

**General Comment on children’s rights in relation to the digital environment**

## Submission from the EU Kids Online Network to the UN Committee on the Rights of the Child

## 1. The submitting organization

EU Kids Online is a multinational research network comprising members in 33 countries located in Europe and beyond. The mission of EU Kids Online is to enhance knowledge of European children's online opportunities, risks and safety. Originally established under the European Commission’s Safer Internet Programme, the network is now the primary source of high quality, independent and comprehensive evidence underpinning a better and safer internet for children in Europe. Now working in more than 30 countries, the network integrates research expertise across multiple disciplines and methods. It has built constructive relationships with governments, media, industry, policy makers, educators and practitioners at national, European and international levels. Its findings and reports are widely referred to in policy statements, having guided numerous initiatives to improve children’s online experiences. Further information about the network and its membership is available on our website: [www.eukidsonline.net](http://www.eukidsonline.net).

The impact of EU Kids Online has rested significantly on its accumulated expertise and on its ground-breaking 2010 survey which comprised a face-to-face, in-home survey of 25,000 9- to 16-year-old internet users and their parents in 25 countries. Beginning in 2017, the network has implemented a new survey and carried out fieldwork in a range of countries to update the evidence base and identify new trends regarding children’s and young people’s online experiences. The network is now organised on a decentralised basis whereby national teams organise representative surveys at the country level with children and young people between 9 and 17 years. To date, 21 European countries have collected data or will finish data collection by the middle of 2019 (Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Malta, Norway, Poland, Portugal, Romania, Russia, Serbia, Slovakia, Spain, Switzerland). The network will then coordinate the merging of national data into a European data set to allow for comparative analysis. Based on this new data, the network in 2019 will publish a range of national and Europe-wide reports and cross-national analyses.

EU Kids Online welcomes this opportunity to submit observations to the proposed General Comment on Children’s Rights in the Digital Environment. Our research is informed by a children’s rights perspective and our membership has been active in promoting evidence-based policy at the national, European and international levels that address children’s needs, rights and well-being in the digital environment. In the following, we outline a number of general observations regarding the framing of rights in a digital context arising from our research and address the key questions where the Committee has sought to gather evidence.

## 2. General Observations

Children’s unprecedented access to and use of the Internet brings numerous benefits as well as risks, presenting a range of legal, regulatory and safeguarding challenges. Our mission as a research network has been to support through evidence policy makers’ responses so that the right balance is struck between protecting children from harm while promoting their rights to participate fully in the digital environment. Research is essential to better understand children’s digital experiences and the role that digital technologies play in their lives. Over the course of 10 years, our research has supported European policy making, particularly in shifting the focus from a ‘safer’ to a ‘better’ Internet, reflecting a move from a protectionist stance towards a more participatory, rights-based approach.

Our research shows that children engage in diverse online activities that may, depending on the circumstances, involve risks and opportunities, or indeed ‘risky opportunities’. In this context, it is vital to remember that risks and opportunities go hand in hand and that risks do not inevitably lead to harm. The classification of online risks developed by EU Kids Online in the form of content, contact and conduct risks – and increasingly commercially-based contract risks – has provided a framework to assess the available evidence and implications for digital governance policy and child online safety. Given the rapid evolution in digital technologies, a robust evidence base is crucial for effective policy making and while some progress has been made, the availability of high quality, comparative findings remains uneven with insufficient research on younger age groups, uses of diverse technologies and youth perspectives on online risks and benefits.

## 3. Evidence and views on specific questions

### Q1) How can children’s views and experiences be expressed and taken into account when formulating policies and practices which affect their access to, and use of, digital technologies?

Children’s participation in policy-making stems from a recognition of their rights as citizens to be involved in matters that affect them, recognised most notably in Article 12 of the UNCRC (the ‘Right to be Heard’). Digital policy is unquestionably one such area of relevance to children. As such, it is vital that children’s role in digital policy making is enhanced so that their perspectives can be better understood and that they can have greater input into the policy making process. EU Kids Online data as well as counterpart studies from the global south under the Global Kids Online initiative provide evidence of the pervasive presence of digital culture in the lives of children. Reflecting concerns from an adult perspective for child safeguarding and welfare, much policy attention understandably focuses on online harms. However, a child-centred approach to digital policy should similarly seek to advance the quality of children’s digital engagements while recognising the importance for children’s safety in their use of digital technologies. Such policy should be grounded in children’s own experiences, both in the form of research data and accounts produced directly by children themselves.

Despite the central role digital technologies play in the lives of children, children’s active participation in digital policy-making is still at an early stage. In a European context, many countries have some arrangements for consultation with children (21 of 26 participating countries) through the operation of Insafe youth advisory panels. However, as shown in the BIK Map study, just under a third, or 8 of 26 countries, report that opportunities existed for young people to participate in the design of public policies (O’Neill and Dinh, 2018). Even multi-stakeholder platforms such as the Internet Governance Forum which advocate open and inclusive dialogue and where principles of democratic participation are strongest, it can be challenging for end users, especially children, to have their voice heard (Epstein & Nonnecke, 2016). Yet, with one third of the total global population of internet users estimated to be under the age of 18 (Livingstone, Carr, and Byrne 2015), the missed opportunity and the gap in terms of policy-making is a significant one.

Our network believes that just as it is vital that children’s lives be better understood through up to date, robust and reliable research findings, so should children be directly involved in contributing to the policy debates and implications of such findings. We advocate that the *informational*, *interactive* and *participatory* dimensions of the digital sphere (Vromen, 2008) should be deployed to increase the opportunities for children’s involvement in policy making. Models of child participation that have proved successful for face-to-face interaction should be augmented by digital and social media platforms to enable a wider range of children to be consulted and to facilitate the involvement of seldom heard, hard-to-reach groups. To make such participation effective, children require digital literacy and support to acquire the necessary skills to exercise their rights to participation for which there is a responsibility on government, educators and digital service providers.

### Q2) How can discrimination (originating offline or online) be effectively addressed, to ensure all children have their rights realised in a digital world?

Children encounter a diverse range of risks in the course of their Internet use which may prove harmful. Content and contact risks that may involve discrimination, harassment and bullying on the basis of age, gender, or ethnicity have been found to be pervasive in some countries. For example, provisional data from a nationally representative sample in Portugal shows that 43% of 9-17 years had encountered hate messages against groups and individuals due to their skin, religion, nationality or sexual orientation. ﻿ Between 2010 and 2014, the percentage of children aged 11‐16 years old who report receiving nasty or hurtful messages rose from 8% to 12%. Cyberbullying itself increased over this period – from 8% to 12%, especially among girls, and among the youngest age group (aged 9-10 years, followed by teenagers aged 13-14 years old). Cyberbullying is also the conduct risk that most adversely affects children and among the most common reasons for children to contact helplines as recorded by the Insafe network. Increased levels of online hate, abuse and extremist content online have also been reported.

Efforts to combat hate speech and harmful content online have been stepped up in a European context. Measures such as the European Commission’s Code of Conduct to prevent and counter the spread of illegal hate speech or German Network Enforcement Act (NetzDG) are placing greater responsibility on digital platforms and providers to respond more effectively. We argue the effectiveness of such measures needs to be independently assessed with research, particularly with children, whose experiences of encountering discrimination are seldom reported.

### Q3) How should the General Comment treat the role of parents and other caregivers?

﻿Much of the responsibility for keeping children safe online is devolved to parents and caregivers. Children from a young age are socialized into internet use within a domestic context and most young people still access the internet from home. For these reasons, EU Kids Online has prioritised in-home surveying both with children and one of their parents/caregivers as a key source of evidence for understanding the role of parental mediation in shaping and guiding children’s digital experiences.

EU Kids Online found in its first survey that ﻿the majority of European parents (85%) were confident about their role, feeling they can help their child a lot or a fair amount if their child encounters something that bothers them online. However, as the evidence shows, many parents lack awareness about the nature and extent of online risks their child may face: 40% of parents were unaware of their child’s exposure to sexual images online; 56% did not know that their child had been bullied; 52% were unaware that their child had received sexual messages; and 61% had no knowledge of offline meetings their child had experienced. The network has also shown that active mediation of internet safety by parents, i.e., parents actively recommending ways to use the internet safely, remains uneven. One third of children in Europe did not experience any form of active mediation of safety. Comparing findings between 2010 and 2014, ﻿other forms of mediation have become less common – parents are less likely to encourage their children to explore new things on the internet (from 46% to 41%) or to talk to them about what they do online (from 70% to 65%) – despite considerable amounts of advice suggesting that parents should talk to their children about the internet.

It is clear that parents and caregivers need to be supported if they are to empower children online and that education, skills development and awareness raising needs to be targeted to them if they are to assist children in enhancing their opportunities, coping skills and capacity to deal with potential harm through resilience rather than risk reduction.

### Q4) How should the practices of businesses operating in the digital environment support the realisation of children's rights?

Businesses operating in digital environments, by which we mean various types of online intermediaries (e.g. social media platforms and apps, messenger services and gaming providers), must be responsible for providing adequate safety measures intended to address the risks that children encounter on their platforms; as well as for ensuring the availability of effective resources with respect to harms related to the use of their services (Blum-Ross et al., 2018; Lievens et al., 2018; O’Neill & Staksrud, 2014; O’Neill, 2013). While incidence rates of various types of risks such as grooming, cyberbullying and harassment, hate speech and the sharing of child pornography may vary based on how and where the research is conducted, findings tend to suggest that these challenges cannot be addressed effectively without active involvement on behalf of the companies. Platforms’ involvement depends on the type of risk and whether the content is considered illegal or merely harmful —i.e. regulation around cyberbullying differs from hate speech interventions and these altogether differ from companies’ efforts to curb child pornography and grooming, which they are obliged to do by law. With respect to those risks that are considered as harmful but not necessarily illegal, and where the law does not oblige the companies to act, it is important to ensure that the companies are properly incentivized to provide effective assistance to children (Milosevic, O’Neill & Staksrud, 2019). When it comes to cyberbullying, for instance, a number of online intermediaries have participated in alternative regulatory instruments such as self-regulatory or co-regulatory efforts, and yet platforms are not always able to provide evidence that their tools are able to help their young users (O’Neill, 2013; Milosevic, 2018). In light of this evidence, it is extremely important to ensure continuous independent evaluation of effectiveness of companies’ efforts with respect to these types of risks; and that this evidence not only be gathered from children in developed countries, where much of the research on effectiveness tends to take place; but rather to ensure that children’s voices throughout the world are being heard as part of the evidence gathering process.

Moreover, with respect to privacy risks, while the General Data Protection Regulation, and the Article 8 in particular in Europe and the corresponding provisions of the updated Children’s Online Privacy Protection Act in the United States, stipulate the responsibilities of the companies in safeguarding children’s data in the context of data collection for commercial purposes—these provisions are hardly sufficient in safeguarding children’s privacy and the approach to ensuring privacy via parental consent is not without criticism (Lievens & Verdoot, 2018). Placing the onus on online businesses to ensure a transparent approach to data collection coupled with easy to understand policies, is vital to securing meaningful parental consent and children’s privacy rights (Livingstone, Stoilova, Nandagiri, 2018).

### Q5) How can States better realise their obligations to children's rights in relation to the digital environment?

EU Kids Online has contributed to a policy mapping of the implementation of the European Strategy for a Better Internet for Children (the ‘BIK Strategy’). This mapping exercise has found that policy development for children’s online safety and empowerment is fragmented. Within the European Union content, no country reports the existence of a single coordinated policy framework to encompass the different dimensions of children’s digital experiences (O’Neill and Dinh, 2018). Instead, separate policies derived from different areas of ministerial responsibility, frequently lacking in any coordination, are found to be the norm. In most European countries, between four and six ministries deal with the development and design of policies related to children’s digital experiences. Worryingly, a third of countries say there is no formal coordination mechanism at all at the national level; just three European Member States report the existence of a multi-stakeholder body with responsibility for children’s online safety and well-being. Just five countries say there is a regular national survey focussed on BIK-related topics. Half of the countries report that new policy development had been reactive or had been influenced by specific incidents or events related to children’s online safety.

Against this background, we recommend the development of strategic guidance to policy formation for children’s rights in the digital environment in a manner equivalent to the Model National Response developed by the WePROTECT Global Alliance. This framework should encompass an accountable National Governance and Oversight Committee, supported by the relevant legal framework and evidence base, to uphold and support children’s capacity to exercise their rights in a digital context. Such a framework should also be multi-stakeholder based and should have specific arrangements in place for the inclusion of children. As with the example of the *European Strategy for a Better Internet for Children* (2012), policy actions are most likely to be multi-level and grouped around goals to:

* Stimulate the production of creative and educational online content for children as well as promoting positive online experiences for young children;
* Scale up awareness and empowerment including teaching of digital literacy and online safety;
* Create a safe environment for children through age-appropriate privacy settings, wider use of parental controls and age rating and content classification;
* Combat child sexual abuse material online and child sexual exploitation.

### Q6) Is the realisation of children’s rights in the digital environment necessary to realise children’s rights in other environments?

The research of EU Kids Online and many other research institutions has shown that today’s children’s everyday lives are deeply mediatized. As a consequence, it is hard to distinguish digital from ‘other’ environments. What is needed is a coherent approach to children’s rights in general, independent of the various social contexts.

Signed by the coordinator on behalf of the network:

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**Key publications**

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