-AI). It also engages in regular dialogue with the private sector, in the framework of the Council of Europe digital partnership.