**Children’s rights and the internet**

Sonia Livingstone, LSE and EU Kids Online

Presentation to the Subcommittee on Human Rights, European Parliament,

6 November 2012

**EU Kids Online**

This presentation is based on my work directing a network funded by the Safer Internet Programme, European Commission. EU Kids Online works in 33 European countries and we aim to produce the evidence base that can inform policy in relation to children and young people as they use the internet in Europe.[[1]](#footnote-1) The main part of our evidence base comes from interviews we conducted in 2010 with 25,000 European children aged between nine and sixteen. The survey included approximately 1000 children in each of 25 countries, and we interviewed one child and one parent per household.

Having identified considerable differences across Europe, we have classified European countries in terms of the frequency with which they use the internet and the incidence of risks that children report in relation to their internet use. Over and above country differences, an important finding was that the more children use the internet, the more they gain the benefits but also the more they encounter the risks.[[2]](#footnote-2) The struggle for policy makers, therefore, is to find ways in which they can encourage more use of the internet without resulting in greater harm.

Such efforts are important. Across Europe, parents are concerned about the internet. One in three parents (of 9-16 year old European children) says that they worry a lot about the kind of content that their child might encounter on the internet, and also about the kind of contact that their child might have on the internet. When we asked children, just over half said that they think there were things on the internet that can upset and bother people of their age, and one in eight said that they had been upset by something in the past year.[[3]](#footnote-3) Findings such as these have concentrated the minds of policy makers on issues of protection. In what follows, however, I want to say something about protection, provision, and also participation – the three “P’s” that come with the UN Convention on the Rights of the Child.

**Children’s rights in the information society**

Most policy efforts associated with the information society are devoted to stimulating internet access, so as to create a competitive knowledge economy, to stimulate e-government participation, and to encourage plural media. Children’s rights figure rather unevenly in this wider framework. There are some exceptions, such as at the World Summit on the Information Society, for example, where the Tunis Commitment included recognition of children’s rights both to protection, provision and also participation in relation to the internet. Also important is the Oslo Challenge, by UNICEF in 1999, which recognises the media and information environment as a relevant context for the realisation of children’s rights.

However, recognising children’s rights in the online and digital world is a complex if important undertaking.[[4]](#footnote-4) If we consider the adoption of the internet from one country to the next, it appears that initially the risks of access to pornography (and race hate, violence etc.) are unrestricted and therefore relatively high; this engenders public concern, stimulating first restrictive but then more empowering forms of intervention. It also appears that, when countries are in the early phases of gaining access, specific positive provision for children is relatively low, leaving children to find whatever they can – and that can be risky interactions or content designed for adults.

Policy makers also struggle with the legacy in which the initial policy responses to online risk and protection issues were sometimes rather heavy-handed and top-down. Because of this, there was a lot of contestation, and initial policies have turned out to be sometimes unsustainable. A significant turning point was grasping the key distinction between regulating the illegal and trying to manage what is not illegal, but is inappropriate or harmful for children. The result is a range of governance structures, some of which are more successful than others.

Concerning the framework, the primary principle is that children’s rights offline are also – or should be - children’s rights online. There has been a lot of effort devoted to promoting children’s rights offline but, I suggest, much less consideration so far of how those rights can apply – and can be implemented - online. I want to draw attention here to Silvia Costa’s proposal, from the Education and Culture Committee of the European Parliament, which emphasises that the time has come for a single framework directive that looks after the rights of children in the digital world.[[5]](#footnote-5) We have a very fragmented policy landscape at present, and the call for a strategy which draws together these different rights is extremely timely. The OECD this year made a very similar call for a concerted policy framework.[[6]](#footnote-6)

**UNCRC: Protection, provision and participation online**

The rights of protection in the UN Convention on the Rights of the Child are familiar, but what we have yet to work out properly is how to protect children from online forms of abuse and neglect, how to protect them against online sexual exploitation and sexual abuse, and how to deal with the other kinds of online exploitation prejudicial to their welfare. The most effort has sought to prevent illegal child abuse images, sexual grooming and child trafficking. It is in the realm of the legal but harmful that there is less agreement and less concerted action. Article 17 states that there should not be material injurious to the child’s well-being, that we should protect children’s reputation and identity – but these are very difficult to consider in practice in relation to the internet.

Many of the risks that might harm children in terms of their wellbeing, their reputation and their identity come from other children via user-generated content. As a result, they tend to escape the kinds of controls that large companies or indeed states can oversee. So here we see the debate about filtering, and the question of whether filters are effective. Recent work from the European Commission suggest filters are still not sufficiently effective: they tend to overblock, they have many problems, and they do not deal with user-generated context where the risks to children lie – therefore real limitations remain.[[7]](#footnote-7)

It is also problematic that online it is not clear who is a child and who is not a child, so it is difficult to implement particular provisions to protect children. As yet, we have no effective forms of age verification. Here the technology makes a difference: by email, instant messages or social networking sites, a harmful message can rapidly be sent to very many people; and it is very difficult to eliminate such material once it is posted. The prospect of the right to be forgotten, for children to take down images which are detrimental to their wellbeing – is very promising in this regard.

Rights to provision are demanding because there is so much that we could, and perhaps should, provide for children, especially compared with how little is available for them online in many parts of the world. Have we yet thought about children’s right to recreation and leisure, their right to education, to prepare them for responsible life? Have we yet thought what all this means in the digital age? How should e-learning and digital skills be supported? Such initiatives can be very expensive and sadly, what the research shows is that the more we provide online, the more it is taken up by the privileged children who have excellent internet access, and so it makes inequalities worse rather than better.

Therefore, there are some real challenges in provision in terms of children’s rights. In terms of the more specific importance of provision through the media, which is defended in Article 17, and children’s rights for free expression, I think we see some particular challenges about the need both to allow children to speak freely when our instincts are to constrain them, and also some very expensive questions about how to provide material specifically for children online.

On participation rights, I think we have even more work to do. Arguably, children’s participation rights are not sufficiently recognized offline; they are certainly not sufficiently recognized online as yet. Over and again surveys, show that what children do online, despite this wonderful world of opportunities, is to treat the internet as a mass medium rather than an interactive medium, and they don’t participate very much, because when they do, what they say is not heard.

**Looking ahead**

Children’s rights are beginning to be recognized more online - consider Vice President Kroes’ initiative for a better internet for children in Europe[[8]](#footnote-8) - but there remain some real challenges that we haven’t yet come to terms with in addressing and promoting children’s rights online. I will just note here challenges of definition (what really is a risk and do we all agree what are the risks to children?), challenges of evidence (do we really know how widespread these risks are, especially as the evidence goes quickly out of date?), and challenges of principle (we would like a free internet and a free market, but we would also like a constrained internet that protects children – and sometimes adult rights to free expression seem to conflict with children’s rights to protection).

As already noted, there are some major problems of implementation and enforcement with the global internet, along with many legal uncertainties even about the nature of the digital objects that we are concerned with, let alone questions of who has jurisdiction, what counts as evidence, and which bodies do we trust to require compliance and enforcement. In Europe, the preferred solution is to try and take the existing legislation and extend it to the internet, with some success. Otherwise, the tendency is to rely on self-regulation, commercial (and some state) provision, and on education and awareness-raising. I would suggest that self-regulation has had some successes, but they are uncertain and somewhat fragile. Finally, education remains absolutely vital, but is also very resource-intensive and so will always require major state investment and support.

Thank you very much.

1. See [www.eukidsonline.net](http://www.eukidsonline.net) For policy relevant findings, see O’Neill, B., Livingstone, S. and McLaughlin, S. (2011) *Final recommendations for policy, methodology and research*. LSE, London: EU Kids Online. Available at <http://eprints.lse.ac.uk/39410/> [↑](#footnote-ref-1)
2. See Livingstone, S., Haddon, L., and Görzig, A. (Eds.) (2012) *Children, Risk and Safety Online: Research and policy challenges in comparative perspective*. Bristol: The Policy Press. [↑](#footnote-ref-2)
3. See Livingstone, S., Ólafsson, K., O’Neill, B., and Donoso, V. (2012) *Towards a better internet for children: Findings and recommendations from EU Kids Online for the CEO Coalition*. LSE, London: EU Kids Online. Available at <http://eprints.lse.ac.uk/44213/> [↑](#footnote-ref-3)
4. For an in-depth consideration of this issues, see Livingstone, S., and O’Neill, B. (forthcoming) Children’s rights online: challenges, dilemmas and emerging directions. In van der Hof, S., van den Berg, B., and Schermer, B. (eds). *Youth and the Internet: Regulating Online Opportunities and Risks*. Berlin: Springer. [↑](#footnote-ref-4)
5. See <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2012-0353&language=EN> [↑](#footnote-ref-5)
6. See <http://search.oecd.org/officialdocuments/displaydocumentpdf/?cote=dsti/iccp/reg(2010)5/final&doclanguage=en> [↑](#footnote-ref-6)
7. See <http://ec.europa.eu/information_society/activities/sip/projects/filter_label/sip_bench2/index_en.htm> [↑](#footnote-ref-7)
8. <http://ec.europa.eu/digital-agenda/en/creating-better-internet-kids> [↑](#footnote-ref-8)