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**TO: COMMITTEE ON THE RIGHTS OF THE CHILD**  
E-mail: [crc@ohchr.org](mailto:crc@ohchr.org)

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**SUBMISSION BY MEDIA MONITORING AFRICA:**

**GENERAL COMMENT ON CHILDREN'S RIGHTS IN RELATION TO THE DIGITAL ENVIRONMENT**

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## INTRODUCTION

1. Media Monitoring Africa (MMA) welcomes the opportunity to provide this submission to the Committee on the Rights of the Child (Committee) on the Draft General Comment on Children's Rights in Relation to the Digital Environment (Draft General Comment). We note the important purpose of the Draft General Comment in detailing the various ways in which the principles, rights and responsibilities of the Convention of the Rights of the Child (CRC) find application in the rapidly evolving digital environment. Further, we are of the view that the Draft General Comment has the potential to contribute positively to the realisation of children's rights online, which in turn can have innumerable benefits for children from diverse backgrounds with varying capabilities, creating unprecedented opportunities for equality and inclusion.
2. As a point of departure, we appreciate the inclusive approach of the Committee in developing the Draft General Comment, in particular the inclusion of children as active participants. MMA generally supports the proposed positions adopted by the Committee and commends the efforts of the Committee to ensure that the same rights that children have offline must also be protected online. Our submissions are narrowly tailored to three points:
  - 2.1. **First**, expanding the understanding of meaningful access.
  - 2.2. **Second**, the role of the business sector in advancing children's meaningful participation.
  - 2.3. **Third**, our submissions on the ambit of children's privacy rights online.
3. These are dealt with in turn below following a brief overview of MMA.

## OVERVIEW OF MEDIA MONITORING AFRICA

4. MMA is a not-for-profit organisation, based in South Africa, that has been monitoring the media since 1993. MMA's objectives are to promote the development of a free, fair, ethical and critical media culture in South Africa and the rest of the continent. Children's rights have played a central role in MMA's work, for over 17 years, ranging from pioneering efforts in meaningful children's participation, to empowering children through media literacy workshops, providing editorial guidelines and principles for the reporting of children in the media, and making parliamentary submissions with and on behalf of children.<sup>1</sup>
5. MMA works directly with young digital citizens, Web Rangers, who are empowered to use the

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<sup>1</sup> In addition to these activities MMA engages in strategic litigation on a range of media freedom and children's rights related issues. MMA also runs a unique post graduate University accredited course on reporting on children.

internet responsibly.<sup>2</sup> The Web Rangers programme encourages the development of digital literacy skills that allow young people to gain critical skills and knowledge around online safety. In addition, the programme also equips young people with the skills to critically engage with content, learn how to spot disinformation, and also develop methods on how to use the internet to build South Africa's democracy. Further, MMA has recently worked on a discussion document on children's rights online, which has informed a workshop with our Web Ranger participants, who in turn have contributed to the drafting of a Digital Rights Charter that seeks to give effect to an internet that is accessible, safe and empowering, and that advances the development of children in line with their rights and interests. Our submissions to the Committee are informed by the views of the children we work with, as well as our developing understandings of children's digital rights.

6. For more information about MMA, please visit: [mediamonitoringafrica.org](http://mediamonitoringafrica.org).

## SUBMISSIONS ON THE DRAFT GENERAL COMMENT

### *Meaningful access*

7. MMA welcomes the inclusion of and references to meaningful access in the Draft General Comment.<sup>3</sup> However, given its import for the advancement of children's rights online, we submit that the notion of meaningful access be expanded and presented at the outset of the Draft General Comment, either in the introduction or as a section on core elements of meaningful access to the digital environment.<sup>4</sup> In our submission, meaningful access to digital technologies is a substantive element of the rights to access to information and freedom of expression, and should accordingly be recognised as such.
8. MMA submits that access alone is insufficient for the advancement of children's rights online. Meaningful access is not only about coverage or about having a device; rather, it is multifaceted, incorporating a range of components that all need to be present to overcome the structural, economic and social barriers that impede children's meaningful participation in the digital world.<sup>5</sup>

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<sup>2</sup> The Web Rangers programme is run together with major partners including Google, Facebook, the Department of Communications and Digital Technologies, the Media Development and Diversity Agency and MTN. For more information please see [webrangers.co.za](http://webrangers.co.za).

<sup>3</sup> Draft General Comment at paras 3 and 10.

<sup>4</sup> This latter approach is similar to that of the Committee's General comment No. 24 (2019) on children's rights in the child justice system (2019) (accessible at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f24&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f24&Lang=en)).

<sup>5</sup> See MMA, 'Submission on the Preliminary Findings and Recommendations on the Data Services Market Inquiry to the Competition Commission' (2019) at 4 (accessible at <https://www.mediamonitoringafrica.org/wp-content/uploads/2019/06/190614-MMA-Submission-to-the-Competition-Commission-on-Data-Pricing.pdf>). See further, Association for Progressive Communication, 'Response to the ITU Council Working Group-Internet Open Consultation on Bridging the Digital Gender Divide' (2018) (accessible at [https://www.itu.int/en/Lists/consultationOct2017/Attachments/54/APCSubmission\\_ITU\\_BridgingGenderDigitalDivide.pdf](https://www.itu.int/en/Lists/consultationOct2017/Attachments/54/APCSubmission_ITU_BridgingGenderDigitalDivide.pdf)). See also UNICEF, 'Access to the Internet and Digital Literacy' (2017) at 8 (accessible at

9. Accordingly, we submit that meaningful access is subject to two interrelated dimensions encompassing various components. The first is about accessing the physical infrastructure that enables access to online content; and the second is about the ability to access and disseminate relevant content online as part of the exercise of an array of human rights.<sup>6</sup> We recommend that this nuanced and holistic interpretation of meaningful access be expanded on in the Draft General Comment. To this end, we suggest the following components of meaningful access be included and given content.

Affordable if not free

10. The ability to pay for access to infrastructure, networks, devices, services and data remain a barrier to meaningful access.<sup>7</sup> However, this barrier is not insurmountable. In this regard, we draw to the attention of the Committee a joint initiative by MMA, together with the Association for Progressive Communications, the Interactive Advertising Bureau of South Africa and the South African National Editors' Forum, that has developed a seven-point plan regarding how to achieve universal access to the internet and free public access, which includes the following:<sup>8</sup>
- 10.1. The implementation of free public access to the internet at government sites, such as schools, libraries and health facilities.
  - 10.2. Zero-rated access to government websites and data.
  - 10.3. Free wi-fi access recognised as a basic municipal service and run as a public utility, realised through public-private partnerships.

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[https://www.unicef.org/csr/css/UNICEF\\_CRB\\_Digital\\_World\\_Series\\_ACCESS.pdf](https://www.unicef.org/csr/css/UNICEF_CRB_Digital_World_Series_ACCESS.pdf)). Broadband Commission, 'The State of Broadband: Broadband as a Foundation for Sustainable Development' (2019) (accessible at [https://www.itu.int/dms\\_pub/itu-s/opb/pol/S-POL-BROADBAND.20-2019-PDF-E.pdf](https://www.itu.int/dms_pub/itu-s/opb/pol/S-POL-BROADBAND.20-2019-PDF-E.pdf)). The Internet Governance Forum (IGF) explained that measures that promote access need to focus on ensuring that access is meaningful and enables and empowers users which extends from "quality and speed of access itself to the availability of relevant content, the ability to use content, the extent to which human rights are promoted and respected online". See IGF, 'Policy Options for Connecting and Enabling the Next Billion(s) Phase II (2016) (accessible at [https://www.intgovforum.org/multilingual/index.php?q=filedepot\\_download/3416/549](https://www.intgovforum.org/multilingual/index.php?q=filedepot_download/3416/549)). IGF has defined meaningful access to be construed as "pervasive, affordable connection (of sufficient quality and speed) to the Internet in a manner that enables the user to potentially benefit from Internet use including to participate in the public sphere, exercise human rights, access and create relevant content, engage with people and information for development and well-being, etc.; irrespective of the means of such access (i.e. whether via a mobile or other device; whether through private ownership of a device or using a public access facility like a library)". See IGF, 'Overcoming Barriers to Enable Women's Meaningful Access' (2016) (accessible at [https://www.intgovforum.org/multilingual/index.php?q=filedepot\\_download/3406/437](https://www.intgovforum.org/multilingual/index.php?q=filedepot_download/3406/437)).

<sup>6</sup> Universal Access to the Internet and Free Public Access in South Africa (2019) (accessible at <http://mediamonitoringafrika.org/wp-content/uploads/2019/09/UA-Report.pdf>).

<sup>7</sup> Id. See further UNICEF, 'Children in a Digital World' (2017) at 76 (accessible at [https://www.unicef.org/publications/files/SOWC\\_2017\\_ENG\\_WEB.pdf](https://www.unicef.org/publications/files/SOWC_2017_ENG_WEB.pdf)). 45. See also, Molapo 'Local Games, Local Content, Local Applications On Mobile: ICTs for Informal Learning in Rural Africa' in Cortesi and Gasser (eds) *Digitally Connected: Global Perspectives on Youth and Digital Media* (2015) (accessible at <https://dash.harvard.edu/handle/1/16145970>).

<sup>8</sup> Accessible at <https://internetaccess.africa/universal-access/>.

- 10.4. Setting minimum standards for the provision of free internet access, including a minimum data allocation per person per day, and standards for privacy, security, access quality and fair access to information in the public interest.
  - 10.5. The introduction of the concept of My Internet Rights, in terms of which every citizen should be entitled to a daily tranche of free internet access to exercise their information rights.
  - 10.6. The introduction of digital literacy programmes in education curricula and as part of free internet schemes, especially aimed at children and those unfamiliar with risks and opportunities related to the internet.
  - 10.7. The need for relevant oversight bodies to monitor and report on the progressive realisation of internet access rights, and in particular the adoption and implementation of legislation, regulation and policies governing free access to the internet as a basic human right.
11. MMA urges the Committee to have regard to these recommendations and incorporate them, as appropriate, into the Draft General Comment to give effect to the scope of meaningful access.

#### Connectivity

12. The Alliance for Affordable Internet (A4AI), in rethinking how access is measured, developed a standard of meaningful connectivity to define the dimensions of internet access, setting more ambitious policy goals for digital development.<sup>9</sup> Their meaningful connectivity targets are measured across the four dimensions of internet access that matter most to users: (i) regular internet use; (ii) an appropriate device (iii) enough data; and (iv) a fast connection.<sup>10</sup> The Broadband Commission has also grappled with the concept of meaningful universal connectivity which is intended to encompass “broadband adoption that is not just available, accessible, relevant and affordable, but that is also safe, trusted, empowering users and leading to positive impact.”<sup>11</sup>
13. We encourage the Committee to infuse these understandings of connectivity as part of the broader conceptualisation of meaningful access.

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<sup>9</sup> A4AI, ‘Meaningful Connectivity: A New Target to Raise the Bar for Internet Access’ (2020) (accessible at <https://a4ai.org/meaningful-connectivity/#:~:text=Meaningful%20Connectivity%20is%20a%20framework,that%20is%20useful%20and%20empowering>).

<sup>10</sup> Id.

<sup>11</sup> Broadband Commission, ‘The State of Broadband: Broadband as a Foundation for Sustainable Development’ (2019) (accessible at [https://www.itu.int/dms\\_pub/itu-s/opb/pol/S-POL-BROADBAND.20-2019-PDF-E.pdf](https://www.itu.int/dms_pub/itu-s/opb/pol/S-POL-BROADBAND.20-2019-PDF-E.pdf)).

Critical Digital literacy

14. MMA records that a lack of digital literacy is emerging as the main barrier to internet use. Accordingly, MMA submits that coupled with the structural components of affordability and connectivity, digital literacy inclusive of media and information literacy skills must be prioritised.<sup>12</sup> We note that there are several references to digital literacy throughout the Draft General Comment including references to teachers, parents and caregivers. We welcome this and accept that the Committee is well aware of the import of digital literacy. We therefore suggest that, as part of the context of meaningful access, emphasis is placed on the significance of enhancing the ability of a child to have appropriate critical media and information literacy skills and digital and technical skills. We further suggest that this emphasis reflects on some of the core competencies of such skills. We propose the following competencies be included, as a non-exhaustive list:

- 14.1. using digital devices;
- 14.2. finding, evaluating, and managing information online, and identifying content that may amount to mis- or disinformation or content that may amount to hate speech;
- 14.3. navigating and exploring new spaces, cognisant of risks and harms;
- 14.4. interacting, sharing, and collaborating online;
- 14.5. developing and creating content;
- 14.6. respecting others online;
- 14.7. safely using protection features;
- 14.8. knowing how to solve problems and be creative;
- 14.9. grasping concepts relating to safe and responsible internet usage;
- 14.10. understanding one's digital footprint; and
- 14.11. knowing how to access the opportunities that the digital world has to offer.<sup>13</sup>

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<sup>12</sup> Media Monitoring Africa, 'Submissions on the Draft National Youth Policy for 2020-2030 (NYP2030)' (2020) (accessible at <http://mediamonitoringafrica.org/wp-content/uploads/2020/03/200316-MMA-Submission-on-the-NYP2030.pdf>).

<sup>13</sup> See UNICEF, 'Children in a digital world' above n 7 at 128 and Web rangers <https://webrangers.co.za/>.

Accessibility, inclusivity and equality

15. MMA submits that meaningful access includes the experiences of a child in the digital environment. This requires certain accessibility standards and accessibility features, and includes the need for relevant and appropriate content, as well as local content in local languages. It further requires that children must be able to access the internet on an equal and non-discriminatory basis. MMA accepts that these considerations do form part of the Draft General Comment, however, we reiterate that these topics be incorporated in the holistic understanding of meaningful access.

Evolving nature of technology

16. While we encourage the Committee to adopt a nuanced approach to meaningful access, we would be remiss not to emphasise the importance of balancing this against technological neutral understandings. The recently published ‘Guidelines for policy-makers on child online protections’ notes that “[w]henver possible, legislation should be technology-neutral, so that its applicability is not eroded by future technological developments.”<sup>14</sup> As the Committee is no doubt aware, technology is evolving at a rapid pace with constantly emerging technological mediums, some of which are yet to be developed. Emerging technology will likely amplify existing opportunities, risks and challenges, and is equally likely to develop new processes, practices and functionalities that are yet to be imagined.<sup>15</sup> Therefore, we encourage the Committee to remain cognizant of the evolving nature of the digital environment and the evolving nature of opportunities, risks and challenges as it continues its work on the Draft General Comment.

***The business sector***

17. The business sector remains the “key driver of the digital revolution. As providers of internet access, producers and providers of content and other digital goods, and purveyors of online goods and services, businesses are increasingly integrated into children’s lives.”<sup>16</sup> Online platforms and social media companies, in particular, wield significant power over how rights are respected, protected and promoted online.<sup>17</sup> Accordingly, MMA welcomes the acknowledgement that the business sector must play a significant role in the advancement of children’s rights online. In particular, we welcome and endorse the obligation on States to ensure that the business sector must undertake

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<sup>14</sup> International Telecommunication Union (ITU), ‘Guidelines for policy-makers on Child Online Protections’ (2020) (accessible at [https://8a8e3fff-ace4-4a3a-a495-4ea51c5b4a3c.filesusr.com/ugd/24bbaa\\_b5fec426d50d4a21b721489099b5781f.pdf](https://8a8e3fff-ace4-4a3a-a495-4ea51c5b4a3c.filesusr.com/ugd/24bbaa_b5fec426d50d4a21b721489099b5781f.pdf)).

<sup>15</sup> The evolving nature of technology was recently discussed in a South African parliamentary submission in the context of online domestic violence committed, abetted or aggravated, in part or fully, by the use of information and communication technologies (ICTs), Research ICT Africa, Association for Progressive Communication, ALT Advisory, Feminsiting While African, ‘Joint Submissions on the Domestic Violence Amendment Bill’ (2020) (accessible at <https://altadvisory.africa/wp-content/uploads/2020/10/Domestic-Violence-Amendment-Bill-B20-%E2%80%932020-Joint-Submissions-by-RIA-APC-ALT-FWA.pdf>).

<sup>16</sup> UNICEF, ‘Why businesses should invest digital child safety’ (accessible at <https://www.bsr.org/en/our-insights/blog-view/childrens-rights-online-a-conversation-with-unicef>).

<sup>17</sup> Human Rights Council, ‘The promotion, protection and enjoyment of human rights on the Internet’, A/HRC/RES/20/8 (2012) (accessible at <https://digitallibrary.un.org/record/731540?ln=en>).

child rights due diligence and conduct child-rights impact assessments.<sup>18</sup> However, MMA submits that given the indispensable role that the business sector plays, particularly in the digital environment, consideration needs to be given to how children engage with the terms and conditions of various businesses that operate online.

Participation, evolving capacities and understanding the terms and conditions

18. The Draft General Comment makes several notable references that relate to children’s participatory rights and their evolving capacities.<sup>19</sup> We welcome these inclusions, but submit that further consideration regarding children’s participation, evolving capacities, and their interaction with the business sector online is warranted.
19. Through our work, it is becoming increasingly apparent the terms and conditions of social media platforms are in many instances unruly, complex, vague or rely on misleading language. This leads to many online users, particularly children, forfeiting their rights, and handing over unfettered power to social media companies.<sup>20</sup>
20. Terms and conditions that fail to sufficiently inform children of the impact of their participation and their decisions, impede children’s participatory rights. The Draft General Comment acknowledges the importance of children’s online participation for advancing their rights to freedom of expression, freedom of association and peaceful assembly, equality, education, and their right to be heard. We submit these rights equally find application in the context of the business sector.
21. For children to participate online meaningfully and effectively, they need to fully understand the terms and conditions they consent to. This means that processes that require children to make decisions that will affect them must be “authentic, inclusive and meaningful and should take into account the evolving capacities of children”, such processes must enable them to learn constructive ways to influence the world around them, as well as understand the outcomes and consequences of the decisions they make.<sup>21</sup>

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<sup>18</sup> Draft General Comment at para 38.

<sup>19</sup> This ranges from the acknowledgement that children should participate in matters that affect them, that policy design processes to be mindful of the evolving capacities, competencies and understandings of children, and digital providers should offer or make available services to children appropriate for their evolving capacities. Additionally, the Draft General Comment covers the need for codes and terms of service to adhere to high standards. Further, in the context of remedies, the Committee urges States to provide children with child-sensitive and age-appropriate information in child’s own language on their rights, on reporting and complaint mechanisms in place, as well as the services and remedies available, when their rights are violated in relation to the digital environment.

<sup>20</sup> See, Tease&Seize (accessible at <http://teaseandseizeapply.co.za/>). We use the terms and conditions as an umbrella terms to include privacy policies, terms of service, cookie policies and community standards / guidelines.

<sup>21</sup> UNICEF, The Global Compact and Save the Children, ‘Children’s Rights and Business Principles’ (2005) (accessible at [https://d306pr3pise04h.cloudfront.net/docs/issues\\_doc%2Fhuman\\_rights%2FCRBP%2FChildrens\\_Rights\\_and\\_Business\\_Principles.pdf](https://d306pr3pise04h.cloudfront.net/docs/issues_doc%2Fhuman_rights%2FCRBP%2FChildrens_Rights_and_Business_Principles.pdf)).

22. We accept that different platforms and different services adopt different approaches to the age of consent,<sup>22</sup> however, the terms and conditions rarely mirror these age expectations. We submit that child-friendly terms and conditions need to be accessible in order for children who can consent, to do so in a prior free and informed manner. To this end, we submit that the following be included in section V(l):

**Genuine and meaningful participation forms an integral part of children advancing an array of rights in the digital environment. It is therefore incumbent on the business sector to ensure that terms and conditions, and associated policies of social media platforms and other online spaces that are used by children, must be accompanied by child-friendly versions taking into account the evolving capacities of children. Such policies and standards must be drafted in a manner that enables children to make informed decisions online.**

23. MMA submit that this applies equally to commercial advertising and marketing policies.

### ***Safety and data protection***

24. MMA welcomes the inclusion of issues pertaining to the right to privacy, the protection of children's personal data, and the concerns regarding automated data processing, behavioural targeting, mandatory identity verification, and mass surveillance. Through our work, we advocate for the respect protection and promotion of children's privacy rights, and endorse the positions adopted by the Committee. We note that the approaches to collecting, using and processing children's data are becoming progressively prolific, with both the state and the business sector being able to gather extensive amounts of data on children, becoming a high-ranking privacy concern for children.<sup>23</sup> We further accept that an "analysis of the right to privacy is even more pressing when dealing with children."<sup>24</sup> Accordingly, we propose the following three inclusions to the Draft General Comment.

#### Privacy policies and consent

25. As explained above, we believe that children's participatory rights are only meaningful to the extent that children understand what they are consenting to. Children must therefore be informed about how the data is collected and used. This requires privacy policies to be child friendly and account for the varying evolving capacities of children. Parents and caregivers who may often consent on

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<sup>22</sup> See for example: Facebook, 'Help Center: How do I report a child under the age of 13 on Facebook?' (accessible at <https://www.facebook.com/help/157793540954833>); Twitter, 'Help Center' (accessible at [https://help.twitter.com/forms/parental\\_consent](https://help.twitter.com/forms/parental_consent)); and Instagram, 'Help Center – Privacy and Safety Center' (accessible at <https://help.instagram.com/517920941588885>).

<sup>23</sup> See S Livingstone, M Stoilove & R Nandagiri 'Children's data and privacy online Growing up in a digital age' (2018) in which the authors note that it is evident that "children are not fully aware of the threats coming from commercial entities that collect, record and aggregate data on their platforms, and nor do they fully understand how their data is used for economic profit by targeting ads or customising content."

<sup>24</sup> *Centre for Child Law and Others v Media 24 Limited and Others* [2019] ZACC 46 at para 49 (accessible at <http://www.saflii.org/za/cases/ZACC/2019/46.pdf>).

behalf of children should also be informed of the impact of the data collection and processing, which equally requires accessible and user-friendly policies. We therefore propose the following be included at the end of paragraph 72:

**Through legislative and other measures, States should ensure that all actors processing the data of children adopt privacy policies for such purposes. Such policies must be user-friendly and accessible for parents and caregivers with diverse digital literacy and literacy skills. All privacy policies must be accompanied by child-friendly versions, taking into account the evolving capacities of children and must be drafted in a manner that enables children to make informed decisions about their personal data.**

26. We propose that a similar inclusion regarding policies be introduced in paragraph 43 to ensure that parents, caregivers and children are appropriately apprised of decisions they take in the context of commercial advertising and marketing.

#### An enabling environment

27. We take the view that the duty rests firmly on States to create an appropriate enabling environment where children can exercise and realise their privacy rights. The Draft General Comment requires that States take legislative and other measures to safeguard children's privacy rights. Threats to privacy in the digital environment are in many ways more ubiquitous and dangerous when considered in respect of children, taking into consideration the special protections afforded to children in our law, together with the vulnerability and evolving maturity that children bear.<sup>25</sup> Therefore, in order for States to create an appropriate enabling environment, they need to ensure that child-specific provisions and safeguards are in place. We propose the following inclusion to paragraph 72:

**Privacy and data protection legislation, including surveillance-related legislation, should include express child-sensitive provisions and safeguards.**

#### Identity protection and digital footprints

28. A child's digital footprint can develop well before they are active digital citizens, through the online activities of parents, caregivers and families.<sup>26</sup> Children who use ICTs in turn deepen their digital footprint. For children who are, or have been involved in the criminal justice system, their digital footprint poses interesting questions in relation to their privacy.

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<sup>25</sup> See further written Submissions by Media Monitoring Africa as the first *amicus curiae* in the confirmation proceedings before the Constitutional Court of South Africa in *amaBhungane Centre for Investigative Journalism NPC and Another v Minister of Justice and Correctional Services and Others* CCT278/19 (accessible at <https://powersingh.africa/2020/02/11/amabhungane-centre-for-investigative-journalism-npc-and-another-v-minister-of-justice-and-correctional-services-and-others/>).

<sup>26</sup> *Id.*

29. The South African Constitutional Court recently held, children who are survivors, victims, witnesses, or are in conflict with the law, are deserving of identity protections in respect of media publication whilst they are children.<sup>27</sup> The Constitutional Court recognised the immediate and far-reaching dissemination of information in the age of social media, and in doing so endorsed notions of agency and autonomy and empowerment when it comes to identity disclosure.<sup>28</sup> While that matter dealt with the identification of a child in traditional media, interesting parallels can be drawn in respect of a child's digital footprint and are worth exploring further. Therefore, MMA brings this case to the attention of the Committee to highlight the importance of privacy for children who participate, in various ways in the criminal justice system, and what this may mean for their digital footprint.
30. MMA is mindful of the developing legal standards relating to the right to be forgotten and does not seek to suggest that such a right necessarily be included in the Draft General Comment. We merely submit that recognition of the right to privacy for children who are survivors, victims, witnesses or are in conflict with the law is respected, protected, and promoted in the digital environment. We submit that such a recognition be included in section VI(E), and XII(B), in this regard we propose text along the following lines.

**States should take legislative steps to prohibit the publication, in any manner, including via social media or other online platforms, of information which reveals or may reveal the identity of a child who is a survivor, victim, witness, or is in conflict with the law. Such prohibitions may be subject to judicial discretion where a judicial officer deems it just and equitable and in the public interest to authorise publication of such information.**

#### **CONCLUDING REMARKS**

31. MMA welcomes and encourages the collaborative and inclusive approach of the Committee. We appreciate the opportunity to provide this submission to the Committee and we remain available to assist the Committee, including by providing further written or oral submissions at the appropriate time. Please do not hesitate to contact us should you require any further information.

**Media Monitoring Africa  
Johannesburg, 2020**

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<sup>27</sup> *Centre for Child Law* above n 24.

<sup>28</sup> *Id* at para 86.