

RESOLUTION NO. 17/2022 OF THE ACERWC WORKING GROUP ON CHILDREN'S RIGHTS AND BUSINESS ON THE PROTECTION AND PROMOTION OF CHILDREN'S RIGHTS IN THE DIGITAL SPHERE IN AFRICA

The Working Group on Children's Rights and Business of the African Committee of Experts on the Rights and Welfare of the Child (the Committee/ ACERWC) during its second meeting held virtually on 17 March 2022;

CONSIDERING Articles 32 and 42 of the African Charter on the Rights and Welfare of the Child (ACRWC) which establishes the African Committee of Experts on Rights and Welfare of the Child and sets its mandate to promote and protect the rights and welfare of the child in Africa;

RECALLING Article 38(1) of the ACRWC that authorizes the ACERWC to establish its own Rules of Procedures, which the ACERWC developed and revised in 2013 and 2015 respectively;

CONSIDERING Rule 58 of the Revised Rules of Procedure, which allows the ACERWC to establish special mechanisms and assign specific tasks or mandates to either an individual member or group of members concerning the preparation of its sessions or the execution of special programs, studies and projects;

RECALLING the ACERWC Resolution on the establishment of a Working Group on Children's Rights and Business adopted during its 35th Ordinary Session held from 31 August to 08 September 2020;

MINDFUL of the goal of the Working Group which is to promote the integration of a child rights based approach to business practices with a view to addressing business-related rights in Africa;

RECALLING Article 1 of the African Children's Charter and General Comment No. 5 of the ACERWC on State Parties' obligations to undertake the necessary legal, policy, budgetary, administrative and other appropriate measures to ensure the full realisation of all children's rights as stipulated in the Children's Charter;

CONSIDERING also Articles 16 (protection from child abuse and torture) and 27 (sexual exploitation) of the ACRWC, and the ACERWC General Comment No. 7 on protection from child sexual exploitation and abuse including online sexual exploitation;

COGNISANT of the need to give special attention to the rights of children to privacy (Article 10), freedom of expression (Article 7) provided for in the ACRWC as well as Article 29 (3) of the African Union Convention on Cyber Security and Personal Data Protection (Malabo Convention) that provides for protection from content related offences committed in cyber space concerning children and calls upon State parties to criminalize them;

RECALLING Decision Assembly/AU/Dec.601(XXVI) of the Assembly of the Heads of State and Government of the AU, which adopted the 2017 theme “Harnessing the Demographic Dividend through Investment in the Youth”, which constitutes the continent’s most valuable resource, and the AU Executive Council Decision which mandates the ACERWC to scale up its work in safeguarding and promoting the rights and welfare of children in the cyberspace, namely the protection of children’s information, rights to safety, informed choices and digital literacy;

RECOGNIZING the increase in digital and mobile penetration rates in Africa and the potential of the fourth industrial revolution in advancing emerging technological innovations for promoting children’s rights;

MINDFUL of the impact the COVID-19 pandemic has had on access to education, and the growing need to utilise digital technology to ensure continuity of learning and children’s overall development;

NOTING that globalisation, technological innovations and industrial growth has resulted in increased connectivity among different groups, across regions and countries, which contributes to children’s increased access to information but exposes them at the same time to predatory exploiters and abusers;

ACKNOWLEDGING the efforts being made by African States to improve information, communication technology (ICT) infrastructure in the region;

NOTING the slow pace by State Parties on enactment and implementation of cyber-security legislative and policy frameworks which regulate any given cyber- activity conducted within their territories whether by an individual, public and a private entity to ensure it does not endanger the rights and wellbeing of children;

DEEPLY CONCERNED with the inadequate attention given to the role played by private sectors and businesses in respecting children’s rights in relation to the digital environment;

RECOGNIZING the need to accelerate the reduction of child protection risks in the digital revolution while enabling children to reap its benefits in Africa;

HEREBY AGREE AND CALL UPON

STATE PARTIES TO:

- i. Report to the ACERWC through State Party reporting procedures, the extent to which a State is placing the necessary measures to protect children in the digital sphere;
- ii. Implement Concluding Observations and Recommendations issued by the ACERWC in relation to protection of children from sexual exploitation including online child sexual exploitation and regularly track implementation progress of resolutions regarding child protection in the digital sphere;
- iii. Ratify the AU Malabo Convention;
- iv. Enact Cyber Security and Data Protection legislation and set up Digital Regulatory bodies, digital industry codes, and terms of service that place responsibilities on the private sector for protection of children in cooperate advertising and marketing practices of its products and services;
- v. Place a legal obligation for digital service providers (DSPs) to report child sexual abuse material (CSAM) to authorities for investigation and hold them accountable for blocking and removing graphic content of children in the digital space;
- vi. Criminalize in relevant criminal and penal codes the production, registering, offering, manufacture, dissemination and transmission of an image of or a representation of child pornography through a computer system or offline;
- vii. Create national child protection systems with clear referral mechanisms with Child Helplines, law enforcement, judicial officials and psychosocial experts and urge private sector to fund the functioning of child protection systems;
- viii. Establish coordination frameworks at local levels, facilitate cross-border collaboration, and initiate international cooperation for information sharing, joint investigation and support to online child sexual exploitation (OCSE) survivors where appropriate; and
- ix. Widely disseminate the ACERWC General Comment No. 7 on Article 27 of the African Children's Charter through partnerships with the private sector, utilizing digital dissemination products.

PRIVATE SECTOR AND BUSINESSES TO:

- i. Assist the Committee's effort in actions to prevent, monitor, investigate and remediate child rights abuses by businesses in the digital sphere;
- ii. Endorse voluntary CSEA protection frameworks that support industries to review existing safety processes; invest in innovative tools and solutions that respond to the evolving online risks for children;
- iii. Raise public awareness, strengthen digital literacy and skills by promoting the safe use of digital technology using age-appropriate child-friendly animations, safe e-education platforms for children, parents and caregivers, as well other vulnerable groups;

- iv. Collect and share data on children's online access, use and risks, particularly on offending patterns, to create a stronger and broader evidence base to inform action in African countries; and
- v. Undertake 'Safety-by-Design (SbD)' due diligence practices to put user safety, especially children's safety, at the forefront of the design, development and release of online products and services.

NON-GOVERNMENTAL ORGANISATIONS AND CIVIL SOCIETY PARTNERS TO:

- i. Design educational, awareness-raising and parenting programs that assist parents and caregivers to provide guidance to their children about digital literacy, children's safety and responsible use of digital technology; and
- ii. Cooperate and engage in dialogue with the Private Sector, National Human Rights Institutions (NHRIs), relevant governmental institutions and academia to devise joint strategies towards the implementation of child focused approaches to digital safety.
- iii.

Done on 01 April 2022 during the 39th Ordinary Session of the ACERWC held virtually from 21 March 2022-01 April 2022.