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08 October 2021

Dear DSA Rapporteurs and Shadow Rapporteurs, Honourable Members of the European Parliament,

We have been delighted to see large groups of MEPs from across the political spectrum and various Committees introduce amendments to the Digital Services Act (DSA) for safety by design for children, and we are writing to urge you to ensure that, as compromises are made in the final days, children are not forgotten.

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. Regulators and policy makers around the world,¹ along with parents and children themselves, are waking up to this injustice and to the known dangers to which multiple generations of children have been exposed (see e.g. the recent revelations by the WSJ²).

It is critical now that these various initiatives and groundswell of support translate into a bill that delivers for children. They are looking to the EU to play a leadership role in setting a new standard for the application of established rights in the digital environment.

The DSA should require that all providers of intermediary services likely to be accessed by or impact on children respect their rights as enshrined in EU law and the UN Convention on the Rights of the Child, and elaborated as regards the digital environment in UNCRC General comment No. 25,³ including as children's rights pertain to:

- a. Safety and privacy by design
- b. Impact assessments
- c. Privacy-preserving age assurance
- d. Age-appropriate terms and conditions

¹ Including in the US where the Kids Internet Design and Safety (KIDS) Act has been re-introduced with bipartisan support in both the House and Senate. https://www.markey.senate.gov/imo/media/doc/kids_act_924.211.pdf

² <https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739>

³ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GC/25&Lang=en



Such a requirement is a straightforward implementation of the EU's Children's Rights Strategy 2021-2024 as well as the commitments made in the EU Digital Compass 2030 and the Lisbon Declaration. It also mirrors the approach of the UK's Age-Appropriate Design Code,⁴ whose coming into force this September has prompted the most significant changes in design of services since the adoption of GDPR.

The wording for Article 12a suggested in the first proposal for compromise amendments in IMCO reflects this requirement, with two small tweaks: risk assessments should cover *processes* as well as content; and the rights of the *child* apply to all users under the age of 18, irrespective of the age of digital consent for data processing.

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.

Sincerely yours,

Baroness Beeban Kidron
Chair
5Rights Foundations

Jana Hainsworth
Secretary General
Eurochild

Maud de Boer Buquicchio
President
Missing Children Europe

Dr. Dorothea Czarnecki
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Victor Petuya
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⁴ <https://ico.org.uk/for-organisations/guide-to-data-protection/ico-codes-of-practice/age-appropriate-design-code/>

