



# General Assembly

Distr.: Limited  
4 October 2022

Original: English

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## Human Rights Council

### Fifty-first session

12 September–7 October 2022

Agenda item 3

### Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

**Albania,\* Argentina, Australia,\* Austria,\* Belgium,\* Brazil, Bulgaria,\* Chile,\* Costa Rica,\* Croatia,\* Cyprus,\* Czechia, Denmark,\* Ecuador,\* Estonia,\* Finland, France, Germany, Greece,\* Hungary,\* Ireland,\* Israel,\* Italy,\* Latvia,\* Lithuania, Luxembourg, Malta,\* Mexico, Monaco,\* Montenegro, Netherlands, Norway,\* Portugal,\* Romania,\* Slovakia,\* Slovenia,\* Spain,\* Sweden,\* Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay\*:** draft resolution

### 51/... Countering cyberbullying

*The Human Rights Council,*

*Guided by the purposes and principles of the Charter of the United Nations,*

*Reaffirming* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Discrimination against Women and all other relevant human rights treaties and instruments,

*Reaffirming also* the Convention on the Rights of the Child and that States parties to the Convention shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized therein, and emphasizing that the Convention constitutes the international legal foundation for the respect, protection and fulfilment of the rights of the child, bearing in mind the importance of the Optional Protocols to the Convention,

*Reaffirming further* that the general principles of the Convention on the Rights of the Child, including the best interests of the child, non-discrimination, participation, survival and development, provide the framework for all actions concerning children,

*Recalling* the resolutions adopted by the General Assembly on protecting children from bullying, as well as other relevant resolutions adopted by the Assembly and the Human Rights Council,

*Welcoming* the work of the Committee on the Rights of the Child on the issue of countering cyberbullying, and taking note of the Committee's general comments, in particular general comment No. 13 (2011) on the right of the child to freedom from all forms

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\* State not a member of the Human Rights Council.



of violence and general comment No. 25 (2021) on children's rights in relation to the digital environment,

*Welcoming also* the relevant work of the Committee on the Rights of Persons with Disabilities, in particular on awareness-raising and respect for diversity, and taking note of the Committee's general comment No. 4 (2016) on the right to inclusive education, in which it stressed the importance of implementing awareness-raising initiatives to address stigma and discrimination, in particular bullying in educational settings,

*Recalling* the United Nations Declaration on Human Rights Education and Training, the United Nations Educational, Scientific and Cultural Organization Declaration of Principles on Tolerance, the United Nations Educational, Scientific and Cultural Organization Convention against Discrimination in Education and resolution 67 of the International Telecommunication Union on the role of the Telecommunication Development Sector in child online protection,

*Welcoming* the 2030 Agenda for Sustainable Development in its entirety, especially the Sustainable Development Goals and targets aimed at ending abuse, exploitation, trafficking and all forms of violence against and torture of children, including sexual and gender-based violence, and at building and upgrading education facilities that are child-, disability- and gender-sensitive, and provide safe, non-violent, inclusive and effective learning environments for all children, and underscoring the importance of its implementation for ensuring the enjoyment of the rights of the child,

*Recalling* the proclamation of the International Day against Violence and Bullying at School, including Cyberbullying, by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its fortieth session, which is to be observed on the first Thursday of November every year,

*Acknowledging* international, regional and local relevant initiatives taken and efforts made to prevent and address cyberbullying, and welcoming the work of the United Nations Educational, Scientific and Cultural Organization, the United Nations Children's Fund and the Special Representative of the Secretary-General on Violence against Children on the issue of countering cyberbullying,

*Recognizing* the need to foster a policy of zero tolerance of all forms of violence against children in the digital environment, in accordance with the obligations of States under international human rights law,

*Recognizing also* that bullying, including cyberbullying, can take both direct and indirect forms, from acts of physical, verbal, sexual and relational violence or aggression to social exclusion, including from peer to peer, which can inflict physical, psychological and social harm, and that, although rates differ from country to country, bullying, online or in person, has a negative impact on the fulfilment of the rights of the child and is among children's main concerns, affecting a high percentage of children and compromising their health, emotional well-being and academic work, and acknowledging the need to prevent and eliminate bullying among and of children,

*Recognizing further* that cyberbullying may be understood as an intentional act carried out by an individual or a group using electronic forms of contact against victims, which is typically carried out repeatedly and over time and is often characterized by a power differential,

*Recognizing* that cyberbullying can cause significant developmental disruption in children and profound harm, that victims, in particular children, commonly experience anxiety, fear, distress, confusion, anger, insecurity, lowered self-esteem, a strong sense of shame and even suicidal thoughts and that cyberbullying can be perpetrated at a greater magnitude, speed and pervasiveness than bullying offline,

*Recognizing also* that children may be subjected to multiple and intersecting forms of discrimination and violence, including discrimination related to race, age, gender, disability, health status, descent, national or ethnic origin, migration status, religion, economic and social background or other status,

*Noting with concern* that children who are in vulnerable or marginalized situations, who face stigmatization, discrimination or exclusion, are disproportionately affected by bullying, both in person and online,

*Recognizing* that cyberbullying often includes a gender dimension and is associated with sexual and gender-based violence and stereotyping that negatively affects all children,

*Reaffirming* the human right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, and recognizing that the exercise of the right to privacy is important for the realization of other human rights, including the right to freedom of expression and to hold opinions without interference and the right to freedom of peaceful assembly and association, and is one of the foundations of a democratic society,

*Recognizing* that the promotion and protection of, and respect for, the right to privacy are important for the prevention of violence, including sexual and gender-based violence, abuse and sexual harassment, in particular against women, children and persons with disabilities, as well as any form of discrimination, which can occur online and includes cyberbullying and cyberstalking,

*Recognizing also* that children with disabilities may be particularly exposed to online risks, including cyberbullying, and that there is a need to take steps to ensure that the digital environment, including safety information, protective strategies, services and forums relating to it, are accessible and safe, bearing in mind the importance of countering prejudice that might lead to overprotection or exclusion,

*Recognizing further* that racism, racial discrimination, xenophobia and related intolerance have a deep negative impact on the enjoyment of human rights and therefore require a comprehensive response, both online and offline, which can contribute to the prevention and elimination of all forms of violence and harassment, including in digital contexts, such as cyberbullying,

*Expressing concern* regarding children's risk of exposure to all forms of violence and harassment, online and offline, inter alia, cyberbullying, sexual harassment, child sexual exploitation and abuse, hate speech, stigmatization, racism, xenophobia and discrimination,

*Stressing* that countering cyberbullying should be based upon existing international legal obligations, including international human rights law, as well as relevant commitments, and should not encourage undue interference with an individual's human rights,

*Recognizing* the State's responsibility to ensure children's protection and care as is necessary for their well-being, taking into account the rights and duties of their parents, legal guardians or other persons legally responsible for them, and to this end to take all appropriate legislative and administrative measures to address all forms of violence against children, including cyberbullying,

*Acknowledging* that children are uniquely placed to offer effective solutions and responses to cyberbullying, and underlining that children's participation and their contributions, including their views and recommendations, therefore need to be at the centre of efforts to prevent and address cyberbullying and that their effective and meaningful participation is critical to a clear understanding of cyberbullying and its impact in order to effectively address it,

*Recognizing* the importance of prevention in ensuring safe online and information and communications technology environments for children, while protecting them against arbitrary or unlawful interference with their rights to privacy, to seek, receive or impart information, to education, to participation and to the freedoms of expression and of association, and recognizing also that prevention measures and approaches should involve key actors, including Governments, parents, civil society, organizations of persons with disabilities, industry, especially technology enterprises and those related to social media, schools, children, academia, competent authorities and relevant actors, community-based organizations and the general public,

*Recognizing also* that children exercising their right to education, including through the use of digital technologies, should not have their safety affected and should be protected from all violation or abuse of their right to privacy, and in this regard emphasizing that efforts to expand connectivity and digital learning and bridging the digital divides should give special regard to the protection and empowerment of children,

1. *Affirms* that human rights and fundamental freedoms must be protected, online and offline, with special regard for the rights of the child;

2. *Acknowledges* the importance of ensuring appropriate safeguards and human oversight in the application of new and emerging digital technologies and of respecting and promoting human rights, with the best interests of the child as a primary consideration, to guide relevant regulatory frameworks and legislation, and safeguards on the conception, design, use, development, further deployment and impact assessments of new and emerging digital technologies, while ensuring the meaningful participation of all stakeholders, including States, children's organizations and children themselves, parents, legal guardians and family members, the private sector, academia, civil society and organizations of persons with disabilities;

3. *Calls upon States:*

(a) To continue to take all appropriate measures to prevent and protect children from all forms of discrimination and violence, including in digital contexts, in particular cyberbullying, by promptly responding to it, and to provide appropriate support to victims affected by and involved in cyberbullying;

(b) To establish well-trained and well-resourced bodies in charge of preventing, countering and addressing the adverse effects of cyberbullying, or strengthen such units if they already exist, and to provide them with adequate financial support and capacity-building and specialist training opportunities;

(c) To promote inclusive, comprehensive and quality education and education opportunities for all children, without discrimination of any kind, to foster, inter alia, digital literacy and the technical skills required to effectively protect their privacy;

(d) To continue to promote and invest in education, including human rights education, as a long-term and lifelong process, through which everyone learns equality, non-discrimination, non-violence, tolerance, inclusion and respect for the dignity of others and the means and methods of ensuring such respect in all societies, including in digital contexts;

(e) To generate and analyse statistical information and data disaggregated by gender, age, disability, race, socioeconomic status, national or ethnic origin and other characteristics relevant in national contexts, with regard to the problem of cyberbullying, as a basis upon which to elaborate and promote effective evidence-based public policies;

(f) To integrate online protection into national child protection policies, and to adopt and strengthen, as appropriate, clear and comprehensive measures, including where relevant legislation, that seek to prevent and protect children from cyberbullying;

(g) To provide for safe, child- gender- and disability-sensitive counselling and reporting procedures, within and outside of schools, and safeguards for the rights of affected children, including considering the empowerment of a public authority to receive complaints regarding cases of cyberbullying and to intercede with content hosts to have the relevant material promptly removed;

(h) To ensure a clear and predictable legal and regulatory environment, which requires information and communications technology and other relevant industries to respect the rights of the child and which strengthens regulatory agencies' responsibility for the development of standards for the protection of the rights of the child;

(i) To involve and provide children with the opportunity to inclusively and meaningfully participate in the development of initiatives to prevent and address cyberbullying, including available support services and safe, accessible, age- and child-sensitive, confidential and independent counselling and reporting mechanisms;

(j) To guide children in promoting inclusive and responsible digital behaviour, and to inform them of available mental and physical health-care services and procedures in place to support them, where they exist, while encouraging the making of such support services available, to the extent possible;

(k) To adopt and implement sustained and inclusive child-empowering non-formal and formal education programmes, providing children, parents, caregivers, teachers and other professionals working with and for children with basic skills relating to digital literacy, notably information and training on the online environment and its safe use, benefits and risks, in order to increase their awareness and capacity to adopt online coping strategies, including the identification, blocking and reporting of bullies, and to support children's resilience, including by involving children, former victims, parents, civil society, schools, academia and relevant industries;

(l) To continue to share national experiences and best practices for preventing and tackling cyberbullying and addressing its adverse effects;

4. *Recognizes* that the responsibility to respect the rights of the child also applies to private actors and business enterprises, and in particular encourages private actors in the Internet sector who provide or operate services across domestic jurisdictions to adhere to the highest available international standards for safety-, privacy- and security-by-design, in particular for children, and to continue to take part in international multistakeholder efforts to raise awareness and empower children about online risks and to prevent and counter cyberbullying;

5. *Welcomes* the continued collaboration of the Special Representative of the Secretary-General on Violence against Children with human rights bodies and mechanisms, within their respective mandates, including the special procedures of the Human Rights Council, in order to support efforts to prevent and address all forms of violence against children, such as cyberbullying, in all settings;

6. *Decides* to convene a panel discussion on cyberbullying against children at its fifty-fourth session, inviting States, civil society organizations, including children's organizations, United Nations agencies, the private sector, academia and other relevant stakeholders, ensuring participation of children themselves, to address the implementation of the obligations of States under relevant provisions of international human rights law and to discuss challenges and best practices in this regard, and to make it fully accessible;

7. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a written report, and make it available in an accessible and Easy Read format, on countering cyberbullying against persons with disabilities, identifying recent trends and challenges, as well as applicable human rights principles, safeguards and best practices, and to present the report to the Human Rights Council at its fifty-sixth session;

8. *Also requests* the Office of the High Commissioner, when preparing the above-mentioned report, to consider the outcomes of the panel discussion and to closely cooperate with all relevant stakeholders, including States, international and regional organizations, relevant special procedures of the Human Rights Council, the treaty bodies, other relevant United Nations offices, agencies, funds and programmes, within their respective mandates, national human rights institutions, civil society, in particular persons with disabilities and their representative organizations, the private sector and academia;

9. *Requests* that the contributions to the report be submitted in an accessible format, and that such stakeholder contributions and the report itself and an Easy Read of them be made available on the website of the Office of the High Commissioner, in an accessible format, prior to the presentation to the Human Rights Council;

10. *Decides* to remain seized of the matter.