



ACERWC
African Committee of Experts on
the Rights and Welfare of the Child

ACERWC DAY OF GENERAL DISCUSSION ON CHILDREN'S RIGHTS IN THE DIGITAL WORLD

OUTCOME STATEMENT

Acknowledging that the increase in internet access and connection has provided invaluable opportunities for the realisation of children's rights;

Bearing in mind that internet access and usage may result in the violation of children's rights;

Being cognizant of the Malabo Convention; the ACERWC General Comment on sexual exploitation, which also addresses online child sexual exploitation; Africa's Agenda for Children 2040; Resolution 17/2022 of the ACERWC Working Group on Children's Rights and Business on the promotion and protection of children's rights in the digital sphere; the African Commission on Human and Peoples' Rights Declaration of Principles on Freedom of Expression and Access to Information in Africa; the AU digital transformation strategy; the AU strategy and action plan against online child sexual exploitation and abuse, the AU & Internet Society Data Protection Guidelines for Africa and; the AU Data Policy Framework;

Noting the progress that African Union Member States have made in the enactment of data protection, online child protection, cybercrimes and/or cybersecurity laws;

Deeply concerned that access remains a challenge for some children hence hindering them from accessing equal opportunities online;

Concerned that there is little evidence on the state of children's rights in Africa, within the context of the fast evolving digital and technology era, and further, that there are few home-grown solutions to enable children to safely enjoy their rights in the digital environment;

Concerned that there is slow progress in ratifying the Malabo Convention and a lack of laws or policies on data protection, cybercrime and/or cybersecurity in some member states;

Noting the gaps among member states in holding internet and electronic service providers accountable for child rights online violations;

Concerned with the lack of awareness and understanding amongst communities, governments, policymakers, law enforcement agencies, and some businesses on how to tackle issues of online safety;

Recognizing the critical role that can be played by Member States, the African Union Commission, businesses, civil society organisations, caregivers and children in the promotion and protection of children's rights online:

We, the participants of the Day of General Discussion on Children's Rights in the Digital World on 24 November 2022;

1. Urge Member States of the African Union to:

- Ratify and domesticate the African Union Convention on Cybersecurity and Personal Data Protection (Malabo Convention) and other applicable international instruments;
- Adopt and implement laws and policies that protect children's rights online, including the protection of children from Online Child Sexual Exploitation and Abuse (OCSEA), self-harm, hate speech, cyberbullying, ensure cyber security and data protection, ensure criminal liability; establish precise conditions and rules for extradition, extraterritorial jurisdiction, mutual legal assistance, regulation of artificial intelligence, and the seizure and confiscation of goods;
- Establish and finance strong institutional measures, including regulatory bodies, and ensure reporting, response and investigation mechanisms for suspected violations of children's rights online;
- Empower children on how to navigate the digital environment and on the online dangers and online safety through the introduction of legal frameworks, the development of curriculums, and the provision of infrastructure needed for online access;
- Bridge the digital divide and ensure equal and universal access to the internet by all children, as well as children with disabilities and children from disadvantaged positions, by setting aside sufficient resources for the provision of ICT services;
- Ensure children have access to age-appropriate and credible information, including on sexual reproductive health online;
- Empower caregivers and teachers to help children navigate the digital world by introducing adult digital literacy programmes;

- Establish an easy and accessible reporting and response system for children including toll-free national emergency/help numbers, online platforms that are always available for reporting online violations, referral to protection and support services for survivors, and redress to victims of online harms;
- Establish by law the responsibility of ICT companies, financial institutions, and other businesses to prevent and report online violations, including OCSEA and self-harm;
- Explore mechanisms through which the digital environment can be utilised to enhance children's rights, e.g. online birth registration services, soft-copy publication of key legislation and statistics relating to children, and updated online platforms;
- Cooperate with state and non-state actors, National Human Rights Institutions, Schools, UN Agencies, INTERPOL, and CSOs, among others, to ensure the protection of children in the digital environment; and
- Ensure that all relevant actors and stakeholders, particularly children themselves, are involved in the formulation of the various policies and guidelines required for the realisation of the rights of the child in the digital world

2. Urge the African Union Commission to:

- Encourage Member States to ratify the Malabo Convention and the African Charter on the Rights and Welfare of the Child;
- Cooperate and engage in dialogue with Member States, children, private actors, National Human Rights Institutions, relevant intergovernmental organizations, and civil society organisations on digital literacy, children's safety, and the responsible use of digital technology;
- Encourage Member States to ensure that state actors do not infringe on children's rights in the digital world, such as through unethical surveillance practices and internet shutdowns;
- Assist Member States to establish coordination mechanisms in the prosecution of cross-border cybercrimes affecting children; and
- Review the African Union Digital Transformation Strategy to include a component on children and their empowerment and protection in the digital world.

3. Urge the ACERWC to:

- Engage with State Parties during reporting procedures on the extent to which State Parties are placing the necessary measures to ensure the promotion and protection of children's rights online;

- Assist in building the capacity of Member States through the development of guiding resources on how the provisions of the Charter are implicated in the digital world;
- Engage with technology companies and transnational corporations on their obligations towards the protection of children online in Africa; and
- Ensure that its online resources and contents are accessible to all children.

4. Urge businesses to:

- Design and engineer products that are child sensitive;
- Put in place structures and mechanisms to protect children's rights online, including robust codes of conduct and user agreements for online platforms;
- Support the justice sector in the investigation of online child rights violations by providing information on perpetrators of online harm;
- Develop online safety measures for children during online learning by establishing child-friendly reporting mechanisms; and
- Standardise rules around children's access to the internet and develop mechanisms for age and identification verification

5. Urge Civil Society Organisations to:

- Undertake awareness raising and provide platforms for children to use the internet wisely and communicate with caregivers, and teachers; and
- Enhance digital literacy in communities and raise awareness about violations of children's rights online.

Adopted on 24 November 2022, Maseru, Lesotho