

# Campaigners heartbroken by EU Digital Services Act compromise. LIBE committee risks derailing the opportunity to set a global standard for children's safety in the digital world

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Children's rights NGOs are shocked and saddened to learn today that, despite overwhelming civil society support for a "children's clause" in the DSA, compromise amendments are being proposed that will leave our children – and billions of children around the world – exposed to aggressive commercially-driven practices which put their freedom, safety, security and development at risk on a daily basis.

**"We are heartbroken to see children's needs and rights once again being side-lined in digital policy-making. The EU risks missing a historic opportunity to show global leadership in this area. The "children's clause" sets out a progressive, safety by design approach that would protect children without impinging on adult rights. The compromise is not fit for purpose if it ignores the rights of children, who are one in five users of digital services."**

**Leanda Barrington-Leach**, Head of EU Affairs at 5Rights

The "children's clause" was jointly proposed in the Civil Liberties, Justice and Home Affairs Committee of the European Parliament by a coalition of 12 MEPs from the three largest political Groups. It represents a progressive and design led approach that would put the EU at the forefront of taking a child's rights approach to the digital world.

5Rights Foundation, Eurochild, and Missing Children Europe call on MEPs to reject any compromise which has as its price the sacrifice of core European values and the undermining of children's established rights. They must seize this unique opportunity to build the digital world that children and young people deserve.

**ENDS**

## NOTES TO EDITORS

### Background

The adoption by the EU of the Digital Services Act (DSA) represents a singular opportunity to ensure children's rights are respected, protected and fulfilled online. Children – persons under the age of 18<sup>1</sup> – make up one in five users of digital services in the EU. Children have specific rights codified in the UN Convention on the Rights of the Child and reflected in EU and national law. How their rights should be interpreted in the digital environment is set out in the recently adopted UNCRC General comment No. 25. Signatories to the Convention must take the best interests of a child as a primary consideration in all actions and decisions that impact upon them, and have an obligation to ensure children's rights and interests are fulfilled, including by businesses.

### The “children's clause”

The “children's clause” as introduced in the LIBE Committee consists of 5 amendments:

- Amendment 129 inserts in Recital 3 a reference to children's specific rights enshrined in Article 24 of the Charter, the UN Convention on the Rights of the Child and [UNCRC General comment No. 25](#) on children's rights in relation to the digital environment. Under EU and International law children have the right to specific additional protections and to their “best interests” being a primary consideration in all matters that affect them. The DSA should reflect these existing rights and this established principle.
- Amendment 412 inserts a new paragraph in Article 12 requiring all DSPs to assess whether their services are likely to be accessed by or impact on children. If this is the case, they must conduct child risk impact assessments – as specifically required by UNCRC General comment No. 25. Children are often the early adopters of new technologies and services and all providers must consider the risks their services pose to children before rolling them out.
- Amendment 414 inserts a second new paragraph in Article 12 requiring providers to implement specific measures to mitigate identified risks to children – once again based on the requirements outlined in detail in UNCRC General comment No. 25.
- Amendment 427 inserts a new paragraph in Article 13 for the transparency and oversight of the above measures.
- Amendment 772 inserts a new paragraph in Article 34 requiring the Commission to support the development of statutory standards for age assurance, child impact assessments, age-appropriate terms and conditions, and child-centred design. Such standards will ensure the clarity and consistency of regulatory requirements for business, and support effective enforcement.

### About 5Rights Foundation

5Rights Foundation develops new policy, creates innovative projects and challenges received narratives to ensure governments, regulators, the tech sector and society understand, recognise and prioritise children's needs and rights in the digital world. In

all of our work, a child is anyone under the age of 18, in line with the UN Convention on the Rights of the Child.

Our work is pragmatic and implementable, allowing us to work with governments, intergovernmental institutions, professional associations, academics, and young people across the globe to build the digital world that young people deserve.

#### **About Missing Children Europe**

Missing Children Europe is the European federation of 31 grassroots organisation working for the prevention, protection and support of missing children cases. Targeted and child-friendly measures need to be adopted and implemented by the EU and its members states in order to strengthen the protection, respect and fulfilment of children rights.

#### **About Eurochild**

Eurochild is a network of organisations and individuals working with and for children in Europe. We are striving for a society where all children and young people grow up happy, healthy, confident and respected as individuals in their own right. We aim to bring about positive changes in the lives of children, in particular those affected by poverty and disadvantage.

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