



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

17 March 2022

Dear Members of the Council of Ministers of the EU,

The Council of the EU has, over the course of the negotiation of the DSA, demonstrated its strong commitment to ensuring the rights of the child are applied online as offline.

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 in these final stages of negotiation that your shared political will translates into a bill that delivers for children, and does not inadvertently further entrench the erosion of their rights in an increasingly digital world.

Further to our letter of 18 October 2021, we would like to once more draw your attention to two critical points:

- 1. Children's rights apply to all under 18s.** We call on the Council to reflect the rights of the "child" and avoid reference to "minors". The use of the term "minor" is likely to lead at the national level to conflation with the varying "ages of consent" as established under GDPR. Even when they or their parents/guardian consent to the processing of their data, children do not relinquish their rights. A child of 13 is not an adult, and in many ways older children are at greater risk – since younger children access fewer products and services, have greater adult supervision and spend less time online. All children deserve protection.
- 2. Children's rights apply wherever children are in practice.** We call on the Council to ensure that children's rights are upheld irrespective of platform size, of whether a service is specifically designed for children or is predominantly used by them. Most children spend most of their time on services not designed specifically for them, and where – while perhaps present in their millions – they are not the majority of users.

A formulation limiting child protection requirements to services aimed at children or predominantly used by them – especially if "children" are redefined as "minors" – would effectively exempt all but a tiny minority of services used by children from respecting their rights. In this case the DSA would not only fail in practice to deliver a better digital world for children, but would catastrophically set back the fight for the realisation of children's rights in the digital environment.

Children and parents, as well as policy-makers around the world, are looking at the EU for leadership. It is imperative that the EU delivers on its values, and fights for all children, and for the full realisation of their rights, in the digital world.

Thanking you for your support, we are sincerely yours,



Baroness Beeban Kidron
Chair
5Rights Foundations

Jana Hainsworth
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