NICCY Response to Northern Ireland Executive E- Safety Strategy and Three Year Action Plan for NI 2019-2022

1.0   Introduction

The Commissioner for Children and Young People (NICCY) was established in accordance with 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland. Under Articles 7(2) and (3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. The Commissioner's remit includes children and young people from birth up to 18 years, or 21 years, if the young person is disabled or in the care of social services. In carrying out her functions, the Commissioner's paramount consideration is the rights of the child or young person, having particular regard to their wishes and feelings. In exercising her functions, the Commissioner has regard to all relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC).

2.0   General Comments

Children live in a rapidly evolving digital-first world; the digital environment offers a wide range of positive opportunities for children and young people to further realise their rights. This ranges from contact with distant family members and friends, accessing material for learning and education, seeking and receiving information and support, being able to participate in myriad ways and to create and distribute material. However, there is growing concern about our lack of understanding about the impact of digital technology on children's development, safety and well-being as well as on parenting and family life. There is also concern about the collection, tracking and use of children's data through connected technologies and a range of other applications.

Therefore, NICCY welcomes the publication of this draft E-Safety Strategy and the steps being taken to ensure that a comprehensive rights based approach is applied to children and young people's involvement in the digital world. It is vital that the Northern Ireland Government takes every step necessary to ensure that young people can enjoy their full range of rights whilst engaging with it.

This response is not intended to be comprehensive. However, in reading the draft Strategy, there are a number of areas that we wish to comment on.

2.1   Child Rights Basis of the E-Safety Strategy

Whilst we welcome the reference made to some of the relevant UNCRC articles as part of the strategic context for the Strategy, we note that a number are missing. This includes the general principles that underpin all other rights outlined in the Convention i.e. Article 2- protection from all forms of discrimination; Article 3- in all action concerning the child best interests should be a primary consideration; and Article 6- the right to life, survival and development. Other particularly relevant rights are Article 24- a child's right to the best possible health; Article 27-every child has a right to an adequate standard of living that is sufficient to meet their physical, social, moral and spiritual needs; and Article 32- Government must protect children from work that is dangerous or might harm their health or development. Whilst the UNCRC is mentioned as underpinning the strategy, it is not embedded throughout the document in a way that explicitly outlines how the proposed actions implement specific articles and standards.

In July 2018, the Council of Europe's Committee of Ministers adopted a range of recommendations (hereafter referred to as 'Recommendations') aimed at better protecting and empowering children (any person under the age of 18) as rights holders in a digital world.[1] Building on international and European legal instruments, the text provides comprehensive guidelines for action by European governments. The NI E-Safety Strategy is the ideal vehicle for delivering on these Recommendations. The preamble to the Recommendations highlights the rapidly changing role of the digital environment in children's lives, and underscores the importance of the UNCRC in this context.

The Recommendations set out nine operational principles and measures to respect, promote and fulfil the rights of the child in the digital environment. These relate to the following areas:

1. Access to the digital environment;
2. Right to freedom of expression and to information;
3. Participation, play, freedom of association and assembly;
4. Privacy and data protection;
5. Education;
6. Safety and protection;
7. Remedies;
8. National frameworks;

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[1] https://rm.coe.int/guidelines-to-respect-protect-and-fulfil-the-rights-of-the-child-in-th/16808d881a

9.   National Co-operation; and
10. International co-operation and co-ordination.

Furthermore, the '5 Rights Foundation' has recently published a report titled *'Towards an Internet Safety Strategy'*; we would advise that this document also informs the final drafting process for the Strategy[2]. It considers children's safety in the digital environment from a child rights perspective and includes how rights can be applied in practice. It proposes seven pillars upon which a Government's Internet Safety Strategy should be built in order to make a digital world fit for children and childhood, these are parity of protection; design standards; accountability; enforcement, leadership; education; and evidence-based interventions.[3]

NICCY recommends that the 'child rights' basis of the Strategy is strengthened. We would strongly advise that the Northern Ireland Executive E-Safety Strategy becomes the delivery vehicle for the Council of Europe Recommendations to Member States on guidelines to respect, protect and fulfill the rights of the child in the digital environment. The drafting of the Strategy and the subsequent monitoring process should be done in a way that makes this possible.[4]

2.2   The Broader Digital Environment

The focus of the draft Strategy appears to be limited to young people's use of electronic devices. To provide a fully comprehensive response that will improve E-Safety, the E-Safety Strategy and Action Plan should be set within the context of the broader digital environment. Both the 5Rigths Foundation and the Council of Europe articulate the digital environment in this more comprehensive way.

"Most businesses and organisations, including those run by Government, are fully or partially technology businesses. To be effective, a safety strategy must apply to all online services and all in the digital value chain, and respond to the full impact of digital interactions on a child's experience." (5RightsFoundation)

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[2] https://5rightsfoundation.com/

[3] At an international level, 5Rights Foundation is supporting the United Nations Committee on the Rights of the Child in writing a General Comment that will formally outline the relevance of the Conventions' articles for the digital environment. https://5rightsfoundation.com/

[4] https://rm.coe.int/guidelines-to-respect-protect-and-fulfil-the-rights-of-the-child-in-th/16808d881a

"The Digital Environment is understood as encompassing information and communication technologies (ICTs), including the internet, mobile and associated technologies and devices, as well as digital networks, databases, content and services." (CoE)

The scope of the Strategy should be aligned to the recommendations as set out by the CoE, as referenced above, and include the full range of potential impacts on children's health and development, including radioactive emissions from devices.[5]

NICCY recommends that the scope of the Strategy is reviewed to encompass the broader digital environment to which young people are connected.

2.3   Parental Engagement

As parents and carers have a primary responsibility for safeguarding children and young people, it is vital that the E-Safety Strategy takes a strong focus on supporting them to understand the digital environment and how to keep children safe online. Parents have indicated that they would like more support with parenting generally and that one of the main worries they have includes their children's use of technology, social media and cyberbullying.[6] Within the draft Strategy, considerable emphasis is placed on supporting children and young people themselves to use the internet safely, responsibly and positively. It is important that an equally strong focus is given to supporting parents and carers on their own digital use in the home and in understanding the impact they are having on their children's digital footprint, for example, when sharing information and photos online. Northern Ireland based research conducted by Barnardo's in 2018, reported that 61% of parents felt that they used their phone too much at home and 40% agreed that their use of devices can interfere with activities with their child.[7] This research also highlighted the specific impact that digital technology can have on the amount and quality of parental interaction and activities with infants (0-3 years old); 58% of parents indicated that they would benefit from guidance around screen time for infants. It is important that the focus of the E-Safety Strategy is broad enough to encompass the advice and support needs of parents / carers with infants and pre-school age children.

NICCY recommends that the E-Safety Strategy more fully reflects the impact that

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[5] In May 2011 the World Health Organization (WHO) International Agency for Research on Cancer(IARC) classified all radiofrequency fields as a possible human carcinogen (Group 2B) http://monographs.iarc.fr/ENG/Monographs/vol102/

[6] https://www.parentingni.org/tag/big-parenting-survey/

[7] http://www.barnardos.org.uk/connections-parenting-infants-in-a-digital-world.pdf

parental use of digital devices has on the parent – child relationship and should include advice and support for parents or carers with infants and pre-school age children.

2.4   Industry Regulation

The acknowledgment within the Strategy that a key pillar of action should be 'creating a sustainable E-Safety infrastructure' which includes strengthening the links between Northern Ireland and the wider UK E-Safety structures is welcomed. However, specific actions to do this appear limited within the draft Strategy. Furthermore, we would have expected the draft Strategy to address industry and social media company responsibilities to meet their human rights obligations and to be held accountable for not meeting their duty of care to users. A number of All Party Groups[8] and Committees[9] in Westminster have produced reports that refer to regulation of the Industry and ethics guidelines for what is and is not acceptable on social media.

NICCY recommends that clear and precise actions are included in the Strategy for strengthening links between Northern Ireland and the wider E-Safety structures, including mechanisms for establishing regulations for the Industry and the development of ethical guidelines.

2.5   Consultation and Dissemination Process

It is important that all relevant stakeholders are given the opportunity to engage with the consultation process and shape the final Strategy and Action Plan. This must include the views of those who will be most directly impacted by it i.e. children, young people and Parents as stakeholders. There is a great responsibility on the NI Executive to model good participatory practice through the consultation on this Strategy and to demonstrate that it is carrying out its obligations to directly consult with children and young people as set out under Section 75 of the Northern Ireland Act 1998 and Article 12 of the UNCRC.

In order to make the consultation process with children and young people both accessible and meaningful, it is important that an adapted children and young person friendly version of the draft Strategy is made available. We welcome the fact that a young person friendly

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[8] All Party Group on Social Media and Young People's Mental Health and Wellbeing, https://www.rsph.org.uk/our-work/campaigns/status-of-mind/appg.html;

[9] Commons Select Committee on Social, Media and Sports, https://publications.parliament.uk/pa/cm201719/cmselect/cmcumeds/1791/179102.htm

version of the consultation is currently available through survey monkey. However, we are unclear about the plans the Executive Office have for direct face to face consultation with young people on the Strategy and therefore would like an update on this. As this Strategy will have a significant impact on children and young people, it is important that additional measures are taken to fully engage with under 18s, including younger children.

To inform NICCY's advice on the E-Safety Strategy, 32 members of the NICCY Youth Panel shared their views on E-Safety and in particular, the best way of engaging with young people on E-Safety and the most important things to be included in it.

Young people said it was important that they were consulted on a Strategy about E-Safety and suggested one of the best ways to do this was via schools, including school assemblies, and to ensure that primary and post primary school children were given this opportunity. Others suggested methods of engagement including through social media.

The NICCY Youth Panel raised the following areas as being an important focus for an E-Safety Strategy:

- Simplified terms and conditions and privacy settings, including advice on how to control content;

- Clear information about reporting systems and where to go for help;

- Targeted advice on the dangers of social media platforms and how to manage these;

- Parental Guidance; and

- Advice for young people which should include language and terminology they understand, information that provides balance in highlighting the positives and negatives of the online world, and that information offered to young people goes beyond the typical advice provided in school that tends to be limited to cyber bullying.

NICCY recommends that measures are taken to meaningfully consult with children and young people on the draft Strategy and to ensure that their views are given due weight in shaping the final NI E-Safety Strategy.

3.0   Conclusion

In conclusion, we wish to reiterate the importance of the NI Government assuming a firm leadership role in ensuring that legislative, policy based and practical measures are taken to enable children and young people to enjoy their full range of rights whilst engaged in the digital world. We hope that you find this advice helpful and we look forward to engaging with the Northern Ireland Executive further as the E-Safety Strategy and Action Plan is finalised and published.

The European Network of Ombudspersons for Children (ENOC) Annual International Conference this year is themed around 'child rights in a digital environment'. As the NI Commissioner for Children and Young People (NICCY) is Chair- Elect it will be held in Belfast this year (September). In this role, NICCY will lead on drafting the ENOC Statement on child rights in a digital environment and will consult with ENOC Member States to better understand the range of protections and positive measures in place across jurisdictions as well as drawing attention to improvements needed to promote and safeguard children's rights. At the end of this process NICCY will be in a position to provide further advice.