



Subject: Children's rights in the Digital Services Act (DSA)

18 October 2021

Dear Members of the Council of Ministers of the EU,

We have been pleased to see strengthening protections for children on the Council agenda in recent discussions on the DSA. Representing more than 2000 children's rights organisations and parents' associations, and speaking on behalf of some 90 million children and 150 million parents in the EU, we write now to urge you to ensure this common goodwill translates into a bill that delivers a safer and better practical experience for children, in line with their established rights set out in the EU Treaties, the UN Convention on the Rights of the Child and the recently adopted UNCRC General comment No. 25<sup>1</sup> that sets out the relevance of children's rights in the digital environment.

One in three users of digital services globally, and one in five in the EU, is a child. However, the digital services they are using are almost exclusively built by adults for use by adults, with little or no focus on the development needs or rights of children.<sup>2</sup>

The EU is now in a position to change this and set a new standard for children's rights in the digital world. Such a clear ambition is also reflected in the recent EU Strategy on the Rights of the Child, EU Digital Compass 2030 and Lisbon Declaration.

For the EU to implement its commitments and deliver on children's rights, the DSA must:

1. **Recognise a child as any person under the age of 18, as defined by the UNCRC Article 1.** We call on the Council to reflect the rights of the "child" and avoid confusion with the "age of consent" as established under GDPR, or the varying ages associated with the label "minor". Even when they or their parents/guardian consent to the processing of their data, children do not relinquish their rights.
2. **Ensure that children's rights are applied across all services likely to be accessed by children.** We call on the Council to ensure that children's rights are upheld irrespective of platform size or whether a service is specifically designed for children.
3. **Introduce statutory standards to guide industry in the application of children's rights,** including as they pertain to:
  - a. Safety and privacy by design
  - b. Impact assessments
  - c. Privacy-preserving age assurance
  - d. Age-appropriate terms and conditions

It is imperative that the EU with its leading regulatory role, does not forget children, but fights for them in the digital world.

We thank you for your support.

---

<sup>1</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GC/25&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GC/25&Lang=en)

<sup>2</sup> See for example the 5Rights Report "[Disrupted Childhood: The Cost of Persuasive Design](#)" (2018), the interactive microsite [riskyby.design](#) or the recent reports of the [Wall Street Journal](#) regarding the impact of Facebook products on children.



Sincerely yours,

Baroness Beeban Kidron  
Chair  
5Rights Foundations

Jana Hainsworth  
Secretary General  
Eurochild

Maud de Boer Buquicchio  
President  
Missing Children Europe

Dr. Dorothea Czarnecki  
Acting Executive Director  
EPCAT International

Victor Petuya  
President  
European Parents' Association