**Questionnaire**

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

**Ireland’s Response**

**May 2019**

**1. 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?**

*Meaningful Consultation*

As with the development of all policy and strategy, meaningful consultation with children and young people is key to ensuring policies best realise and protect children and young people’s rights. Meaningful engagement should capture the views of a representative cross-section of society, using age-appropriate methodologies. Child-centred language should be at the centre of all policy-making concerning children and young people. This should include children-centred definitions of risks, challenges and opportunities in the digital world. There are a range of examples of good practice in this context;

* A UNICEF consultation was undertaken with 148 children from 16 countries on their views of their rights in the digital age[[1]](#footnote-1)
* Ireland’s Data Protection Commission opened an online consultation on the processing of children’s data in 2018, launching a consultation strand for children and young people in 2019
* A consultation with children on after school care in Ireland explored attitudes to afterschool activities, including play with technology[[2]](#footnote-2)

*Evidence-Informed Policy*

Policy and strategy should draw on the strong national and international evidence base. In the context of digital media, a strong body of literature documents the circumstances, opportunities and challenges experienced by children and young people in the digital world. For example;

* The Global Kids Online Study is an international project generating a cross-national evidence base on children’s use of technology[[3]](#footnote-3). EU Kids Online, a collaborating partner of the study, coordinates research on children and new media in Europe [[4]](#footnote-4). Net Children Go Mobile is a European study with a focus on mobile Internet[[5]](#footnote-5).
* A body of evidence explores the impact of screen time on children and young people’s wellbeing [[6]](#footnote-6), and the impact of internet use on educational outcomes[[7]](#footnote-7).
* A number of studies explore the impact of technology on children’s lives from the perspectives of opportunities and risks[[8]](#footnote-8).
* A range of research explores approaches to improve digital literacy among young people[[9]](#footnote-9).
* The Screenagers International Research Project explores opportunities and challenges in the use of ICT in non-formal learning contexts[[10]](#footnote-10).

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

*Understand Children’s Experiences Online*

Digital media is ubiquitous to the lives of children and young people, affording those with new access new opportunities for learning, self-expression, networking, collaboration and participation. Mobile technology is pervasive, with smartphones being the devices that children are most likely to own or use to go online[[11]](#footnote-11). The age of first internet use is dropping, as is the age at which children are using their first smartphone. In addition, computers are increasingly popular in the school environment, with the EU average at between three and seven students per computer [[12]](#footnote-12). Interactive games and coding projects can support skills development. Assistive technology can be beneficial for children with disabilities.

Conversely, it has been argued that a complete picture of the experiences of children and young people has been partially obscured by the outdated myth of ‘digital native’. We know that children and young people are encountering unwanted content online. Children can also be subject to discrimination, abuse and exploitation online. A European Commission study found that 22% of children in Ireland have experienced bullying, with 13% of 13- to 14-year-olds reporting being bullied on a social networking site [[13]](#footnote-13). Responses have emphasised the need to promote empathy in children and young people, and the need for empathy education or training[[14]](#footnote-14). More broadly, relevant policy and legislation should be developed with child-specific protections. For examples, the EU General Data Protection Legislation identifies the need to afford children specific protection as a special group.

*Support Digital Literacy Education*

Evidence also suggests that while young people are concerned about privacy, they are more likely to disclose personal information online[[15]](#footnote-15). While this leaves them more vulnerable to unauthorised access or exploitation, there have also been occurrences of large-scale data breaches of children’s personal data[[16]](#footnote-16). Recent research has emphasised the need for new competences and a new skills orientation for children and young people in the context of digital media[[17]](#footnote-17). It has been argued that the digital divide of physical access to the internet has evolved into a skills divide[[18]](#footnote-18). Responding to the skills divide could increase the opportunities for children and young people to participate in a meaningful way in the digital world. Digital literacy education should encompass a broad suite of skills, including self-expression, identity formation, rights and participation in the online world[[19]](#footnote-19) . It is worth noting that many existing frameworks present an aspirational state. A recent refined iteration refers to six elements of “digital capability”, including information, data and media literacies; digital creation, innovation and scholarship; digital identity and well-being; communication, collaboration and participation; digital learning and self-development; and information and communication technology (ICT) proficiencies[[20]](#footnote-20). Ireland’s Digital Strategy for Schools 2015-2020 refers to need to embed digital literacy content in the curriculum. Existing initiatives includes short courses on coding and digital media literacy. There are also opportunities to support digital skills development and digital literacy in the non-formal learning environment, through digital youth work for example[[21]](#footnote-21).

**3. How should the general comment treat the role of parents and other caregivers?**

*Support Parents*

Parents and caregivers face challenges in understanding and supporting their children’s engagement with the digital world. These challenges are compounded where parents and families are faced with inequalities. A London School of Economics (LSE) report[[22]](#footnote-22) on inequalities in how parents support their children’s development with digital technologies found that parents of higher socioeconomic status (SES) or education are more digitally advantaged. Parents with more education were found to have more digital skills, and advantaged parents offered more forms of online support to their children, including searching for information or advice about their child’s health, local activities and events, or signing up or paying for classes and activities.

Supporting parents in this context requires evidence-based planning, with a focus on inclusive approaches. There are also opportunities to better engage parents in their children’s interaction with technology, potentially also in formal learning environments. Digital Strategy for Schools 2015-2020 also identifies the role of parents in realising the vision of ICT integration. Parents can also be supported through information campaigns and initiatives, including guides to new media technologies. Examples of public awareness initiatives include;

* The SaferInternet4EU Campaign has a number of strands and initiatives supporting children, young people and parents to become empowered and responsible digital users.
* Webwise, for example, offers parents information, advice and free education resources on internet safety issues and concerns[[23]](#footnote-23).

**4. How should the practices of businesses operating in the digital environment support the realisation of children’s rights?**

*Responsibility and Regulation*

There is a need to engage in dialogue and research with businesses and industry with a view to better understanding the tensions that arise between the right to data protection and the need to process information. This is particularly relevant in the context of children. Because the internet has been largely regulated by a generic approach to “users”, namely adults, the challenge is to find ways to better consider the rights of children and young people[[24]](#footnote-24), and to support the development of policies that children and young people can understand[[25]](#footnote-25).

Ireland’s Action Plan for Online Safety 2018-2019 takes a strong cross-departmental approach, emphasising the need to collaborate with industry through strengthening links and processes and working with industry to develop a practical guide for online platforms and interactive services to support best practice in online safety design[[26]](#footnote-26).

**5. How can States better realise their obligations to children’s rights in relation to the digital environment?**

States can realise their obligations by taking local, national and international collaborative and holistic approaches to policy-development, addressing the matters identified in this submission, namely:

* Strive to better understand children’s experiences online, committing to evidence-informed policy-development
* Consult with children and young people, ensuring their voices are heard in matters concerning their lives
* Advance the digital skills policy agenda in formal and non-formal learning contexts
* Support parents and caregivers to better understand and respond to children’s online experiences
* Work with partners in industry and beyond to promote children’s rights in the digital environment
* Support the work of Data Protection Commissions/ Online Safety Commissions (or equivalents) in realising children’s information rights in the digital space

This should be undertaken in the spirit of collaboration and knowledge-sharing, with ongoing commitments to exploring mechanisms to advance the agenda on existing and emerging issues.

For more information about relevant initiatives in Ireland, including the National Strategy on Children and Young People's Participation in Decision-Making 2015-2020, please see Appendix 1 (page 6).

**6. Is the realisation of children’s rights in the digital environment necessary to realise children’s rights in other environments?**

Digital media affords children possibilities for learning and skills development, self-expression and identity formation, civic and political engagement and social inclusion. Conversely, children are faced with risks in terms of abuse and exploitation and harmful content online. The realisation of rights in the digital environment depends on balancing protection and risk with opportunity and freedom of expression, providing children with opportunities to benefit in many aspects of their lives from a better and safer digital world.

**Appendices**

**Appendix 1**

**Note onNational Strategy on Children and Young People's Participation in Decision-Making 2015-2020 and the Irish Internet Safety Plan:**

Guided and influenced by the United Nations Convention on the Rights of the Child (UNCRC) and the EU Charter of Fundamental Rights, the National Strategy on Children and Young People’s Participation in Decision-Making 2015-2020 is primarily aimed at children and young people under the age of 18, but also embraces the voice of young people in the transition to adulthood.

**The four priorities of the National Strategy on Children and Young People's Participation in Decision-Making 2015-2020 arethat:**

1. Children and young people will have a voice in decisions made in their local communities.
2. Children and young people will have a voice in decision-making in early education, schools and the wider formal and non-formal education systems.
3. Children and young people will have a voice in decisions that affect their health and well-being, including on the health and social services delivered to them.
4. Children and young people will have a voice in the Courts and legal system.

The strategy contains a series of additional objectives, which include:

1. Promoting effective leadership to champion and promote participation of children and young people.
2. Development of education and training for professionals working with and on behalf of children and young people.
3. Mainstreaming the participation of children and young people in the development of policy, legislation and research.

The actions outlined in the strategy aim to address the challenges that exist in children and young people being enabled to participate appropriately in decision-making.

The commitments outlined in this Action Plan for the National Strategy are aligned with Government commitments in, and based on the values, principles and vision of, *Better Outcomes, Brighter Futures*. All commitments and actions in this strategy are underpinned by the following key fundamentals:

* Recognition that children and young people have a right to participate in decisions that affect their lives;
* Ensuring the protection and welfare of children and young people in accordance with Children First;
* Establishing and improving mechanisms to ensure the participation of seldom-heard and vulnerable children and young people in decision-making;
* Collection of data, monitoring and evaluation of children and young people’s participation initiatives

The Department of Children and Youth Affairs (DCYA) has lead Government responsibility for ensuring the voice of children and young people is heard in decisions that affect their lives, in the main this is achieved through implementation of the National Strategy.Within this Strategy Comhairle na nÓg is recognised as the permanent structure for such participation by young people in decision-making.

Comhairle na nÓg are child and youth councils in the 31 local authorities of the country, which give children and young people the opportunity to be involved in the development of local services and policies.

Under the Irish Internet Safety Plan the DCYA leads on consultative engagement with children and young people, including through Comhairle child and youth councils and Children First guidance.

* Clare Comhairle and Wicklow Comhairle have undertaken projects looking at Cyber Security and Safety.
* A Cyber Bullying consultation was designed by Wicklow Comhairle. As a result of the feedback a Charter was developed which speaks to all of the relevant people within the landscape of Cyber Bullying.
* Clare Comhairle made links with McAfee who had developed a Cyber Safety Programme as part of their corporate social responsibility project. Clare Youth Service (CYS) were delighted to see the Cyber Safety programme rolled out through CYS and other Youth Work Ireland regions.
* Both Wicklow and Clare Comhairle presented their work in front of the Joint Oireachtas Committee in 2018.
* In 2016, the Participation unit of DCYA facilitated a consultation on Cyber Crime on behalf of the Law Reform Commission. Five key themes emerged from the main topics identified by young people related to harmful internet communications including cyber bullying at the two consultation events (the full report can be accessed on <https://www.comhairlenanog.ie/wp-content/uploads/2016/05/Report-on-Harmful-Communications-and-Digital-Safety.pdf> NB. the youth report commences on p.191)
* Cat Fishing/fake profiles and accounts/hacking
* Cyberbullying/trolling/anonymous activity
* Group chats
* Hate speech/discrimination and racism
* Pornography/revenge porn/inappropriate use of photos

**Examples of relevant initiatives in Ireland**

Ireland is part of the EU Safer Internet Initiative. As part of the initiative, Ireland provides awareness raising, helplines and a hotline. The initiative is coordinated by the Department of Justice and Equality, with the services provided by partner organisations.

The project partners are:

* [**Webwise.ie**](https://www.webwise.ie/)This is part of the PDST (Professional Development Service for Teachers) Technology in Education in the Department of Education and Skills. It deals with awareness raising, develops materials and programmes for schools and runs the annual event for Safer Internet Day in Ireland.
* [**Hotline.ie**](https://www.hotline.ie/)The Internet Service Providers’ Association of Ireland (ISPAI) operates the hotline, the service which allows the public to report suspected illegal content or activities found on the internet.
* [**ISPCC Childline**](https://www.ispcc.ie/childline)The Irish Society for the Prevention of Cruelty to Children (ISPCC) operates the helpline (Childine), which provides services on a 24/7 basis where children affected by issues encountered on the internet may turn for advice and guidance.
* [**NPC Primary**](http://www.npc.ie/)The National Parents Council Primary operates the parent/adult helpline, a dedicated helpline to deal with issues relating to internet safety, including cyberbullying. The NPC also provides parents with training courses, both online and face to face.

The project partners are co-financed by the European Union’s Connecting Europe Facility.

The above activities are aimed at enhancing resilience and making people aware of how they can protect themselves online and combine to help protect children’s rights in the digital environment, through awareness raising, advice and guidance, and the reporting of illegal content or activities on the internet.

Specific examples of good practice are also placed on the [Better Internet for Kids portal](https://www.betterinternetforkids.eu/) by the relevant EU Safer Internet partner bodies in relation to awareness raising and helplines.

The aim of the Garda blocking initiative is to block access to child sexual abuse material (CSAM) on the internet in Ireland with a view to minimizing the potential damage caused in particular to children and young people by the inadvertent viewing of such material. An Garda Síochána signed a Memorandum of Understanding with a company, under which the company agreed to block access to CSAM as per a list supplied by An Garda Síochána.

The [National Advisory Council for Online Safety](https://www.dccae.gov.ie/en-ie/communications/topics/Internet-Policy/online-safety/national-advisory-council-/Pages/The-National-Advisory-Council-for-Online-Safety-%28NACOS%29.aspx) is a forum for non-governmental, industry, and academic stakeholders to discuss online safety issues and provide advice to Government on online safety issues. The Council is chaired by the Minister of State at the Department of Communications, Climate Action and Environment and acts as the advisory body for the Action Plan for Online Safety 2018-2019.

The [Action Plan for Online Safety 2018-2019](https://www.gov.ie/en/campaigns/be-safe-online/) was launched in July 2018. The Action Plan reflects a whole of Government approach and contains twenty-five Actions under five main Goals. The actions are assigned to six different Government Departments for implementation: the Department of Justice and Equality; the Department of Communications, Climate Action and Environment; the Department of Education and Skills; the Department of Children and Youth Affairs; the Department of Health; and the Department of Business, Enterprise and Innovation.

The key objective of the Plan is to set out and implement actions over an 18-month period that are achievable and will have the greatest impact on online safety for everyone in Ireland. A number of the actions in the Plan relate to enhancing children’s online experiences, in particular those actions assigned to the Department of Education and Skills and the Department of Children and Youth Affairs.

**Appendix 2**

**Note on relevant DCYA publications:**

There are also a number of DCYA publications that include findings in respect of children's engagement with the digital environment.

Foremost amongst these are the Key Findings from Growing Up in Ireland: the National Longitudinal Study of Children in Ireland (GUI), which feature findings in respect of children's screen time. For the most recent findings see:

**Growing Up in Ireland, Key Findings: Cohort '08 and 9 years old, No 4: Relationships and Socio-emotional Well-being.**

<https://www.growingup.ie/pubs/Growing-Up-in-Ireland-Relationships-and-Socio-emotional-Well-being.pdf>

**Growing Up in Ireland, Key Findings: Child Cohort at 17/018 years old, No 2: Health, Weight, Physical Activity and Diet.**

<https://www.growingup.ie/pubs/SUSTAT57.pdf>

Other recent GUI publications featuring data in respect of engagement with electronic media include:

**Growing Up in Ireland, The Lives of 5-year-olds.**

<https://www.growingup.ie/pubs/Growing-Up-in-Ireland-The-Lives-of-5-Year-Olds.pdf>

**Growing Up in Ireland,The Lives of 13-year-olds.**

<https://www.growingup.ie/pubs/Lives-of-13-Year-olds-report.pdf>

These publications along with over 60 other publications based on findings from the GUI are available from the GUI website: <https://www.growingup.ie/>

In addition to the GUI publications, please see '**An indicator set for Better Outcomes Brighter Futures**', which contains, amongst a wealth of other data, statistics in respect of children's screen time:

<https://www.dcya.gov.ie/documents/ReportIndicatorSetBOBFNatlPolFrmewrkChildrenYoungPeople2014-2020.pdf>

Finally, see also the DCYA sponsored; '**The sexualisation and commercialisation of children in Ireland: an exploratory study**':

<https://www.dcya.gov.ie/documents/research/20160816TheSexualisationCommercialisationChildrenIrl.pdf>

Although the digital environment is not the main focus of the study, the report contains a significant number of references to same, and children's rights online.

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