

ICTS and VIOLENCE AGAINST CHILDREN: MINIMISING RISKS AND RELEASING POTENTIAL

Empowering and protecting children: the normative education framework

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It is my intention with this brief presentation to introduce the problematic interrelation between the right to education normative framework and the information and communication technologies in terms of its impact on child protection against violence.

We assume that both ICT and education have as a common denominator peoples' right to progress and development but obviously that is not always the case. Even more, we must question what 'development' and 'progress' mean and how these concepts are related to child protection.

The interrelation between ICT's and the right to education seems evident from a conceptual point of view, not only because all human rights converge into the right to education, but because all sorts of expectations have been placed in education regarding development and democratization.

In practice, however, many of the education models have centered around an utilitarian paradigm which reflects historic distortions that promote the contradictions and tensions of economic systems and of patriarchic cultures and in this way adjust the education processes according to the market needs instead of the strengthening of human dignity.

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The gap between the legal rhetoric and the practice of education is also remarkable but regarding the relation between ICT and education, international human rights law has two basic applications: the first one is related to the ways that education benefits from ICT (and viceversa) -and this is key in terms of building peaceful citizenship in a globalized world- and the second one is how education plays a preventive role against violence and abuse produced through ICT.

In the first case, except for punctual references within some normative instruments, the right to benefit from ICT is mainly dealt within the programmatic frameworks of international human rights law, without these having been integrated into educational purposes, much less into educational practices.

Even though, the Universal Declaration of Human Rights establishes in its Article 27 (1) that "...Everyone has the right ...to share in scientific advancement and its benefits". Similarly, the International Covenant on Economic, Social and Cultural Rights establishes in its Article 15 (1) (b) that "The State Parties to the present Covenant recognize the right of everyone..to enjoy the benefits of scientific progress and its application".

As indicated before, the general references about scientific and technological progress as education objectives, are really scarce within human rights conventions or treaties, although they can be found more and more frequently in declarations, such as the Declaration on Social Progress and Development of 1969, the 1975 Declaration on the Use of Scientific and Technological Progress in the interest of Peace and for the Benefit of Mankind, as well as in the Declaration on Bioethics and Human

Rights of 2005 as well as in the Vienna Declaration and Programme of Action of 1993.

The Declaration on Social Progress and Development of 1969 proposes the shared and more and more frequent use of science and technology in solving problems of social development as well as the harmonic balance between science, technology and material, spiritual, intellectual, cultural and moral progress of humanity.

The 1975 Declaration on the Use of Scientific and Technological Progress in the interest of Peace and for the Benefit of Mankind calls upon all States to promote the international cooperation for scientific development and technology to fortify peace, security, liberty and the realization of human rights. Accordingly, States have to adopt the necessary measures to extend the benefits of information, communication and technology to the whole population.

The Vienna Conference of 1993 acknowledged the right of every person to enjoy ICT and its applications, in the same way as it had already been established by the ICESCR, although it pointed out that certain developments could have negative consequences for the integrity, dignity and for human rights in general.

In the context of the follow-up of the Education For All (EFA) which has been promoted by UNESCO, the declaration of the World Conference on Education for All in Jomtien in 1990 clearly established the possibility to satisfy certain basic needs for learning, through science and technology (Article 5).

According to this declaration, science and technology have an educational function as the relation between education and scientific progress is understood in the context of other social, economic and cultural conditions.

This timid premise that was contemplated at the Jomtien Declaration suffered, however, a modification in the framework of the Conference of Dakar in 2000.

On this occasion, the governments pledged only to “take advantage” of new information and communication technologies (ICTs) for the realization of the EFA objectives (para. 7-x).

Hence, within a period of 10 years, we have changed from declaring the existence of a possible relation between the science, technology and the satisfaction of educational necessities to the compromise to “take advantage” of the ICTs.

This way of hardly substantively visualizing the dialogical relation between educational processes and scientists, has not only failed to significantly impact on the following normative processes, but has even caused confusion with regards to governments' obligations and the formulation of public policies regarding child protection in social media, internet and communication technologies in the context of education, which is the second case I want to point out.

Recently, in 2008, “The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents”, the outcome document of the World Congress against Sexual Exploitation of

Children and Adolescents, expressed concern at, “the increase in certain forms of sexual exploitation of children and adolescents, in particular through abuse of the Internet and new and developing technologies [...]”¹

This concern obviously respond to the more substantive prevision stated in the Convention on the Rights of the Child (CRC), related to comprehensive education based protection against violence in at least three different but interrelated areas:

Physical protection

CRC states the obligation to provide safe, structured places for learn and play (Articles 31, 38). This obligation reaches out to all children, without discrimination (Article 2) and necessary care and supervision should be also provided by teachers and other education staff, in consultation with parents or care takers (Article 18). Physical protection offers children basic knowledge of health and security (Article 24, 32, 34).

CRC also considers Psychosocial protection

Psychosocial protection gives children an identity as persons, (Article 2), provides a venue for expression through play and cultural activities, (Article 13, 31), facilitates social integration of vulnerable children (Article 20, 39) and supports social networks and community interaction for children and their families (Article 15).

Finally and even more connected to ICT, CRC contemplates the State obligation of Cognitive protection

So, which is more evident, education helps children to develop and retain the academic skills of basic education, i.e. literacy and numeracy;(Article 28), but also offers means for children to access urgent life-saving health and security information; (Article 17), furnishes children with knowledge of human rights and skills for citizenship (Article 29), strengthens children's evaluative skills in responding to propaganda and disparate sources of information (Article 14) and also encourages children and youth to analyze information, express opinions, and take action on chosen issues (Article 13).

In addition, article 9 of the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography (2000) (OPSC), requires States to, "promote awareness in education about the preventive measures and harmful effects of the offences referred to violence produced by ICT. Following this norm, Recommendation 5 of the UN Study on Violence Against Children addresses the importance of enhancing the capacity of all those who work with and for children. To this end, the Study calls for the provision of initial and in-service training that imparts knowledge and respect for children's rights.

The UN Committee on the Rights of the Child in its General Comment 13 has also emphasized the importance of educational measures for children to address violence, with a view to ensuring the, "provision of accurate, accessible and age-appropriate information and empowerment on life skills, self-protection and specific risks, including those relating to ICTs and how to develop positive peer relationships and combat bullying".

It is necessary to insist upon the fact that education should not only profit from technology and that this utilitarian objective cannot be applied if it is

not understood that education is the process that builds the basis for and realizes social progress.

However, understanding progress as the realization of market needs is dangerous for the realization of human rights. In this way, it is evident that today the possibility to benefit from ICT has not been understood as a human right, as contained in Article 15 (1) (b) ICESCR.

The benefits of ICT have been conceived, though, within the domain of trade relations determined by a Western model of development, promoted mainly by big industries and transnational corporations.

Just consider that the pornographic industry and the use of children in pornographic crimes respond to the same utilitarian views and logics based on the need to increase profits no matter what.

Fight against ICT based violence, then, should be mainstreamed into a broader context of business ethics, business responsibilities, government accountability and fight against impunity.

Among the conventional human rights instruments, there is no conception of ICT as related to the collective aspiration to build up the capacities of the people.

In this sense, the conceptual and political development which has been advanced within the international community has often put the emphasis on the development of commercial applications of science and

technology curricula² without mentioning basic state responsibilities on child protection and economic, social and cultural rights.

However, history proves that without appropriate institutional support, markets will not entirely produce the expected results but might even turn socially unsustainable³.

Concerning the right to education, it's not only important to take account of the availability and accessibility of population to educational services, but also of their acceptability and adaptability to different historical, social and cultural contexts, including the need to offer physical, social and cognitive protection against violence.

We must therefore ask ourselves about the consequences of the access to ICT and its suitability for the social construction of a 'desirable development', understood as an inclusive and non-discriminatory advance of humanity⁴.

The development of industrial powers has entailed the exploitation, extensive and intensive, of all kind of resources so this kind of development also considers violence as a show business. This indiscriminate exploitation was made possible by the introduction of the applications of scientific progress in industry, substituting traditional production techniques. This is

² In larger freedom: towards development, security and human rights for all. Report of the UN Secretary-General. A/59/2005 25 March 2005, para. 46.

³ Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie. A/HRC/4/35 19 February 2007.

⁴ The Proclamation of Teheran (1968) stated that "while recent scientific discoveries and technological advances have opened vast prospects for economic, social, and cultural progress, such developments may nevertheless endanger the rights and freedoms of individuals and will require continuing attention". See also: <http://www.unu.edu/unupress/unupbooks/uu06he/uu06he00.htm>

how the concept of technology arises, as a technique based on scientific knowledge.

This way, the function attributed to scientific knowledge of explaining the surrounding world, had also the capacity to transform it. The rising of technology, this way conceived, would mark the primacy of modern utilitarian rationality, that gives value to ICT as long as it allows intervening on our entourage, even at the expense of understanding it.

Plan International also believes that the full and universal implementation of the right to inclusive, quality education can and must have a responsibility in the resolution of the historical dilemma we are confronting at the beginning of the XXIst Century: whether we construct a diverse “house” with solidarity and peace, or we continue consuming the planet and annihilating ourselves in order to preserve a destructive way of life.

ⁱ “The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents”, the outcome document of the World Congress III against Sexual Exploitation of Children and Adolescents, Rio de Janeiro, Brazil, 25-28 November 2008.