



Recommendation of the Council on the Protection of Children Online

**OECD Legal
Instruments**

This document is published under the responsibility of the Secretary-General of the OECD. It reproduces an OECD Legal Instrument and may contain additional material. The opinions expressed and arguments employed in the additional material do not necessarily reflect the official views of OECD Member countries.

This document, as well as any data and any map included herein, are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

For access to the official and up-to-date texts of OECD Legal Instruments, as well as other related information, please consult the Compendium of OECD Legal Instruments at <http://legalinstruments.oecd.org>.

Please cite this document as:

OECD, *Recommendation of the Council on the Protection of Children Online*, OECD/LEGAL/0389

Series: OECD Legal Instruments

© OECD 2018

This document is provided free of charge. It may be reproduced and distributed free of charge without requiring any further permissions, as long as it is not altered in any way. It may not be sold.

This document is available in the two OECD official languages (English and French). It may be translated into other languages, as long as the translation is labelled "unofficial translation" and includes the following disclaimer: *"This translation has been prepared by [NAME OF TRANSLATION AUTHOR] for informational purpose only and its accuracy cannot be guaranteed by the OECD. The only official versions are the English and French texts available on the OECD website <http://legalinstruments.oecd.org>"*

Date(s)

Adopted on 16/02/2012

Background Information

The Recommendation on the Protection of Children Online was adopted by the OECD Council on 16 February 2012 on the proposal of the Committee for Information, Computer and Communications Policy (now called Committee on Digital Economy Policy). Consistent with the 1989 United Nations Convention on the Rights of the Child, this Recommendation includes principles for all stakeholders involved in making the Internet a safer environment for children and educating them towards becoming responsible digital citizens. It also focuses on three main challenges faced by governments which underline the emerging nature of the protection of children online as a public policy area: the need for an evidence-based policy making approach, for managing policy complexity through enhanced policy co-ordination, consistency and coherence as well as for taking advantage of international co-operation to improve the efficiency of national policy frameworks and foster capacity building.

THE COUNCIL,

HAVING REGARD to Article 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the Recommendation of the Council concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data [C(80)58/FINAL], the Recommendation of the Council concerning Guidelines for Consumer Protection in the Context of Electronic Commerce [C(99)184/FINAL], the Recommendation of the Council Concerning Guidelines for the Security of Information Systems and Networks - Towards a Culture of Security [C(2002)131], the Seoul Declaration for the Future of the Internet Economy [C(2008)99], and the Recommendation of the Council on Principles for Internet Policy Making [C(2011)154];

RECOGNISING that a growing number of children are spending increasing time online, starting at younger ages, and that Internet technologies and access devices are evolving rapidly, facilitating the access of children to the Internet and changing their online usage patterns;

RECOGNISING that while the Internet brings major benefits to children in terms of education, self-expression, and social development, its use also carries a spectrum of risks to which children are more vulnerable than adults;

RECOGNISING the importance of co-operation and information sharing by all stakeholders in the development, implementation and assessment of policy approaches to the protection of children online;

RECOGNISING that the protection of children online requires policies which both reduce online threats to foster a safer Internet for children and enable children to protect themselves from threats that remain;

RECOGNISING that even if regional and local cultural differences impact the evaluation of online risks to children, international dialogue and co-operation has proven valuable to establish more effective policy approaches for an inherently global medium like the Internet:

On the proposal of the Committee for Information, Computer and Communications Policy:

I. AGREES that, for the purpose of this Recommendation:

- i) "Children" encompass every human being below the age of eighteen years, recognising that a lower age threshold might be appropriate in providing certain legal protections; "parents" encompass children's parents and carers;
- ii) The "protection of children online" encompasses content risks, contact risks, risks related to children as consumers as well as information security and privacy risks faced by children on the Internet;
- iii) "Stakeholders" encompass governments, businesses, civil society and the Internet community and other entities involved in maintaining a safe Internet and educating children.

II. AGREES that this Recommendation does not cover risks related to child sexual abuse images online and the sexual exploitation of children which are matters addressed by other international instruments;

III. RECOMMENDS that in formulating policies for the protection of children online, governments and all other stakeholders take into account the following principles:

a. Empowerment

- i) Policies to protect children online should recognise that all stakeholders share responsibility both to make a safer online environment for children by reducing online threats to children, and to support the primary role of parents in evaluating and minimising risks of harm to their children online as well as offline;

- ii) Policies to protect children online should empower children and parents to evaluate and minimise risks and engage online in a secure, safe and responsible manner.

b. Proportionality and fundamental values

- i) Policies to protect children online should be proportionate to the risks, effective and balanced. They should maximise the protection against online risks faced by children without restricting the opportunities and benefits of the Internet for children as well as for other users.
- ii) Policies to protect children online should not undermine the framework conditions that enable the Internet to operate as a global open platform for communication, innovation, economic growth, and social progress. The consistency of policies designed to protect children online with other economic and social Internet policies should be carefully assessed prior to adoption and implementation.
- iii) Policies to protect children online should be consistent with fundamental values of democratic societies as they apply to all individuals including children. In particular, they should support freedom of expression, privacy protection and the free flow of information.

c. Flexibility

- i) Policies to protect children online should be age-appropriate and accommodate developmental differences and special vulnerabilities. Where age-based restrictions are established, all stakeholders should strive to ensure that such restrictions are respected.
- ii) Policies to protect children online should be technology neutral to ensure their sustainability in a dynamic environment characterised by rapidly evolving technologies and patterns of usage.

IV. RECOMMENDS that, in formulating policies at the domestic level for the protection of children online, governments:

a. Demonstrate leadership and commitment to protect children online by:

- i) Adopting clear policy objectives at the highest level of government;
- ii) Identifying government bodies with responsibility and authority to implement these policy objectives and to co-operate across borders;
- iii) Developing policies that are inclusive of all stakeholders and rely on a mix of public and private, voluntary and legal, awareness raising, educational and technical measures to protect children online.

b. Support a co-ordinated response from all stakeholders by facilitating and, as appropriate, establishing:

- i) An open dialogue in order to foster synergies, benefit from the expertise of all stakeholders including parents, educators and the children themselves and take into account their perspectives;
- ii) Partnerships to develop self- and co-regulatory programmes characterised by transparency and accountability.

c. Foster consistency and coherence of domestic child online protection initiatives across public and private stakeholders. This could include:

- i) Ensuring the enforcement of existing protection measures;
- ii) Clarifying the categories of risks and harmonising the terminology used to inform the public;
- iii) Promoting mutually reinforcing policy measures rather than accumulating isolated or stand-alone, and potentially inconsistent, initiatives.

d. Foster awareness raising and education as essential tools for empowering parents and children by, for example:

- i) Integrating Internet literacy and skills in school curricula with a focus on risks and appropriate online behaviour;
- ii) Training educators and encouraging other stakeholders to educate and raise awareness of children and parents;
- iii) Regularly measuring the evolution of their Internet literacy.

e. Support evidence-based policies for the protection of children online by:

- i) Facilitating the further development of a robust empirical and analytical basis, including undertaking longitudinal surveys, with a view to support policy development and implementation through better understanding Internet usage by children, risk evolution and awareness;
- ii) Conducting regular impact assessments of policies, including of co- and self-regulatory initiatives.

f. Encourage the development and adoption of technologies for the protection of children online that respect the rights of children and the freedom of other Internet users. This could include:

- i) Fostering further research on privacy protective, interoperable and user friendly technical measures, including parental controls and age verification systems;
- ii) Promoting the use of technologies which enable children to protect themselves against online risks;
- iii) Fostering the assessment of the potential impact of such technical measures in relation to fundamental values such as freedom of expression, privacy protection and the free flow of information, as well as the implementation of appropriate safeguards;
- iv) Promoting labelling schemes attesting the trustworthiness, quality and user friendliness of such technical measures.

V. RECOMMENDS that, at the international level, governments:

a. Strengthen international networks of national organisations dedicated to the protection of children online such as networks of hotlines and awareness centres and, where appropriate, facilitate an expansion of their role.

b. Share information about national policy approaches to protect children online and in particular develop the empirical foundations for quantitative and qualitative international comparative policy analysis. This could include:

- i) The adoption of a shared statistical framework enabling international comparability of indicators on children use of the Internet, risk prevalence, awareness by children and parents of these risks and of how to respond to them, as well as policy impact and efficiency;
- ii) The harmonisation of the statistical definition of risks and related policy responses as well as children's age groups used for statistical purposes;
- iii) A shared commitment to regularly update official quantitative data within a timeframe that takes into account the dynamic development of the Internet and of its uses by children.

c. Support regional and international capacity building efforts to improve policy and operational measures to protect children on the Internet, including the pooling and sharing of successful education and awareness raising tools.

d. Better co-ordinate work by the various international and regional organisations and bodies which play a role to support government efforts in this area, including OECD, Asia-Pacific Economic

Co-operation, Council of Europe, European Union, Internet Governance Forum, ITU, Organisation of American States, and involve non-governmental stakeholders where appropriate.

VI. INVITES:

- Members and the Secretary-General to disseminate this Recommendation to all stakeholders and other international organisations;
- Non-Members to adhere to this Recommendation and collaborate with Members in its implementation.

VII. INSTRUCTS the Committee for Information, Computer and Communications Policy to review this Recommendation and its implementation and to report to Council within five years of its adoption and thereafter as appropriate.

Adherents*

OECD Members

Australia
Austria
Belgium
Canada
Chile
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Iceland
Ireland
Israel
Italy
Japan
Korea
Latvia
Luxembourg
Mexico
Netherlands
New Zealand
Norway
Poland
Portugal
Slovak Republic
Slovenia
Spain
Sweden
Switzerland
Turkey
United Kingdom
United States

Non-Members

* Additional information and statements are available in the Compendium of OECD Legal Instruments:
<http://legalinstruments.oecd.org>

About the OECD

The OECD is a unique forum where governments work together to address the economic, social and environmental challenges of globalisation. The OECD is also at the forefront of efforts to understand and to help governments respond to new developments and concerns, such as corporate governance, the information economy and the challenges of an ageing population. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

The OECD Member countries are: Australia, Austria, Belgium, Canada, Chile, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea, Latvia, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. The European Union takes part in the work of the OECD.

OECD Legal Instruments

Since the creation of the OECD in 1961, around 450 substantive legal instruments have been developed within its framework. These include OECD Acts (i.e. the Decisions and Recommendations adopted by the OECD Council in accordance with the OECD Convention) and other legal instruments developed within the OECD framework (e.g. Declarations, international agreements).

All substantive OECD legal instruments, whether in force or abrogated, are listed in the online Compendium of OECD Legal Instruments. They are presented in five categories:

- **Decisions:** OECD legal instruments which are legally binding on all Members except those which abstain at the time of adoption. While they are not international treaties, they entail the same kind of legal obligations. Adherents are obliged to implement Decisions and must take the measures necessary for such implementation.
- **Recommendations:** OECD legal instruments which are not legally binding but practice accords them great moral force as representing the political will of Adherents. There is an expectation that Adherents will do their utmost to fully implement a Recommendation. Thus, Members which do not intend to do so usually abstain when a Recommendation is adopted, although this is not required in legal terms.
- **Declarations:** OECD legal instruments which are prepared within the Organisation, generally within a subsidiary body. They usually set general principles or long-term goals, have a solemn character and are usually adopted at Ministerial meetings of the Council or of committees of the Organisation.
- **International Agreements:** OECD legal instruments negotiated and concluded within the framework of the Organisation. They are legally binding on the Parties.
- **Arrangement, Understanding and Others:** several ad hoc substantive legal instruments have been developed within the OECD framework over time, such as the Arrangement on Officially Supported Export Credits, the International Understanding on Maritime Transport Principles and the Development Assistance Committee (DAC) Recommendations.