

|  |
| --- |
| **Submission to the OHCHR Committee on the Rights of the Child - Concept Note for a General Comment on** **children’s rights in relation to the digital environment***May 2018* *Mihalis Papamichail, Policy and Research Officer**mihalis.papamichail@barnardos.org.uk,*  |

**About Barnardo’s**

1. Barnardo’s is the UK’s largest children’s charity supporting over 301,100 children, young people, parents and carers through over 1,000 services across the UK. Our services provide counselling for children who have been exploited, support for children in and leaving care and specialist mental health services. Barnardo’s purpose is to transform the lives of the most vulnerable children and young people. We work to build stronger families, safer childhoods and positive futures for children and their parents and carers through our services, campaigns and research.
2. Barnardo’s would be happy to assist the Committee on the Rights of the Child in gathering the views of children, parents, carers, and practitioners in developing the General Comment on children’s rights in relation to the digital environment. Please get in touch using the contact details above.

**Overview**

1. The response below sets out Barnardo’s assessment of the challenges that face children in their use of technology and the internet, as well as recommendations for what the general comment should include.
2. Children did not have access to the internet in 1989 when the UNCRC was drafted. Use of social media and digital technology by children and young people has increased substantially over the past decade. To be sure, digital technology, including the internet, has many benefits for children but technology use carries many risks also. If the UNCRC was drafted in 2019 it most likely would have included digital dangers and harms that threaten children today. Barnardo’s therefore welcomes the Committee on the Rights of the Child’s call to develop a General Comment to ensure that the UNCRC can be suitably interpreted and implemented in the digital era. The purpose of the general comment is both clear and necessary. Barnardo’s agree that States must lead in ensuring that children’s rights are protected but, equally, businesses must also meet their responsibilities.
3. Research carried out with both the children and young people that we work with and with our service providers highlight the following:
* **Ability to express their thoughts and beliefs –** children use digital technology to express their thoughts beliefs and it is important for children to be able to do this. Children, for example, are able to participate in open discussions and be exposed to political discourse through the use of digital technology. We therefore welcome that ‘access to information and freedom of expression and thought’ is included in the proposed structure of the general comment.

It is important to note, however, that ‘freedom of expression and thought’ is a two way street. Indeed, children can be exposed to positive content and discussion but they can also be exposed to harmful content. Preventing exposure to harmful content must also be given consideration when dealing with a child’s ‘access to information and freedom of expression and thought’ within a digital context.

* **Right to education and digital literacy** Children have a right to education and digital literacy and this should be included in the General Comment. Digital technology should enhance children’s rights. In order for this to happen children should be educated in digital literacy.
* **Protection of privacy, identity and data processing**

Children must be aware of what their data is being used for and it should not be used for any additional purposes. The technology industry must therefore be clear about what data will be used for and how it will be used. Children, and those who support them, must be able to easily understand what happens to their information when they sign up to an online service, and not rely solely on the age guidelines to determine whether or not to accept these terms and conditions. The ‘best interests of the child shall be a primary consideration’ is enshrined in article 3 of the UNCRC. In line with this principle, digital technology providers must therefore ensure that a child’s right to privacy or their protection from harmful material is in no way jeopardized and that no actions taken by the industry go against the best interests of the child.

* **Protection from violence, sexual exploitation and other harm**

Barnardo’s services support thousands of children that have experienced both online and physical sexual abuse and exploitation. In many cases our evidence suggests that online grooming can result in physical contact abuse. Therefore it is crucial that any General Note to the UNCRC highlights the risks associated with digital technology and its ability to facilitate online and physical abuse and other harms.

A 2016 survey of Barnardo’s sexual exploitation services in the UK revealed that of the children supported by those services who were groomed online, two-thirds (61%) subsequently met the perpetrator and were sexually exploited.

We want to see the general comment reflect these issues. In reducing sexual crimes, for example, the tech industry should be required to publish independently certified accounts which confirm that they are taking reasonable steps to combat sexual crimes.

Equally, our evidence shows that children are exposed to other harms, such as cyber bullying. In order to combat this tech companies (specifically app developers) must be able to show that they can respond quickly to issues and that algorithms do not work to amplify any negative content.

* The general comment should recognise the needs of **vulnerable children** (for example young carers and care leavers). From our research we know that vulnerable children can be more susceptible to the negative impacts of digital technology. In our 2017 report ‘Neglected Minds’ we pointed out that adverse childhood experiences such as abuse, neglect or witnessing domestic violence can all impact on a child’s developing brain with statistics showing that this results in much higher levels of mental health problems among children in care and care leavers. [[1]](#footnote-1)

Many of Barnardo’s practitioners point out that looked after children, young carers and care leavers are more vulnerable to the negative impacts of social media as they are more likely to experience isolation from friends and family, or struggle to develop and maintain these relationships offline due to the possible transient or unsettled nature of their life. As many young carers or care leavers may already have an existing mental health condition from their experience of caring, some digital technology use use could exacerbate this.

**Answer to questions**

* **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?**

Barnardo’s is of the opinion that the voice of the child is of crucial importance when making decisions about children and we incorporate this in our policy/ influencing work. We must listen to children, as is enshrined in article 12 of the Convention. For much of our research we consult children (through carrying out focus group discussions with them) to hear their views and opinions and we use the voices of children that we work with to develop reports which we use to inform policy makers. From our experience as the UK’s largest children’s charity we know that children are in many ways best placed to know about what is right or wrong for them in the offline world, and much of this applies to the online world too.

The government should therefore consult with children to gather their views on what the greatest risks are within the digital environment. This should not simply take the form of a one off consultation with children but government should consider regular consultation.

* **How should the General Comment treat the role of parents and other caregivers?**

Children should have a right to digital literacy and education and parents and carers should respect this right. Research from Barnardo’s s highlights the important benefits of technology for children. However, it is important that parents and carers are educated on the rights of children and on their use of digital technology. At Barnardo’s we know that education for parents and carers on the positives and negatives of digital technology is just as important as educating children themselves. The children we work with have told us that education about social media and online safety in particular is needed, especially for parents and carers as children feel that they are out of touch with technology and its importance in the lives of children. In many cases parents and carers lack the skills and knowledge to help children to report things online. Barnardo’s practitioners that were interviewed as part of research carried out in 2016 reported that the young people abused online with whom they had worked had not personally disclosed what had happened to them, with just one exception. One project worker said:

*‘Young people are silenced…they will never tell anybody – it’s always about discovery. It is fear that surrounds disclosure regarding online abuse… and the largest facet of that fear is the fact that if they tell anyone there is every chance that the images they have sent and the language they have used may be seen and read. The anticipated embarrassment and the feelings of shame form the barrier to any disclosure.’[[2]](#footnote-2)*

Parents and carers should allow children to access digital technology but they should also be aware of the dangers that digital technology can pose and should know how to recognise these dangers and what action should be taken.

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

Businesses operating in the digital environment must do their part to ensure that children remain safe online. The tech industry must coordinate with policy makers, scientists and child protection experts to ensure that the digital environment respects and promotes the best interests of the child. Apps and websites should be designed with children in mind. The industry must embrace transparency when developing products so that children are able to choose whether they want particular design features to be enabled or disabled.

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

We know that through using online platforms children can be and, indeed, are exposed to abuse, hate speech and other inappropriate content. To date, Self-regulation within the tech industry has not been satisfactory in dealing with this. States must therefore take a lead in ensuring that the internet is adequately regulated. They should have the power to impose fines on organizations such as Facebook and Instagram. The United Kingdom has come a long way recently in its attempts to ensure the safety of children online through the publication of the Online Harms White Paper. However the White Paper should provide more clarity on the definition of ‘harmful content’ (for example, clarification is required regarding content that is not illegal yet is still harmful such as cyberbullying). Equally the White Paper (and any government initiative to regulate the internet, for that matter) must be clear on how enforcement powers will be implemented by the government.

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

We need to recognise the integrated nature of the offline and on line world for children.  States need to ensure that there is education on the rights of children to include tech companies as well civil society in general.  Schools working with parents and carers have a key role to play in ensuring that children and young people understand their rights and are able report breaches of these. We are of the view that this role could be taken on by the Independent Regulator proposed in the Online Harms White Paper.

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

As stated previously, for children their lives off and online are often inseparable and the understanding and implementation of children’s rights should be a key principle for the realisation of children’s rights in other environments.

1. Smith, N (2017) ‘Neglected Minds’ <http://www.barnardos.org.uk/19222_neglect_minds_a_report_on_mental_health_2.pdf> [↑](#footnote-ref-1)
2. Palmer, T (2016) Digital Dangers: the impact of technology on the sexual abuse and exploitation of children and young people <http://www.barnardos.org.uk/onlineshop/pdf/digital_dangers_report.pdf> [↑](#footnote-ref-2)