

Children's Rights and ICTs: Tools of the Trade Workshop

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**Keynote speech delivered by John Morrison,
Executive Director, Institute for Human Rights and Business**

Ladies and Gentlemen, Your Royal Highness.

By 2050 there will be nearly 10 billion people on this planet and 2.6 billion of them will be children. The aim of the 2015-2030 Global Goals on Sustainable Development is to "leave no one behind" and it is vitally important that we leave no child behind in a world where national inequalities are growing in most countries. As Anthony Lake, the Executive Director of UNICEF said at the 2016 Mobile World Congress in Barcelona two weeks ago, mobile technology allows us to reach these children and there is both a moral and a practical case to do so.

One third of the world's births are never registered – making the fight against social exclusion all the harder. Mobile technology can clearly help here, from birth registration, to education, to vaccination programmes and helping control epidemics and the spread of disease.

Mobile technology is a lifeline for the refugees across Europe and upon its borders. Humanitarian agencies have noted that refugees are in need of shelter, food and water, and Wi-Fi. Innovative projects are providing charging stations and wi-fi hotspots to help refugees stay in touch with family back home.

An increasing number of refugees are children – sometimes unaccompanied. This weekend, Save The Children estimated that 38% of those refugees on the border between Greece and Macedonia are children. Mobile technology has a role to play in reuniting refugees and IDPs fleeing conflict.

I salute the companies and other organizations in this room that work with UNICEF, UNHCR and other organizations to help these vulnerable children connect to protection as well as some limited but vital opportunities for education and health.

But when we look at our own societies, including here in the UK, we know there are dangers also in the relation between children and ICT. Only last week, Stephen Kavanagh, the Police Chief Constable leading the fight against digital crime in the UK, called for new legislation to tackle the "unimaginable scale of online abuse". Some of

these crimes might never have been imagined only a few years ago, such as the malicious use of intimate photographs or the way that social media and messaging services can be used to groom children, leading to abuse.

This at a time when the UK is also discussing one of the most fundamental pieces of legislation in recent years, in the form of the *Investigatory Powers Bill*. Protecting both security and privacy, on the one hand, or child rights, on the other, is highly complex but an essential reflection of the age in which we live. Child rights themselves include freedom of expression and the right to participate in society – so we cannot disconnect our children from the world of ICT, nor would any of us want to. It is often said that children don't care about privacy, because they seem so comfortable with sharing the minute details of their lives online. But as a society, it is our responsibility to instill the value of privacy in our children, and educate them about internet safety and etiquette. Privacy matters.

Child rights, like digital rights, need to reflect the full breadth of human rights and so I will talk a little about this wider approach: how the ICT sector and human rights fit together when we approach complex dilemmas.

As Hilary Clinton – then US Secretary of State said at the *Freedom Online Coalition* in The Hague in 2011 - the Internet is not just a human rights issue, it is a 'new frontier' in the whole human rights discussion. If ICT had been around in 1948, Eleanor Roosevelt might have needed to include it in the Universal Declaration for Human Rights.

In strictly human rights terms, the upside of mobile is huge, from freedom of expression, to the right to information, education, health or employment – ICT can be and is a realizer/enabler? of rights. But more than this, mobile devices can be a life-saver – helping to protect the right to life itself: they can record information of abuses perpetrated by others – they are a vital tool for human rights defenders.

But there are challenges that needs to be carefully managed – every industry, every field of life, has its risks, its potential negative impacts that need to prevented or mitigated, and when abuses happen, they need to remedied. This is true of child rights as it is any other area of human rights – in fact is especially the case given the vulnerability of children and the over-arching duty to protect them.

The work of my own organization, the Institute for Human Rights and Business, has I believed over several years helped the ICT sectors develop its human rights voice on a number of key dilemmas though our "Digital Dangers" programme – and a shout out to my colleague Lucy Purdon who leads this work. We are not a consultancy – we take no money from business for specific projects unless they are multi-stakeholder leadership platforms. Therefore we believe what we say when we talk about these dilemmas and I think others listen carefully.

I think we were the only election monitors in history to be embedded in a private company when Lucy was within *Safaricom* during the 2013 Kenyan Presidential elections. The 2007 Presidential elections had seen bulk SMS being used as a key tool for those inciting hatred and violence across the country – as a result of which over one thousand died, and 600,000 people were displaced: including children and their parents. The key dilemma for *Safaricom* during the 2013 Presidential elections was how to mitigate the risks of their bulk SMS platform being used to incite violence, and how

to act without infringing other rights such as privacy and freedom of expression. How does a company make such decisions in real time? The second in the Digital Dangers series saw Lucy embedded with *Ericsson* in Stockholm during 2014, perhaps a safer human rights environment, but the dilemmas are no less stark. The study explored some of the challenges network vendors face in respecting human rights when their technology is misused by third parties, in particular regarding interception of communications, and the due diligence processes that could be put in place to reduce the possibility of misuse.

A third report was with *Telenor* in Pakistan in 2015 on the issue of the human rights impacts of mobile and internet network shut-downs, exploring the role of the company, the responsibility to mitigate the impact on the population and efforts to improve government transparency and accountability.

As more and more people become connected to and rely on mobile and internet services, and telecommunications become an indispensable cornerstone of the economy, government ordered network shutdowns become increasingly disruptive, even endangering the right to life which the government is likely trying to protect

This is all tricky stuff – but this is the reality of business and human rights. The *UN Guiding Principles on Business and Human Rights* and other related standards give us an invaluable conceptual framework but the application can be tricky when you have competing interests, competing human rights, and competing demands even from the same government. We live in a post-Edward Snowden revelations era when none of us can be naïve about such things.

Our children are growing up in the Age of Big Data – the first time in human history where their opinions and behavior are recorded by public and private actors not just for their own lifetimes, but potentially for the lives of their children and their children's children. Profiles will be created and decisions made about our children's future that they may never know or have control over.

The Internet of Things connects many household objects to the internet- including baby monitors and children's toys. Already there are concerns about the security of these devices, which if hacked could allow strangers into our children's bedrooms and playrooms.

We are at the beginning of the Big Data revolution – an exciting time and there is no doubt that Big Data has many upsides and benefit. But in order to fully realize this potential, now is the time for asking difficult questions and embed protections from the start- a much better strategy than trying to retro-fit protections, or having to correct a damaging and costly mistake later.

As our children grow, what are the long-term consequences of decisions we make now to meet short-term legitimate security or commercial needs? How many of us, or our children, understand the meaning of the consent box that is so easily ticked before downloading the latest app? Does consent actually mean anything when it is more tacit than active, when it is not informed? This is why our next *Digital Dangers* initiative is to launch a multi-stakeholder platform on a rights-based approach to the management and use of *Big Data* across the ICT sector and a range of other industries.

I am proud, as a member of the UK Foreign Secretary's Human Rights Advisory Group and also that this country has finally woken up to terrible things inflicted on many

vulnerable children over decades in this country. Criminals – sometimes of celebrity status - have held position of power and influence, within the media, church, sports or elsewhere, to abuse children. We must not let such abuse persist by morphing into new modalities on the internet. If some of our most vulnerable children are also on the borders of society itself – as was the case for hundreds of girls exploited by sex traffickers in cities such as Rochdale - they must not be overlooked by any of us. We must empower children to speak up and speak out, safe in the knowledge we as a society will believe and support them. Modern technology can be a great tool for amplifying voices. Let's ensure we amplify their voices, and we listen, and we act.

The UN Guiding Principles on Business and Human Rights offers a very good place to start when we consider the human rights due diligence that companies embrace in order to prevent and mitigate risks, as well ensuring full and adequate remedies for all children and their guardians. This is why we are very pleased that UNICEF and GSMA have been so active in this area, from benchmark and training to your current work on the UNICEF Child Rights Self Impact Assessment Tool. I am also pleased that today's agenda recognizes the complexity of navigating some of the issues where there are clearly competing interests and, sometimes, competing human rights at stake. They are indeed dilemmas.

None of this, of course, takes away for the need for strong and transparent national legislation, whether the issue is national security or the protection of children from on-line sex crimes. Legislation works best if it also aligns with international law as most of the companies in this room are operating over dozens of jurisdictions. But law in this area is highly complex as we have seen with the UK's *Investigatory Powers Bill*.

We also know that some governments, in some parts of the world, might be tempted to use a misinterpretation of child protection to create technologies and legal requirements that might be used to suppress other vulnerable groups, such as human rights defenders – including those advocating for child rights. Industry and Government are best served if they sit with UN agencies, civil society and communities in an ongoing process to understand this complexity. Human rights due diligence, whether it be legally enforceable or under the leadership of the industry itself, will work best when it tackles what are the most salient risks and in ways that avoid unintended consequences. As we know from the current standoff between Apple and the FBI in relation to unlocking an *iPhone* – solving one problem can create another.

I very much look forward to our discussions here today and to learning more about the important work UNICEF, GSMA and its member companies are undertaking.