



Growing Up Digital

A report of the Growing Up Digital Taskforce

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Contents

- Growing Up Digital.....3
- Digital resilience4
- Digitally informed.....8
- Digital power.....13
- A digital United Nations Convention on the Rights of the Child.....16
- The Growing Up Digital Taskforce.....20
- Annex 1: Digital Parenting – An analysis of the Mumsnet survey.....21

Growing Up Digital

The internet is an extraordinary force for good but it is not designed with children in mind. Yet one third of internet users are under the age of 18¹ and the part it plays in their lives continues to grow: among 3-4 year olds, in the last year, time online increased from 6 hours 48 minutes to 8 hours 18 minutes a week, and 12-15 year olds now spend over 20 hours a week online.²

Despite good progress made by government and industry together through the UK Council for Child Internet Safety (UKCCIS) on issues such as parental control filters and age verification, much more needs to be done to create a supportive digital environment for children and young people. At the moment, children are not being equipped with adequate skills to negotiate their lives online. Offline, adults aim not just to ‘educate’ children as they grow up, but to help them develop resilience and the ability to interact critically with the world; recognising that without these ‘softer’ skills, they cannot grow up as agents of their own lives.

Having considered how well children are prepared to engage with the internet, with a group of technology, legal and policy experts, the Children’s Commissioner believes it is time for a step change in how we prepare children for digital life. She is calling for three interventions from government: the creation of a digital citizenship programme, to be compulsory in every school from 4 – 14; implementation of the intent of the General Data Protection Regulation, by introducing simplified Terms and Conditions for digital services offered to children; and a new Children’s Digital Ombudsman to mediate between under 18s and social media companies.

Together these interventions would give children and young adults **resilience, information** and **power**, and hence open up the internet to them as a place where they can be citizens not just users, creative but not addicted³, open yet not vulnerable to having their personal information captured and monetised by companies. The rights enjoyed by children offline must be extended online. While the US, Australia, the EU and even the UK have made small steps toward better protecting children’s rights online, the scale at which these rights are still routinely ignored is eye-watering. Without these interventions, the Children’s Commissioner believes that we are failing in our fundamental responsibility as adults to give children the tools to be agents of their own lives.

¹ Livingstone, S., Carr, J. and Byrne, J. (2016). One in Three: Internet Governance and Children’s Rights. Innocenti Discussion Paper No.2016-01, UNICEF Office of Research, Florence. Page 15

² Ofcom (2016). Children and parents: media use and attitudes report, Ofcom, London. Page 47, Figure 17

³ “Many children recognize the symptoms of internet addiction, including losing contact with reality, losing interest in activities, headaches, eye problems, sleep problems, and losing friends.” EU Kids Online (2014) accessed via <http://eprints.lse.ac.uk/60512/1/EU%20Kids%20online%20III%20.pdf> (Dec 2016). Page 21

Digital resilience

With a mismatch of knowledge, fears and expectations between parents and their children, and with technology developing at such a tremendous pace, children must be equipped from an early age to engage safely and resiliently with the internet.

Parents' concerns do not always match those of their children, with risks and opportunities viewed very differently. While adults have a tendency to talk about 'risks' as if they come from strangers and far away, children see risks – of bullying and violent or sexual content for example – arising in their everyday chat with people from school and therefore find these much harder to negotiate.¹ This relationship also changes with age, with younger children viewing parental intervention as positive whereas older children are more ambivalent, inclined to regard parents (or other adults) as invading their privacy.²

Parents tell us that they are not confident about how to prepare children for life online. In a survey conducted for the Children's Commissioner by Mumsnet, 73% of parents were concerned about their children accessing inappropriate material online, 49% were worried about their child oversharing personal information, 61% feared that social media was an overwhelming distraction from other activities and 54% were afraid of unwanted contact by strangers with their children.³ This mirrors other findings.⁴

Children themselves say they do not always trust teachers to understand online safety⁵; while Ofsted has found staff training to be inconsistent, even when it was thought to be adequate by head teachers or governors.⁶

The current computing curriculum sets out in detail the technical skills and some of the legal knowledge a child should have at different ages. The Children's Commissioner however believes this is too narrow, and often too late; your data protection rights, for instance, are not taught until GCSE level, and GCSE Computing is not compulsory. Although the curriculum that younger children do study includes elements of coding, algorithms and processes, and lessons from a

¹ EU Kids Online (2014) accessed via <http://eprints.lse.ac.uk/60512/1/EU%20Kids%20online%20III%20.pdf> (Dec 2016). Page 20

² Ibid. Page 22

³ Please see the appendix for a more detailed analysis of this survey

⁴ The LSE's EU Kids Online (2012) study found that viewing inappropriate content and unwanted online contact were two of parents' top concerns about the internet. Similarly, Ofcom's latest research shows that concern has risen by nearly 10% to 45% of parents of 12-15 year olds who are now concerned about how much time their child spends online. Ofcom (2016), Children and parents: media use and attitudes report, Ofcom, London. Page 150, Figure 101

⁵ Ofsted (2015), Child Internet Safety summit: Accessed via <http://www.slideshare.net/Ofstednews/childinternetsafetysummitonlinesafetyinspection> (Dec 2016)

⁶ Ibid. Slide 12

young age around online safety, it does not teach the ‘social’ elements of life online. This includes how to critique content, for example, how to assess representations of body image and how other people portray their lives online, how to spot fake news, or how to disengage and control one’s internet use.

At a time when nearly half of 11-to-16 year olds say it is easier to be themselves on the internet than with people face-to-face¹, it is particularly important that we equip them with the full range of skills needed to navigate this social space.

We therefore believe that a broader digital citizenship programme should be obligatory in every school, led as far as possible not by teachers but by older children. Research has shown that children are keen to discuss their online experiences, and what they can learn from them, but that they prefer to talk about them with peers.²

Digital citizenship from age 4-14, with a voluntary extension for older children who want to become digital leaders or champions, would show the way to get the best out of the internet. This would include what it means to be a responsible citizen online; how to protect your rights online and how to respect others’ rights; how to disengage as well as engage with the digital world - ultimately, nothing less than how to make the online world a force for good and one which empowers and inspires children, rather than entrapping them.

With one study showing that almost a third of 15 year olds admit to having sent a naked photo of themselves at least once³ and over a third of 12-15s having seen hateful content directed at a particular group of people in the last year⁴, this is not hyperbole: we must equip today’s children with a better ability to negotiate online society. The number of children counselled by Childline about online bullying has doubled over the last 5 years.⁵

There are a number of digital citizenship curricula available already or under development. They are creative, fun, stimulating and adaptable – everything we would want the internet itself to be.⁶

Courses like this with clear stages for each age group, would not lead to a GCSE or a formal qualification but to ‘digital citizen’, ‘digital leader’ and ‘digital champion’

¹ EU Kids Online (2014) accessed via <http://eprints.lse.ac.uk/60512/1/EU%20Kids%20online%20III%20.pdf> (Dec 2016). Page 31

² EU Kids Online (2014) accessed via <http://eprints.lse.ac.uk/60512/1/EU%20Kids%20online%20III%20.pdf> (Dec 2016). Page 22

³ Ditch the Label (2014), The Wireless Report, London, Page 22

⁴ Ofcom (2016), Children and parents: media use and attitudes report, Ofcom, London. Pages 116-117, Figure 69

⁵ NSPCC (Nov 2016) ‘88% rise in Childline counselling sessions about cyberbullying’, accessed via <https://www.nspcc.org.uk/fighting-for-childhood/news-opinion/88-rise-childline-counselling-sessions-cyberbullying/> (Dec 2016)

⁶ See for instance Childnet’s Digital Leaders programme: <http://www.childnet.com/new-for-schools/childnet-digital-leaders-programme/> (Accessed Dec 2016)

credentials; teenagers leading younger children in creative engagement and appropriate behaviour, rights and responsibilities online.

Such a programme might be built around the 5Rights initiative led by Baroness Beeban Kidron:

The Right to Remove: To be able to curate your online presence through being able to easily remove what you yourself have put up.

The Right to Know: To know who has access to your data, why and for what purposes.

The Right to Safety and Support: To know where to turn for support when something online is distressing.

The Right to Informed and Conscious Use: To know that the internet is 'sticky' and that you have the power to switch off.

The Right to Digital Literacy: To understand the purposes of the technology that you are using and to have the critical understanding and the skills to be a digital creator.¹

“Again and again, children and young people say that they have no idea how the internet works, either in ways that might be of interest to them or ways that disempower them. They feel overwhelmed by the demands of their devices and social networks, angered by the lack of choice over the spread of their data – both visible (through pictures and posts) and invisible (through profiling and data gathering) – and bewildered by the lack of social rules. From the hundreds of children I have talked to, three demands ring out – broader and improved education earlier, a single platform on which to report and resolve any difficulties, and simple ways to take time out that are technologically supported and culturally understood. I think it’s time that the adult world delivered.”

Baroness Beeban Kidron OBE, 5Rights

In addition to existing resources for the development of digital resilience, which are often fragmented, lack scale and do not have sufficient profile, the Children’s Commissioner is working with the BBC to provide a more universally available resource to educate more young people about their rights online:

¹ iRights. (2015) 'Enabling Children and Young People to access the digital world creatively, knowledgeably and fearlessly', iRights, London. Page 6

CBBC is the BBC's channel for 6-12 year olds which reaches 58% of this age-group in the UK each week. It already has a brand entitled 'Lifebabble'¹ that exists on TV and online, enabling children to find out about subjects that matter to them – from online bullying to loneliness, body image to mental health. Lifebabble is always on, universally available, full of stories from peers and older children, as well as providing links to expert advice and support agencies. The Children's Commissioner has teamed up with the BBC who are extending the scale and range of Lifebabble to help children develop genuine resilience in the digital world. New content will launch in February 2017 for Safer Internet Day.

"There is no silver bullet for helping children to develop into resilient, confident children growing up in an ever more digital world. Rather as adults we need to ensure children have easy access to relevant, personal, age-appropriate advice, stories, information and ideas; the opportunity to ask questions and get answers; the chance to learn from others; and most importantly for this to feel relevant and for them. Resilience and critical thinking are perhaps the greatest assets for children; to ensure they not only survive, but go on to thrive in our digital world."

Alice Webb, Director, Children's BBC and BBC North

¹ CBBC Lifebabble website accessed via <http://www.bbc.co.uk/cbbc/shows/lifebabble> (Dec 2016)

Digitally informed

The supposedly ‘public space’ of the internet is almost entirely controlled by a series of global private companies with too little responsibility towards children, operating significantly beyond the reach of national laws. We believe that government and civil society have a role in demanding more transparent corporate behaviour and better online conditions for children and teenagers. Ultimately however, only social pressure from informed young people themselves will change this; if they do not like the way that companies operate, they will choose not to use them. Hence the importance of teaching children about digital citizenship.

In order to explore how fully children understand their rights in relation to social media companies today, the Children’s Commissioner tested the Terms and Conditions of Instagram, used by 56% of 12-15 year olds and 43% of 8-11 year olds¹, with a group of young people. These Terms and Conditions currently run to 17 pages and 5,000 words with language and sentence structure only a postgraduate could be expected to understand.² The teenagers were flummoxed:

“Boring! It doesn’t make any sense” Amy³, 13 years old

“You have to take about 10 minutes on each sentence” Alex, 13 years old

In fact, after 20 minutes of reading the 13 year olds had only got half way through the current Terms and Conditions and were begging to be allowed to stop:

“Are you sure this is necessary? There are, like, 100 pages” Amy, 13 years old

“Do we have to read the whole thing? We’re not taking it in, we’re just reading the sentences. You could have, like, toned it down for us” Alex, 13 years old

We asked what they had understood about their privacy rights:

“I don’t know due to the sheer amount of writing and the lack of clarity within the document” Sam, 15 years old

Despite being impenetrable and largely ignored, Terms and Conditions set out important information regarding exactly what users are agreeing to, including what rights they have over their data, their privacy and use of the content they

¹ Ofcom (2016), Children and parents: media use and attitudes report, Ofcom, London. Page 74-75, Figures 38 and 39

² According to the Flesch-Kincaid readability test, Instagram’s original T&Cs have a score of 31. Anything with a score of less than 30 is considered “Very difficult to read. Best understood by university graduates” and anything with a score of 30-50 is considered “Difficult to read” and of undergraduate level. The straightforward version which follows however has a score of 71 which is “Plain English. Fairly easy to read” and is matched at the level expected of a 12-13-year-old. This readability test can be accessed via <https://readability-score.com/text/> (Dec 2016)

³ All names have been changed but ages remain accurate

generate. For children to be effective agents of their own digital lives, they must understand that to use many popular apps, they must accept that:

- > You waive fundamental privacy
- > The app could track you - even when it is not in use
- > Your personal data could be bought and sold
- > The terms could change at any time without notice
- > The app could terminate your account at its sole discretion.¹

As an exercise, we asked the law firm Schillings to draft a simplified version of Instagram's Terms and Conditions. Although we have chosen to use Instagram's Terms and Conditions because of the popularity of Instagram amongst teenagers, other social media services have similar restrictions and waivers.

¹ Forbrukerrådet Consumer Council, '#appfail' accessed via <http://www.forbrukerradet.no/appfail-en> (Dec 2016)

INSTAGRAM TERMS: Our Rules if you want to use Instagram

1. You have to be 13 or over.
2. Don't post anything showing violence, or that might make other people feel scared, or any images that contain nudity.
3. Don't use anybody else's account without their permission or try to find out their login details.
4. Don't let anyone else use your account.
5. Keep your password secret.
6. Don't bully anyone or post anything horrible about people.
7. Don't post other peoples' private or personal information.
8. Don't use Instagram to do anything illegal or that we tell you not to.
9. If you want to add a website to your username, make sure you get permission from Instagram first.
10. Don't change anything about our website or applications, upload any type of virus or do anything that might interfere with the way Instagram works. Don't send us ideas on how to improve Instagram.
11. Don't use any type of software or robot to create accounts or access Instagram, and don't send spam or unwanted emails.
12. Read our Community Guidelines and obey them when using Instagram.
13. Don't do anything that might affect how other people use and enjoy Instagram.
14. Don't encourage anyone to break these rules.

YOUR RIGHTS AND OUR RIGHTS

1. You have the right to feel safe using Instagram.
2. Officially you own any original pictures and videos you post, but we are allowed to use them, and we can let others use them as well, anywhere around the world. Other people might pay us to use them and we will not pay you for that.
3. You are responsible for anything you do using Instagram and anything you post, including things you might not expect such as usernames, data and other peoples' music.
4. It will be assumed that you own what you post, and what you post does not break the law. If it does, and you are fined, you will have to pay that fine.
5. Although you are responsible for the information you put on Instagram, we may keep, use and share your personal information with companies connected with Instagram. This information includes your name, email address, school, where you live, pictures, phone number, your likes and dislikes, where you go, who your friends are, how often you use Instagram, and any other personal information we find such as your birthday or who you are chatting with, including in private messages (DMs).

We are not responsible for what other companies might do with this information. We will not rent or sell your personal information to anyone else without your permission. When you delete your account, we keep this personal information about you, and your photos, for as long as is reasonable for our business purposes. You can read more about this in our "Privacy Policy". This is available at: <http://instagram.com/legal/privacy/>.

6. Instagram is also not responsible for:
 - Links on Instagram from companies or people we do not control, even if we send those links to you ourselves.
 - What happens if you connect your Instagram account to another app or website, for instance by sharing a picture, and the other app does something with it or takes your personal details.
 - The cost of any data you use while using Instagram.
 - If your photos are lost or stolen from Instagram.
7. Although Instagram is not responsible for what happens to you or your data while you use Instagram, we do have many powers:
 - We might send you adverts connected to your interests which we are monitoring. You cannot stop us doing this and it will not always be obvious that it is an advert.
 - We can change or end Instagram, or stop you accessing Instagram at any time, for any reason and without letting you know in advance. We can also delete posts and other content randomly, without telling you, for any reason. If we do this, we will not be responsible for paying out any money and you won't have any right to complain.
 - We can force you to give up your username for any reason.
 - We can, but do not have to, remove, edit, block and/or monitor anything posted or any accounts that we think breaks any of these rules. We are not responsible if somebody breaks the law or breaks these rules; but if you break them, you are responsible. You should use common sense and your best judgment when using Instagram.
8. Although you do not own your data, we do own ours. You may not copy and paste Instagram logos or other stuff we create, or remove it or try to change it.
9. You can close your Instagram account by logging into Instagram and completing this form: <https://instagram.com/accounts/remove/request/>. If you do, your photos, posts and profile will disappear from your account but if anyone has shared your photos or personal details, or if we have used them ourselves for any reason, they might still appear on Instagram. We will also keep all the data we already have from you and can use it as explained in paragraph 5 above.
10. We can change these rules whenever we like by posting an update on Instagram, whether you notice it or not.

This model has been built deliberately so that it is straightforward enough for children to understand but clearly sets out their rights.¹ Although it still looks long, we tested it with the same group of children and young people and found that they understood it easily.

"You are allowing them to keep, use and share your name, school, where you live, likes/dislikes, where you go, "who you are chatting with" and private messages - when they share this with other companies, which you have allowed them to do by accepting the Terms and Conditions and ticking the box, they are not responsible for what these 3rd parties do with that data collected- like a detailed portrait of you as you live your life through the internet." Hannah, 17 years old

"I think they should show these Terms and Conditions to people who sign up because otherwise you don't really know what you're signing up to. I would use Direct Messaging a lot less if I knew they could read them" Amy, 13 years old

"When it was put that way as opposed to being bogged down in technicalities, it made me realise just how much of my personal data I am giving to a random company without realising. They are also free to give this information to third parties, and this is all something I have agreed to (without realising) just by agreeing to the Terms and Conditions" Ben, 16 years old

"I'm deleting Instagram because it's weird." Alex, 13 years old

As one teenager reflected after the exercise above:

"They must know that no one reads the Terms and Conditions. But if they made it more easy then people would actually read it and think twice about the app. They write it like this so you can't understand it. Because then you might think differently." Amy, 13 years old

Instagram, like many social networks, leaves the user with very little information to exercise their rights or any genuine privacy.

This exercise makes it clear that the current offering made by websites and apps to their users is not acceptable. Children and young people have the right to know how the relationship between their rights and the rights of the service that they have signed up to use, functions. If it is essential that children understand the functionality of the internet then it is crucial that they learn about what they are signing up to, how their data is collected, what it is used for and how this relates to the agreements they make.

¹ It is important to emphasise that the terms we have amended and that are contained in the report are an illustration of a more accessible, child-friendly document as opposed to an exhaustive list of legally binding terms.

The Children's Online Privacy Protection Act (COPPA) in the USA protects children's privacy and data in a similar way that the General Data Protection Regulation (GDPR) will for children in the EU when it comes into force in 2018.¹ The GDPR will insist that:

"Where services are offered directly to a child, you must ensure that your privacy notice is written in a clear, plain way that a child will understand."²

The Children's Commissioner is calling upon the government to implement a comparable law in the UK, without waiting for the GDPR to come into force or awaiting the outcome of Brexit negotiations. Post-Brexit, the government must ensure that a search engine's 'Right to Remove' facility which only applies to EU citizens, is still available to children in this country.

We encourage social media platforms either to adopt a similar model to the one above or to create their own, equally straightforward model which provides this level of clarity.

And we believe that as well as greater clarity, Terms and Conditions should also offer greater privacy and data protection choices for users.

"Even experienced lawyers can struggle to understand websites' Terms and Conditions. So what hope do young people have? Social media providers need to ask themselves: how can someone give informed consent to something they can't possibly understand?"

The situation is serious. Young people are unwittingly giving away personal information, with no real understanding of who is holding that information, where they are holding it and what they are going to do with it."

Jenny Afia, Partner at Schillings

¹ Although children in the UK are currently covered by the GDPR, this is not guaranteed given the UK's uncertain relationship with the EU following Brexit.

² Information Commissioner's Office, 'Overview of the General Data Protection Regulation (GDPR)' accessed via <https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/> (Dec 2016)

Digital power

We need a champion for children's rights online. Without a means of exercising them, rights are meaningless. Although much of the behaviour children complain about online – bullying, sexting, harassment – is illegal, it is difficult for children to enforce their rights against it in a swift, affordable and proportionate way

Despite most social media networks having strict community guidelines and defined reporting structures, children and teenagers still say that they struggle to get content relating to them removed from the internet. This is particularly troubling in online bullying cases where the record of abuse is public and permanent. Anti-bullying charity Ditch the Label surveyed 1,000 young people about their experiences of reporting. Of those who had been bullied, 60% said that they experienced it online. Just 15% of those reported it to social media and only 49% of those were content with the result.¹

When Childnet surveyed children, aged 7-11, 20% said that they had needed to report content online but hadn't done so because they didn't know how to make a report, they didn't know what a report was, and/or they didn't think it would help.²

Australia has tried to address this problem by establishing a Children's eSafety Commissioner. The Commissioner is responsible for administering a complaints system for online bullying material directed at an Australian child. Any child, parent or concerned adult can report online bullying and the eSafety Commissioner will act as a mediator between the child and the social network in question. The Office has been successful in responding to all complaints within 7 hours and those services that have received a notice from the Commissioner have complied by the end of the next business day.³

The threshold for action, however, is high. The complaints guide states that "material which is merely offensive or insulting is unlikely to fall within the scheme".⁴ The focus of the eSafety Commissioner is exclusively around online bullying but we want children to be able to challenge any content that they have accessed via common social media platforms that they are able to report, be that pornography, hate speech or other inappropriate or offensive content.

¹ Ditch the Label (2016), The Annual Bullying Survey 2016, London, Pages 14 and 17

² UK Safer Internet Centre (2013), Have your say: Young people's perspectives about their online rights and responsibilities, accessed via <http://www.childnet.com/ufiles/Have%20your%20Say%20Report.pdf> (Dec 2016), Page 7

³ Australian Communications and Media Authority (2016), Office of the eSafety Commissioner annual report 2015-2016, Australian Government, Sydney, Pages 122 and 126

⁴ Office of the eSafety Commissioner (2016), Information Guide: Cyberbullying complaints handling', Australian Government, Sydney, Page 3

Teenagers told us about repeated but futile attempts to use the 'report' button on social media sites; an account which persistently asked 13-year-old girls for naked photos, for instance, or subtle examples of online bullying which are not explicit enough for the censors.

"After I fell out with one of my friends at school, she pushed me out of our friendship group. At first she just ignored me but then she started posting laughing emojis on all of my Facebook photos. All of her friends would 'like' her comments and then do the same. I reported it to two social media platforms, Instagram and Facebook, but nothing happened because it didn't look like I was being bullied but it definitely felt like bullying. I had to delete any photo with me in pretty much just so they would stop. It made me feel horrible and other people started asking about it at school which was even worse." 14-year-old girl

"Someone was asking loads of the girls in my school for nudes – like, loads. Everyone reported it about 100 times and the account is still there. They literally have done nothing about it. The thing is, you know if you see an account and it's like followed by 50 people and some of them were my friends – I don't know why they followed him. Loads of boys made accounts and requested to follow him so he would ask for nudes and they could report it. Also he sent indecent images of himself which I swear is illegal. And nothing happened." 13-year-old girl

It is also clear that children and young people are being exposed, sometimes accidentally, to age-inappropriate material while using common platforms:

"You click on a hashtag and you see everything else with the same hashtag. They put a hashtag like '#beautygiveaways' on some freaky image so you'll click on the #beautygiveaways somewhere else and then see, like, a 'dick pic'." 12-year-old girl

It seems the strategies employed by social media are not sufficiently proactive or responsive. As young people spend the vast majority of their time online in just a few places, we would like to see strengthened and unified support and report mechanisms for young people.

The Children's Commissioner recommends the establishment of a Children's Digital Ombudsman in the UK, to mediate between under-18s and social media companies over the removal of content. It should operate in a similar way to the UK Financial Ombudsman Service and be funded by social media companies themselves but be completely independent of them.¹

It is currently impossible to know how many children are reporting content, what they are reporting and how these reports are dealt with. When the Children's Commissioner requested information from Facebook and Google about the number and types of requests it receives from minors to remove content, neither was able to provide it.

In order to understand better the breadth and depth of the problems children confront online, the Children's Commissioner recommends that her power of data collection from public organisations be extended to cover aggregated data relating to complaints, reports, or requests for removal by children under 18, from social media companies and search engines.

“Social media outlets have a huge responsibility and duty of care to safeguard and protect the young people who are using their platforms, but more frequently than not, young people are having their reports of abuse either ignored or responded to in unsatisfactory ways. The user experience for many young people can quickly turn negative as rates of cyberbullying and digital abuse continue to increase - impacting the health and wellbeing of millions of young users.”

Liam Hackett, Ditch the Label

¹ Such a move already has support within the United Nations as the draft General Comment on the Rights of Adolescents currently states that: “The online environment provides significant emerging opportunities for strengthening and expanding their engagement. The measures should be accompanied by the introduction of safe and accessible complaint and redress mechanisms with the authority to adjudicate claims made by adolescents, and by access to subsidized or free legal services and other appropriate assistance (United Nations, Convention on the Rights of the Child, General Comment No. 20 (2016) on the implementation of the rights of the child during adolescence, CRC/C/GC/20 (06 December 2016), accessed via <http://www.ohchr.org/EN/HRBodies/CRC/Pages/childduringadolescence.aspx>)

A digital United Nations Convention on the Rights of the Child

The Convention, the world's authoritative statement of child rights, was adopted in 1989 at a time when the development of the internet was still very much in its infancy. Consequently, the rights do not contain any direct reference to digital engagement or the online world despite this now being an integral feature of a child's life.

The Children's Commissioner is supporting Professor Sonia Livingstone to review the Convention and interpret the articles to bring it up to date for the digital age.¹ Below is what the children's version of the UNCRC might look like, if drawn up today.

"The UN Convention on the Rights of the Child is an inspiring document which sets out what society expects and demands for its children. Rights apply online as well as offline, and now it's time to work out how society can support children's rights in today's digital environments. A 'General Comment' on children's rights in the digital age could really help to make clear how children have the right to fair access to the fabulous opportunities of the internet without significant risk of harm or infringement of their rights to privacy, communication, information, play and safety."

Professor Sonia Livingstone, OBE, London School of Economics and Political Science

¹ This will be completed in conjunction with Professor Livingstone's colleagues, Gerison Lansdown and Amanda Third.

A Digital Convention¹

ARTICLE 1 A child is a person aged 17 or under.

ARTICLE 2 All the rights in this Convention belong to all children.

ARTICLE 3 Children must always be a top priority *including for companies operating online.*

ARTICLE 4 Governments must do all they can to protect children's rights *both online and offline.*

ARTICLE 5 Parents can give children advice, and help about their rights *so they'll need to learn about the internet.*

ARTICLE 6 Every child has the right to be alive and to be the best person they can be.

ARTICLE 7 Every child has the right to a name and nationality, and to be cared for by both parents.

ARTICLE 8 Governments must protect the child's right to a name, a nationality and a family life. *Every child's digital identity should be protected from being hacked.*

ARTICLE 9 Every child has the right to keep in regular contact with both parents so long as this is the best thing for the child. *Just as would be the case offline, if relatives pose a threat, they shouldn't be able to track the child online.*

ARTICLE 10 Decisions about a child going to live in another country should be made quickly and fairly.

ARTICLE 11 *Trafficking is organised online and offline. Governments should prevent both* to stop children being taken illegally to another country.

ARTICLE 12 Every child has the right to express his or her views, *online and offline*, and those views must be taken seriously.

ARTICLE 13 Every child has the right to express him or herself and to receive all kinds of information and ideas. *Children should be empowered to do both online.*

¹ This simplified version of the UNCRC belongs to Children's Rights Alliance for England (CRAE) accessed via http://www.crae.org.uk/media/76276/UNCRC_CYP_version.pdf (Dec 2016)

ARTICLE 14 Every child has the right to have his or her own beliefs and religion.

ARTICLE 15 Every child has the right to meet people and to be outside in a group *or to be part of online networks.*

ARTICLE 16 The law must protect every child's right to privacy *so data should not be collected about them without their permission.*

ARTICLE 17 Governments must make sure children get lots of different information about all sorts of things *including information on and about the internet.* They should protect children from harmful information.

ARTICLE 18 Governments must support parents. Parents must always try to do what is best for children *including supporting them to navigate the internet.*

ARTICLE 19 *Online and offline,* every child must be protected from all forms of violence, abuse, neglect and bad treatment.

ARTICLE 20 Children who do not live with their parents have the right to extra protection *including extra support to help them get the best from their time online.*

ARTICLE 21 The child must be the top priority in adoption.

ARTICLE 22 Children who are refugees, or trying to be refugees, have the right to extra protection. *Child refugees might rely on the internet to connect to their families but it could also put them at risk of abuse.*

ARTICLE 23 Disabled children have the right to a full life, and to be part of the community *and so they should have equal opportunities to participate online.*

ARTICLE 24 Every child has the right to the best possible health.

ARTICLE 25 Children who are in care or who live away from home for health reasons should have their care checked regularly.

ARTICLE 26 Governments must support every child's right to have enough money.

ARTICLE 27 Children have the right to get everything they need to develop fully *including access to the internet so they're equipped to benefit from modern society.*

ARTICLE 28 Every child has the right to education *of which digital literacy from a young age should be a part.*

ARTICLE 29 Education is about helping children to develop fully as people.

ARTICLE 30 Children must never be stopped from enjoying their own culture, religion or language *and they should have the provision and freedom to explore this online. They should therefore be allowed to explore and enjoy the internet.*

ARTICLE 32 Children must be protected from harmful work.

ARTICLE 33 *Illegal drugs are sold online and offline.* Governments must do everything to protect children from *them in both cases.*

ARTICLE 34 Governments must protect children from being hurt sexually. *This applies online too.*

ARTICLE 35 Governments must do everything to protect children from being taken away or sold, *including where this happens online.*

ARTICLE 36 Governments must protect children from all other harm. *Children must be able to navigate the internet safely.*

ARTICLE 37 Every child has the right to protection from torture and very bad treatment.

ARTICLE 38 Children must be protected from wars and from joining the armed forces *or being recruited online.*

ARTICLE 39 Governments must give good support to children who have been abused or hurt. *Children should be able to access support online and counsellors should be equipped to deal with online issues.*

ARTICLE 40 Children who are in trouble with the law have many extra rights, including the right to privacy, the right to a lawyer and, wherever possible, the right not to go to court or be sent to prison.

ARTICLE 42 Governments must tell everyone about all the rights in this Convention. *Children must be taught that their rights apply online and offline.*

ARTICLES 41 TO 54 These articles say how children's rights should be checked, and how governments should promote, protect and respect all the rights in this Convention *including building child rights into internet governance.*

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Annex 1: Digital Parenting – An analysis of the Mumsnet survey

Although an increasing number of parents grew up with access to the internet, the generational digital divide is still apparent between parents and their children.¹

In order to explore parental views and engagement further, the Children's Commissioner partnered with Mumsnet (www.mumsnet.com), one of the UK's largest websites for parents, to explore exactly what users of Mumsnet understood to be the opportunities and the challenges of device use and the internet.

The survey took into account the views of nearly 900 parents from across England who had children ranging from 2 to 18 years old.

It was overwhelmingly apparent that while these parents were clear that they viewed learning digital skills and engaging with technology as important, they were still concerned about the content that their children could be exposed to and how time spent on digital devices might impact their wider wellbeing.

When asked about the positive aspects of digital engagement, 94% agreed that their child had developed an increased awareness of technology and that it had provided them with additional educational and creative opportunities – 85% and 63% respectively. Of those parents with children aged 13 or older, 60% saw the internet as a positive place for their children to access support or advice around sensitive topics.

There were however many clear concerns. 73% of parents were concerned about their children accessing inappropriate material online, 49% were worried about their child oversharing personal information and 61% felt that it was an overwhelming distraction from other activities. This rose to nearly 80% of parents with children older than 13. 54% also cited concerns about unwanted contact from strangers as one of their main fears with regard to their children's internet use.

Significantly, whilst only 42% of parents with 8-12 year olds were concerned about their children being deprived of sleep due to spending too much time online, this rose to 71% of parents with children aged over 13.

¹Almost half of children say that their parents are only aware of some of what they do online": Barnados (2015), 'Young people say parents often don't know what they do online' accessed via http://www.barnardos.org.uk/news/press_releases.htm?ref=110689 (Dec 2016)

As evident in other research, parents are employing mediation tactics in an attempt to mitigate these concerns¹

81% of parents used some form of internet filtering to provide protection from inappropriate material and 76% imposed restrictions on the amount of time their child could spend on their devices. These were the two most frequently cited mediation techniques.

When asked whether parents had accessed or received support about mediating their children's digital device use, only 40% said that they had. For 65% of parents this advice came from schools and 58% said that it had come from their own internet searches. For the 40% that had received advice, 86% said that they found it helpful and 69% said that they had made a positive change at home as a result.

Although it was clear that Mumsnet users were very engaged with the amount of time that children were spending online, they still felt that they were lacking the knowledge necessary to make more informed decisions. 41% of those surveyed felt that they needed, and would welcome, more advice.

When asked what advice they felt they needed, the most commonly cited responses fell into three main categories:

How to filter content: Although many parents do this, there were still some who felt that information about how to do it could be made much clearer. They were also concerned about inappropriate adverts popping up on webpages that weren't themselves blocked by a filter. Advert blocking technology is available to download in order to prevent this but it is not always made clear to users.

Keeping up to date: Parents felt that as soon as they understood one popular trend or app then it quickly became unpopular. It was clear from the survey that these parents weren't always sure about the functionality of the apps their children were using, whether they were old enough to be using it, or what the potential benefits and risks might be.

Judging whether amount of time spent online is impacting overall wellbeing: Particularly for parents with older children, this was a significant challenge with many respondents feeling that they couldn't control how much time their children spend on digital devices. They were also unclear about whether they should be limiting time at all and if so, by how much.

It is not always clear where parents should turn for advice related to these concerns as the amount of information online can be overwhelming and is not always kept up to date. The Children's Commissioner has therefore identified a

¹ 96% of parents of children aged 5 to 15 used at least one form of mediation out of: using technical tools, regularly talking to their children, supervising them or having strict family rules. Ofcom (2016). Children and parents: media use and attitudes report, Ofcom, London. Pages 174-5, Figure 120

number of sources that provide straightforward, practical advice that will provide parents with the tools to manage these key concerns.

How to filter content: Most home internet service providers have clear instructions as to how parents can block content on family devices. The UK Safer Internet Centre sets out instructions for each of the major service providers clearly. It also offers parents a 'Guide to Technology' and advice related to keeping children and teenagers from seeing age inappropriate material while out and about:

<http://www.saferinternet.org.uk>

Keeping up to date: Whilst some apps and social media sites are used almost universally by children, others are popular for only a couple of weeks. Netaware, a partnership between the NSPCC and O2 offer a clear guide to the apps of the moment: <https://www.net-aware.org.uk/>. Each app is explained and judged according to its sign up, privacy and reporting procedures so that parents can quickly understand why and how their child is using it. Apps can also be searched by colour so that parents can identify things they may only have glimpsed on a smartphone screen.

Judging whether amount of time spent online is impacting overall wellbeing: While this is largely dependent on both individual families and type of digital activity – is your child flicking through Facebook or creating incredible art? – a judgement about how much time is too much can be made. The American Pediatric Family Media Plan gives parents an interactive tool they can use with their children to judge how much screen time could go into an average day once other activities have been taken into account:

www.healthychildren.org/english/media. Not only does this prioritise other aspects of a healthy day, for example getting the required amount of sleep, interacting with family at home and doing homework, it also provides parents and children with the opportunity to talk about screen time together.



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