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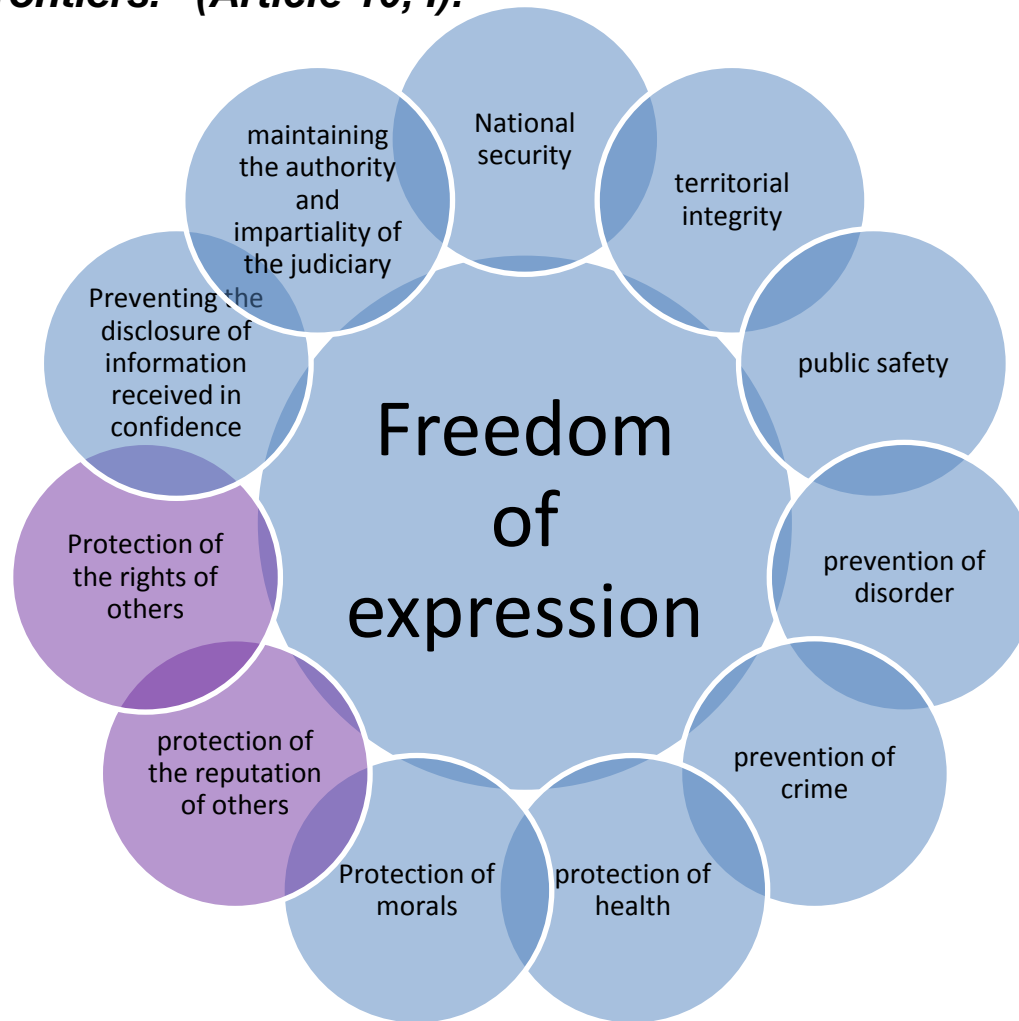
Which is more important for people
– freedom of expression, or protecting children
from unwanted media content?

CHILDREN'S AND YOUNG PEOPLE'S RIGHTS IN THE DIGITAL AGE

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European Convention on Human Rights: “Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.” (Article 10, I).



Recent international policy examples

Article

Online grooming legislation: Knee-jerk regulation?

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Abstract

The study explores whether or not the perceived threats of paedophiles grooming online cause disproportionate legislative reactions. This is done by reviewing if and how the legislative assumptions about the nature of grooming leading to specific grooming legislation in Norway match the actual user experiences of Norwegian children in general and those subjected to physical abuse following Internet encounters in particular. The expressed political assumptions (about how children use the Internet) leading to the Norwegian grooming legislation implemented in 2007 are compared with the actual experiences of Norwegian children between 9 and 16 years regarding the same assumptions as documented in nationally representative statistical survey conducted in 2003, 2006 and 2008. The findings show that the Norwegian grooming legislation was redundant, both legally and practically. The potential implications for prescriptive work, as well as the wider democratic dilemmas are discussed.

Keywords

Children, CMC, grooming, Internet, legislation, paedophiles, regulation, stranger-danger

Introduction

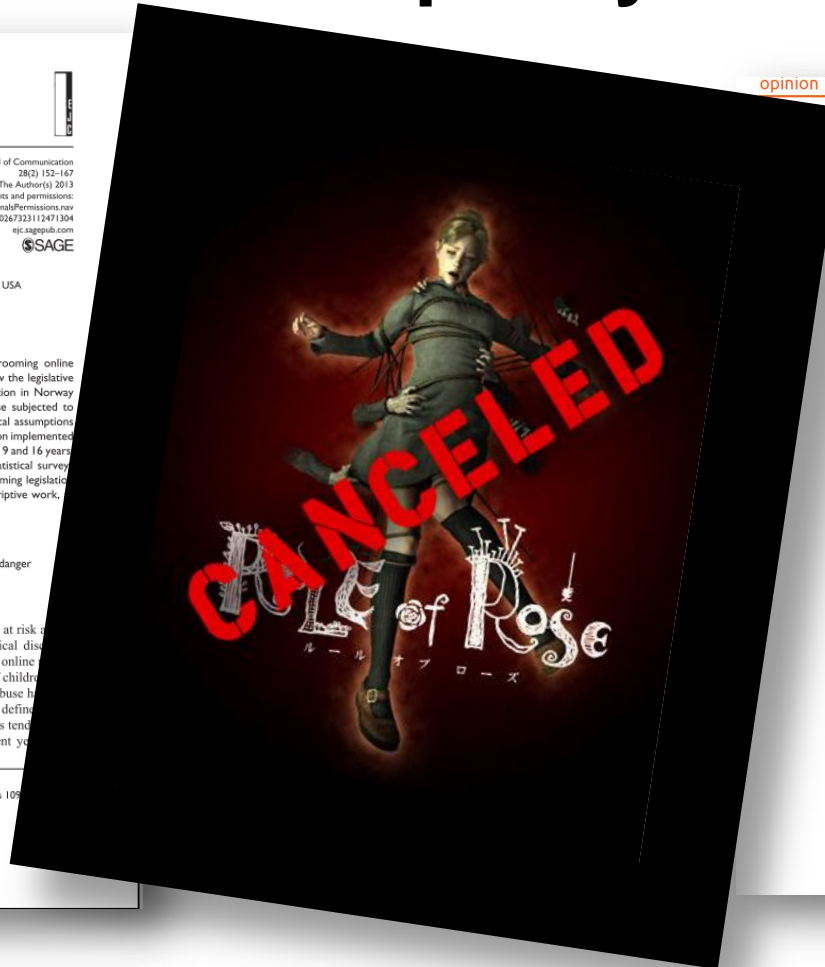
Alongside the increased use of the Internet, the fear of children being put at risk of harm's way by its use has been a central part of the public and political discourse (Livingstone, 2003, 2011; Osell, 1999, 2008). The perhaps most serious online risk by its direct consequences, related to the sexual exploitation and abuse of children, is the fear of paedophiles 'grooming' children online with the intent of sexual abuse. This high on the public agenda from the moment Internet policies started being defined, as argued by Finkelhor et al. (2010), unusual, yet high public profile cases tend to have a lot of influence on policy development. As a result, we have in recent years

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opinion

Cameron's filtering folly

Written by James Middleton | 01 August 2013 @ 11:57



Over the past couple of weeks, the UK press has dedicated a fair few column inches to government proposals that would force UK ISPs to block access to adult material unless the bill payer opts in to receive it. With pictures of Prime Minister David Cameron standing in front of an NSPCC banner splashed over the front pages, the "think of the children" rhetoric is convincing. Yes, the sentiment is in the right place, who would argue against child protection? But the process - content filtering - is not.

Under the announced proposals, UK internet users will have to actively opt-in to be able to access pornography. Family friendly content filters will automatically be put in place for new and existing internet users by year end if Cameron has his way and search engines will be pressured to 'blacklist' illegal search terms by October.

But the measures go further than blocking porn. The Open Rights Group (ORG), an activist organisation created to defend internet freedom and privacy, which counts author Neil Gaiman among its patrons, has done some digging and claims to have come up with an inside view on what the filter will target, for now.

Apparently users will be greeted with a list and expected to make their choices:

Do you want to block

- ☒ pornography
- ☒ violent material
- ☒ extremist and terrorist related content
- ☒ anorexia and eating disorder websites
- ☒ suicide related websites
- ☒ alcohol
- ☒ smoking

Staksrud, E., & Kirksæther, J. (2013). 'He who buries the little girl wins!' - Moral panics as double jeopardy. The Case of *Rule of Rose*. i J. Petley, C. Critcher, J. Hughes & A. Rohloff (Red.), *Moral Panics in the Contemporary World* (s. 145-167). London: Bloomsbury Academic.

Guiding idea

- Using **children as crowbar** is potentially very powerful
- Implicitness in the public perception of children and media that presupposes harm
- Protection of the innocent
- Challenges the legitimacy of regulatory processes as claim often goes unsubstantiated
- Blindspot in research – some questions are rarely asked

Case: Norway, children and freedom of expression

- Typically ranked in top 3 in terms of freedom
- Children's rights exceptionally strong
- Then Utøya happened.
- 22. July 2011 national trauma

Goal: Looking at the normative status of the principle of protection of children from media harm/bullying/harassment among the general public and elite informants (journalists, artists, writers) in Norway.

Three dimensions were analyzed:

1. The status of freedom of expression vs. the protection of children and the public's willingness, or not, to forfeit own fundamental human rights "in the interest of children"
2. Whether "the protection of children" is *the* commonly accepted valid argument for the restriction of media content, access and output. This is done by comparing the public's acceptance of various regulatory interventions for online content in the interest of
 - a) protecting children,
 - b) protect against terror and
 - c) protect against hate crimes against specific ethnical groups.
3. Whether attitudes towards bullying/harassing content varies and is dependent on a) the social context (family/peers/workplace/public); b) the identity of the of person being bullied/harassed; c) the mediated context (traditional media, social media, news, peer-to-peer contact, within the family etc.). Conditions under which bullying and harassment are seen as acceptable are explored.

- See research on children as a gateway for understanding freedom of expression and other democratic challenges via the "balance of harms" principle

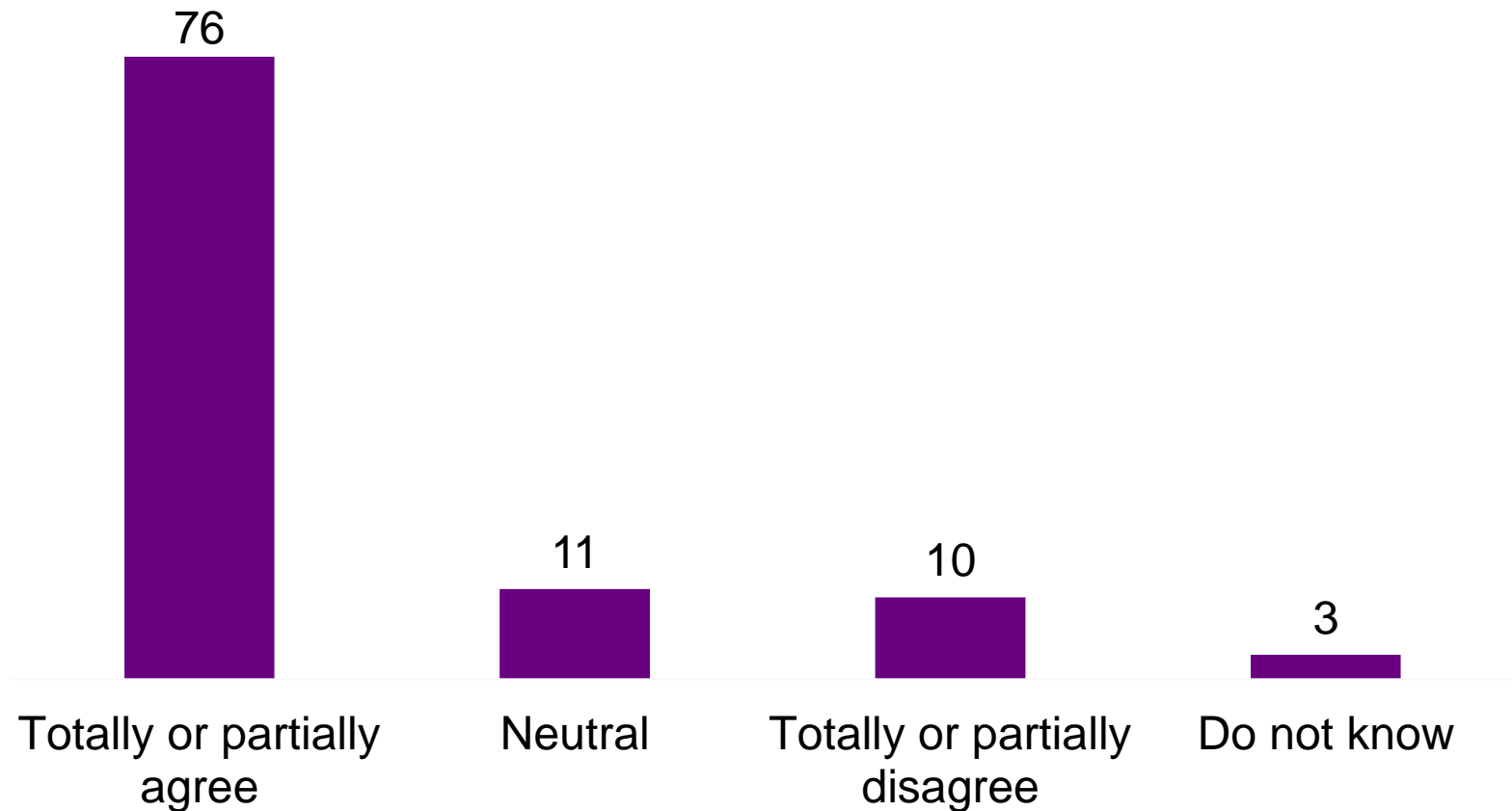
Method

- Norwegian majority population
- Selected from panel of 55 000 pre-recruited
- Anonymous questionnaire via web (56 qs)
- Fieldwork week 44 and 45, fall 2013
- 1500 interviews conducted
- Response rate 46,5 %
- Combined with data from three similar surveys with elite informants: journalists, writers and visual artists

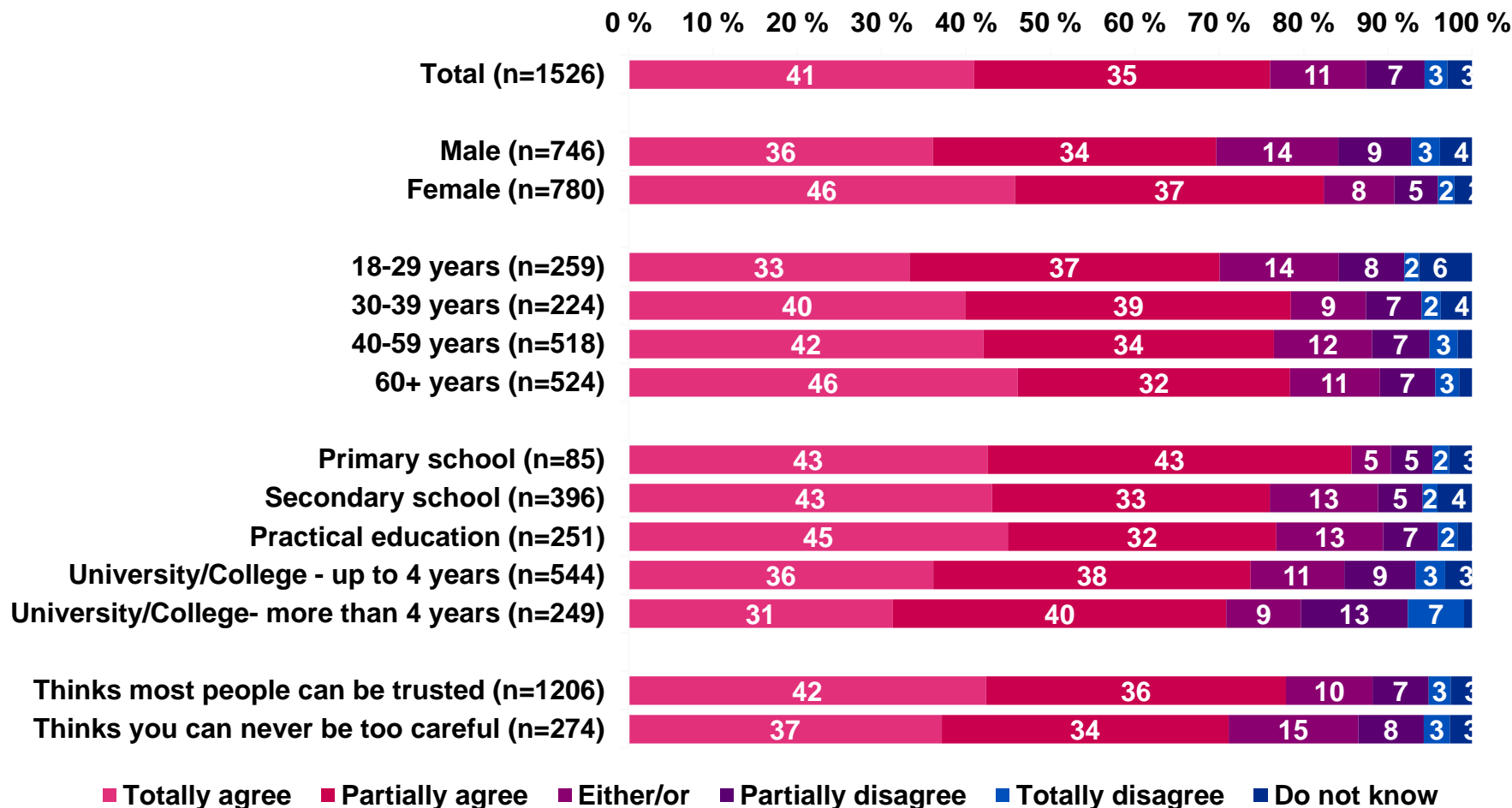
RESULTS:

**1- Are people willing to forfeit
fundamental human rights “in the
interest of protecting children”?**

“Protection of weak groups, such as children and young people, is more important than freedom of expression” - Norwegian majority population

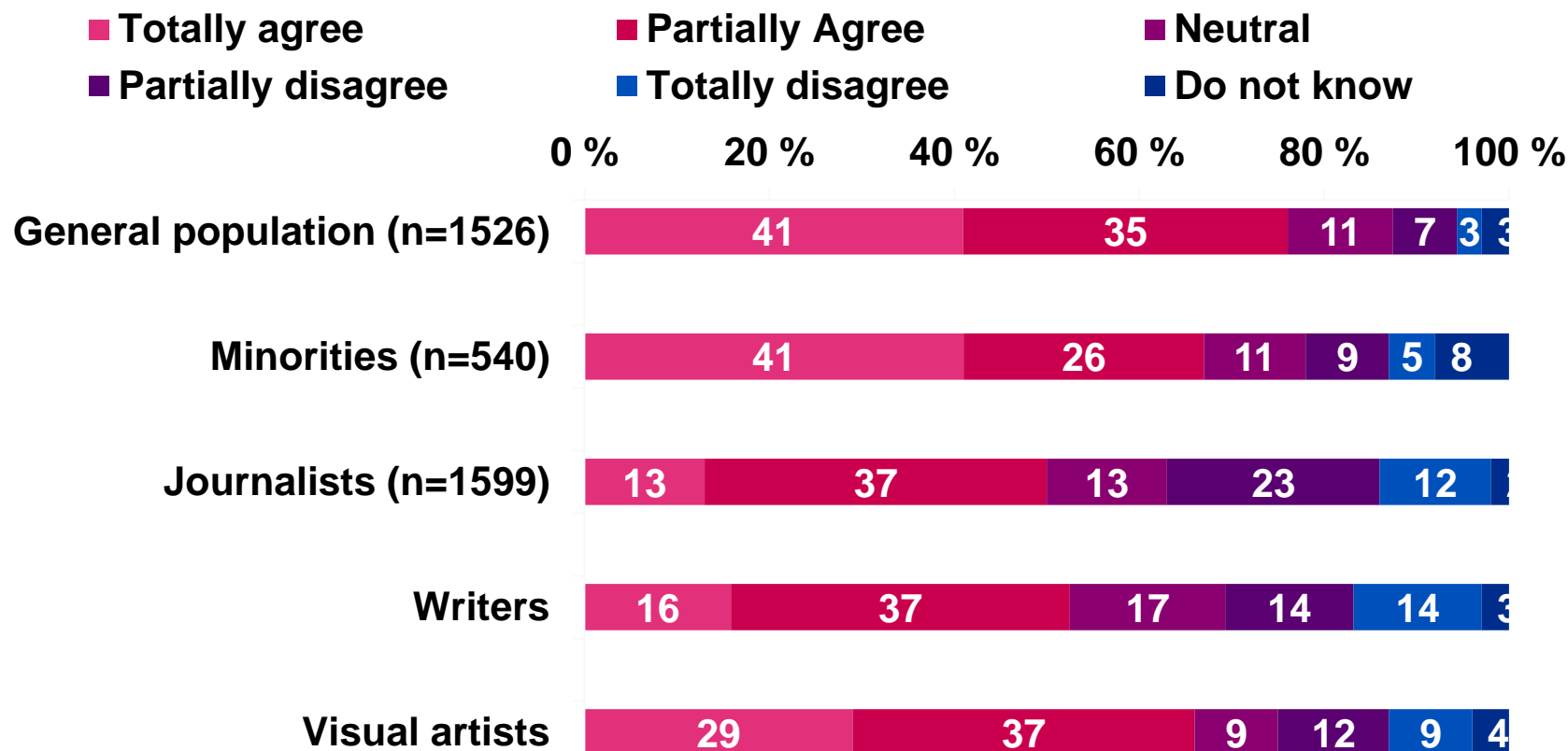


Q8. Protection of weak groups, such as children, is more important than freedom of expression



Significant differences found for gender, age and education

“Protection of weak groups, such as children and young people, is more important than freedom of expression” - general public vs. elite informants

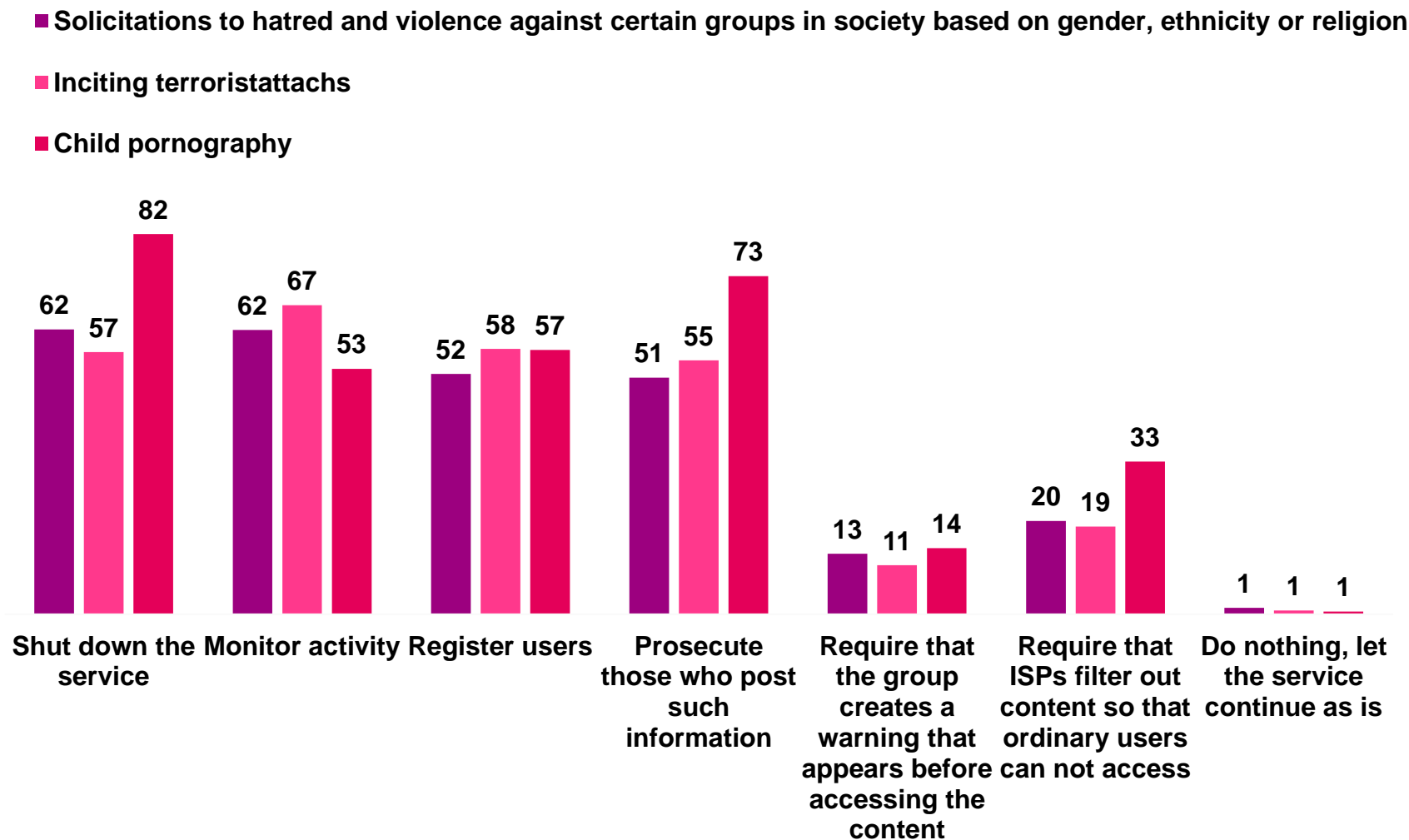


Staksrud, Steen-Johnsen, Bernard, Gustafsson, Ihlebæk, Sætrang, . . . Utheim. (2014). Ytringsfrihet i Norge: Holdninger og erfaringer i befolkningen. Resultater fra befolkningsundersøkelsen 2014 (pp. 132). Oslo ISF, IMK, FAFO.

Terror, hate and child pornography

2 Is “the protection of children” *the* (only) commonly accepted valid argument for the restriction of media content, access and output?

The public's attitudes towards the regulation of *illegal* online content (hate speech, terrorism and «child pornography»)

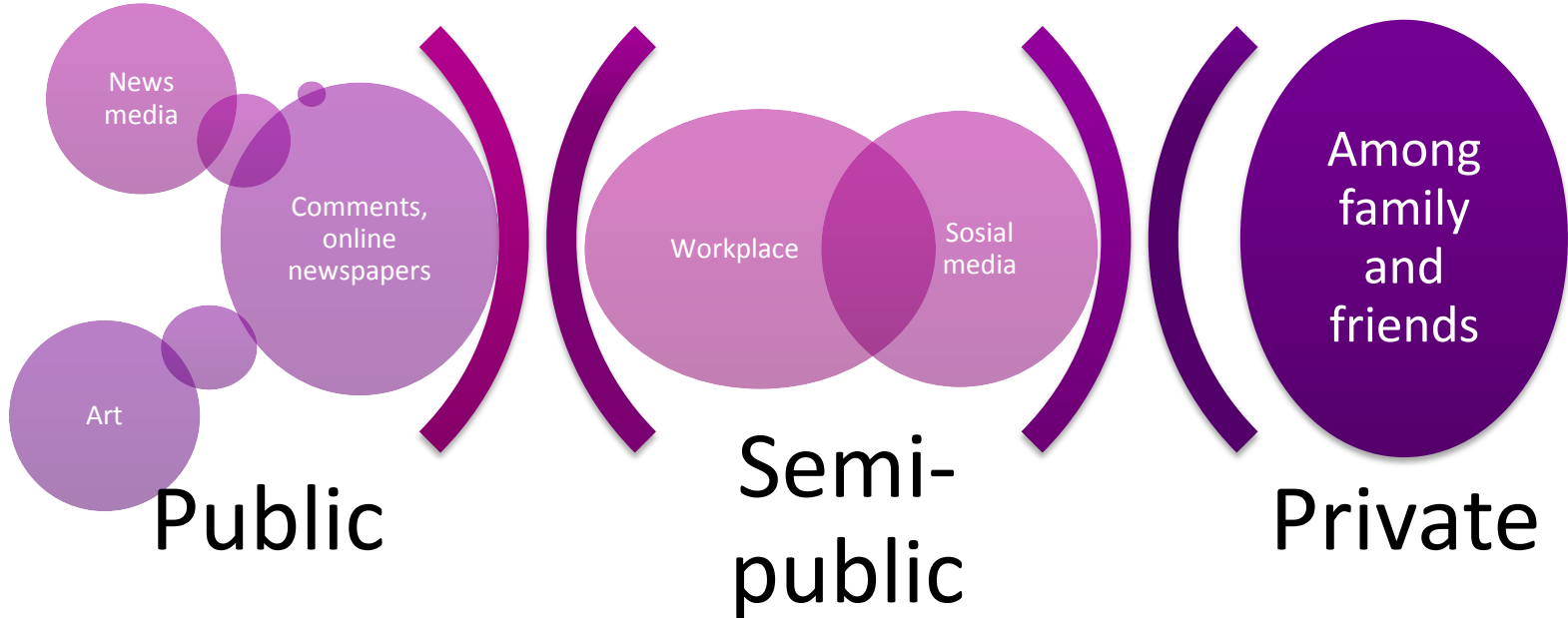


ACCEPTANCE BY ARENA

3 Do attitudes towards bullying/harassment vary according to

- a) social context (family/peers/workplace/public);**
- b) the identity of the of person being bullied/harassed;**
- c) the mediated context (traditional media, social media, news, peer-to-peer contact, within the family etc).**

Social context



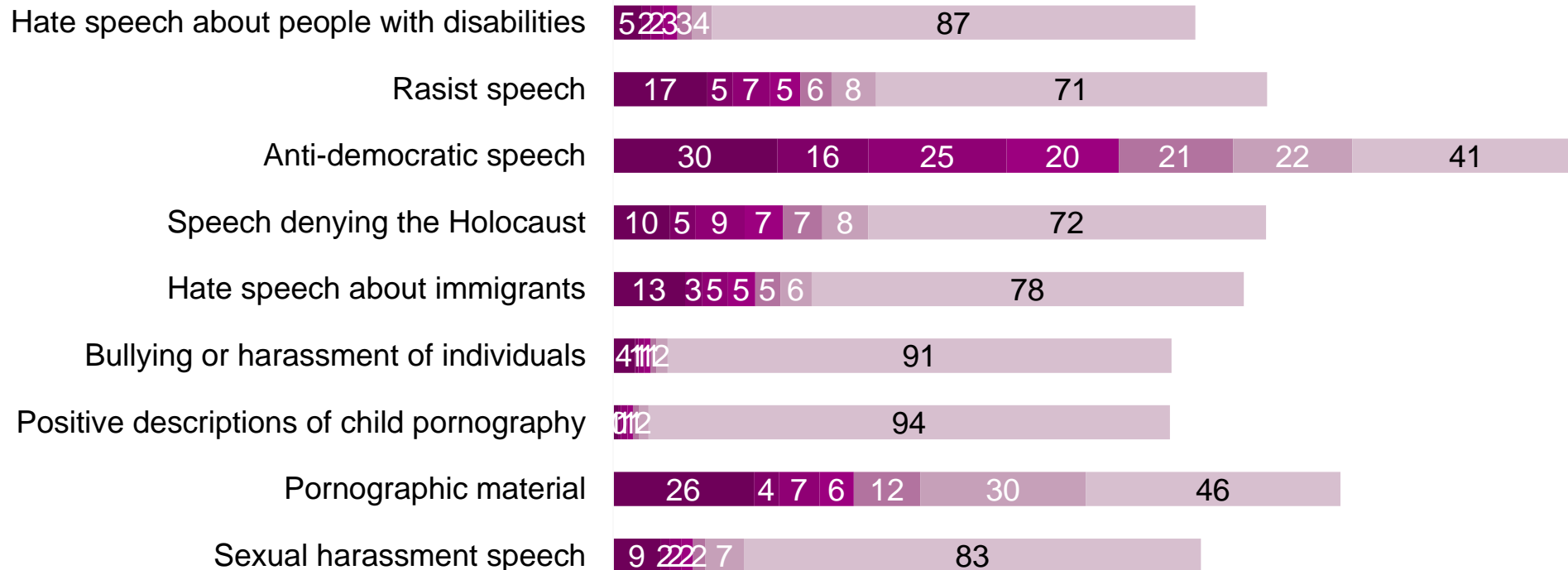
Respondents asked about controversial expressions:

- Sexual harassment speech
- Pornographic material
- Positive descriptions of child pornography
- Bullying or harassment of individuals
- Hate speech about immigrants
- Speech denying the Holocaust
- Anti-democratic speech
- Racist speech
- Hate speech about people with disabilities

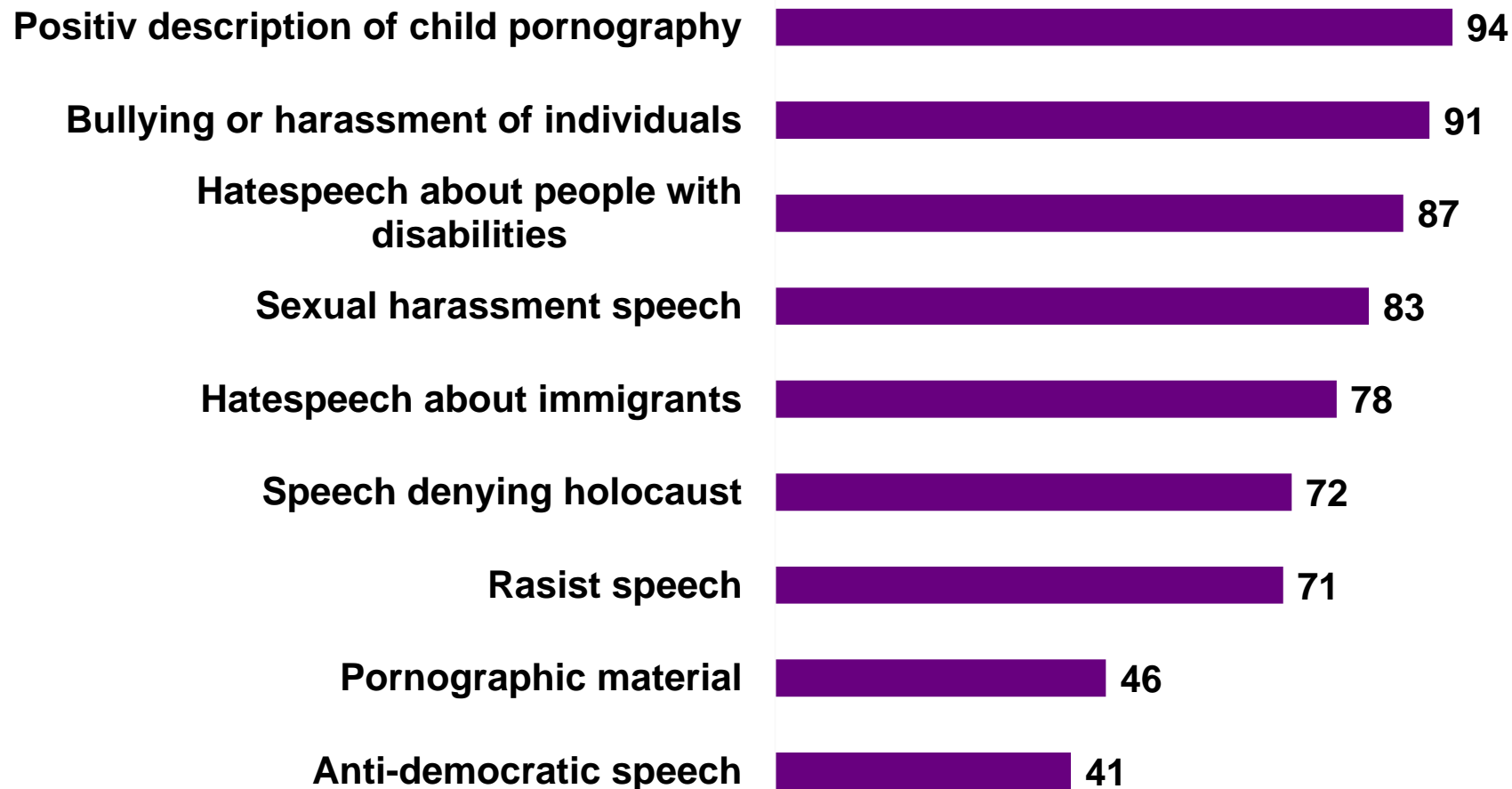
They were also asked in what context, if any, they would see the different expressions as acceptable. There was also an option for “do not know”.

Acceptable speech by arena

- Among nearest family and friends
- In news media
- In social media
- Should not be tolerated on any arena
- At the workplace
- Commenting in online newspapers
- In art, music and literature



% of the population who does not accept expressions on any arena, by theme of expression (N=1534)



Freedom of expression vs. other considerations

- When freedom of speech is considered against protecting selected groups (eg. children, victims of racism or religious bigotry), the population tends to place a stronger emphasis on this protection than freedom of speech.
- The population's support of institutional principles of freedom of speech (eg. the press' protection of sources, artistic and academic freedoms, and the right to access official records) is limited when weighed against other considerations.
- This does not apply to journalists, artists and writers, where the support still prevails.
- Males and those under 40 place more importance on the freedom of expression than other considerations.

Observations (policy field)

- Protection of children the only argument commonly accepted to restrict media content
- Protection of children vs. the media/the Internet
 - Creates challenges for children and the right to participation and information
 - Creates challenges for the rights of adults, having their rights limited
- Further research needed on the normative environments that creates limitations and opportunities for the public in general, and for children in particular
- Further research needed on regulatory legitimacy «when in the interest of children»

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