UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER

CONCEPT NOTE

Human Rights Council Process: Children's Rights and Safety in the Digital Environment

Resolution 56/6 of the Human Rights Council requests the Office of the United Nations High Commissioner for Human Rights to convene five regional workshops to assess the risks to the safety of the child in the digital environment and best practices to address these risks in different geographical areas, bearing in mind current and emerging business models. Cross-regional consultation workshops and a call for inputs will run through 2026, drawing on the perspectives of States, UN entities, the Committee on the Rights of the Child, Special Rapporteurs, the private sector, civil society, and academia. Child and youth perspectives will inform the process, drawing on OHCHR's ongoing work with partners to consult them on their rights in the digital environment. The resolution also requests OHCHR to prepare a report containing a summary of those consultations, in an accessible and child-friendly format, which includes recommendations from the different stakeholders. The report will be presented to the Human Rights Council at its 64th session (February – March 2027), and will inform an interactive dialogue among States, which may lead to HRC-mandated follow-up.

Context

Children today navigate a digital environment that offers unprecedented opportunities alongside serious and evolving risks. Digital technologies increasingly shape children's lives across education, social connection, access to information, healthcare, and civic participation. Risks to children's safety in the digital world – including risks to their mental and physical well-being, as well as risks to their human rights, such as the right to privacy and freedom of expression - are driven by a wide range of factors, including product design and business models, the pace of technological change, and significant inequalities in access and protection within and between countries.

Children's rights apply in the digital environment as they do offline. States' duty to protect requires taking legislative and other measures to ensure that the private sector respects their rights. Under the United Nations Global Digital Compact, States committed that all legislative and governance efforts related to digital technology be anchored in international human rights law. States' legitimate interest in preventing threats to children's rights and well-being has been driving attempts to reform and design laws to regulate online spaces, including age-based access restrictions, platform and product-related parameters such as liability, design codes, and the governance of artificial intelligence.

Approaches and contexts vary considerably, and human rights outcomes can vary if laws are not carefully crafted, or if they lack substantive assessment of impact on children's rights, meaningful participation from children, or if certain prerequisites are not in place, such as robust rights-respecting privacy laws and independent enforcement mechanisms. Terms such as “safety” or “online harm” lack conceptual clarity if not clearly defined, and it is therefore key to firmly anchor our understanding of child safety in international human rights law, standards and principles. Human Rights Council resolution 56/6 reflects the growing recognition that fragmented national approaches are insufficient, and that enhanced international cooperation is necessary to help ensure that children's rights are respected, protected, and fulfilled in the digital world.

Rights-based Framing

International human rights law, including the Convention on the Rights of the Child, ratified by 196 States, as interpreted by General Comment No. 25 (2021) on the digital environment, provides the parameters for designing and assessing measures that promote children's safety in a manner that respects the rights of children and everyone. Children are full rights-holders, entitled to the protection of all their rights online as offline. Children's 'safety' is therefore addressed through the full framework of their rights — with freedom from violence (Art. 19) and protection from exploitation and abuse (Arts. 34–36) as clearly defined obligations, situated alongside privacy (Art. 16), access to information (Arts. 13 and 17), expression (Art. 13), participation (Art. 12), and development (Art. 6). Protection and the full range of children's rights are understood as reinforcing rather than competing imperatives, and measures taken in the name of safety must not be used to restrict the enjoyment of other rights, such as the right to privacy and the right to participate. Any permissible limitations on the exercise of such rights must comply with the principles of legality, necessity, and proportionality.

Non-discrimination and equality (Art. 2) is a foundational principle throughout. Children are differently exposed to risk and differently served by digital products, services and protective measures – by age, gender, disability, ethnic or minority status, migration status, language, and socio-economic context – and measures taken in the name of safety can themselves discriminate, including where they apply different standards across regions or exclude those without formal documentation. A rights-based approach requires that risks, responses and remedies be assessed for their differential impact on all children.

The best interests of the child (Art. 3) require a holistic assessment that weighs the interests of protecting children from violence and health-related harms alongside their rights to privacy, participation, expression, access to information, and development. The best interests of the child shall be a primary consideration, taking priority over other interests, including commercial interests and the interests of adults. The principle is operationalized through child rights impact assessments, which States should conduct, before and after, in relation to legislation, regulation, and policies affecting children, and which requires that children themselves be heard. Such assessment is a tool relevant also to the business sector.

Evolving capacities (Art. 5) requires responses that are graduated, grounded on the best available evidence, context-sensitive, and respecting of children as individual rights-holders with progressive autonomy - while avoiding overly broad measures that underestimate children's agency. GC25 affords this principle particular weight in the digital environment.

The right of the child to be heard (Art. 12) requires that children's perspectives be meaningfully integrated into the design, governance, and regulation of digital environments.

The right to privacy (Art. 16) is of particular salience in the digital environment, where safety measures – from age assurance to monitoring and content detection – frequently operate through the processing of personal data; GC25 accordingly cautions against routine or indiscriminate surveillance of children. Any measure that limits privacy online must be provided for by law and be necessary and proportionate to the protection it seeks to achieve, consistent with the best interests of the child.

The UN Guiding Principles on Business and Human Rights and the Children's Rights and Business Principles establish States' duty to protect children's rights and companies' responsibility to respect them through ongoing human rights due diligence, including child rights impact assessments before deploying digital products and services. Where harm occurs, access to effective remedy must be ensured. The concept of child rights by design reflects the broader shift toward embedding children's rights in products and services from the outset rather than as an afterthought.

Key Issues in Focus

Grounded in international human rights law, notably the CRC and General Comment No. 25, the consultation workshops will be structured around key thematic areas. Artificial intelligence cuts across each of them: it increasingly mediates the design of digital products, content moderation, data practices, and access to services, while AI governance frameworks are being built rapidly and often without sufficient integration of children's rights. The consultation workshops will address AI as it arises across the thematic areas, with dedicated attention in the call for inputs. On the most contested questions – including encryption and the prevention of child sexual exploitation and abuse, age-based access restrictions and age-verification methods, and the regulation of harmful content – the process calls for an evidence-based approach grounded in the rights framework.

Across these areas, the process will identify and assess best practices for their conformity with international human rights law, and – drawing on the workshops and perspectives gathered, and building on existing standards, guidance and initiatives rather than duplicating them – report on options for a framework, including at the global level.

I. **Risks and harms in the digital environment.** The consultation workshops will examine risks to children's safety and rights in a differentiated manner, recognizing that distinct categories of concern engage different legal standards and may require different responses. These include: violence, exploitation and abuse, including sexual exploitation and abuse, cyberbullying, harassment, discrimination, hate speech, criminal exploitation and online recruitment; content- and expression-related concerns, including harmful or age-inappropriate content and measures affecting access to information and freedom of expression; privacy, data protection and surveillance-related concerns, including data collection, profiling and privacy violations; and product design and business model-related concerns, including manipulative or addictive design, algorithmic amplification and targeted advertising. Regional patterns, emerging threats, and evidence gaps will be a particular focus, as will the need for responses that are

evidence-based, rights-respecting, and tailored to the nature of the risk and the rights at stake.

II. **Children's participation, empowerment, and equality.** The meaningful and safe participation of children in the design, governance, and regulation of digital environments; the differential ways in which children experience risks to their safety and rights, as well as protective or regulatory measures; how equitable access to digital technologies, information, education, participation channels, support services, and remedies can be ensured; and the digital literacy and skills that enable children to realize the opportunities of the digital environment and participate in it safely.

III. **State obligations and regulatory responses.** States' duties as primary duty-bearers, and the measures through which they are pursued — including age-appropriate and child rights by design obligations, platform and product liability, data protection, and approaches to harmful content. The consultations will examine how such measures can be evidence-based, rights-respecting, and responsive to children's evolving capacities, including across regions with differing regulatory capacities, on the understanding that age-appropriateness is interpreted through *evolving capacities* rather than applied uniformly.

IV. **Responsibilities of business enterprises.** The corporate responsibility to respect children's rights through human rights due diligence, including child rights impact assessments before deployment; child rights by design; transparency and public reporting; and access to effective remedy where harm occurs. The scope and depth of these responsibilities in practice, including across companies of different sizes and regions, will be a key focus.

V. **Digital safety, privacy, and the rule of law.** Identifying best practices for pursuing child safety measures – including protection from online child sexual abuse and exploitation – alongside the right to privacy and secure communications, and assessing the impact of such measures on the privacy of children and of everyone; how criminal law can protect children from online harm without over-criminalizing their own or others' conduct, consistent with due process and children's evolving capacities; and how responses can be calibrated to the differing nature and severity of harms, rather than treating criminalization as a default response. Restrictions on freedom of expression and access to information aimed at protecting children may themselves be over-restrictive, or be misused to unduly criminalize the conduct of adults or children.

Cross-Regional Consultations

Five regional consultation workshops will be held between August and November 2026, each comprising a 90-minute virtual meeting. These will be complemented by an in-person event in Geneva. Expert regional moderators will host the consultations, each of which will include a segment for speaker presentations and a moderated exchange based on questions submitted by registered participants. In addition, a structured global call for inputs will gather written submissions through a questionnaire available in English, French, and Spanish.



How to Participate

OHCHR welcomes contributions from all stakeholders with relevant expertise, including States, the private sector, academia, civil society, and young people. Stakeholders are invited to become involved in the following ways:

- **Respond to the global Call for Inputs**
- **Register to attend** a virtual consultation workshop.

For queries about the process, or how to participate, please contact: ohchr-childrights-digital@un.org