

5Rights

5Rights Response to Internet Safety Strategy Green Paper December 2017

5Rights

5Rights is a civil society movement that articulates the existing rights of children and young people for the digital environment¹. The 5Rights framework offers a rights-based approach to children's online experience.

The framework was drawn up following consultation with policy experts, academics, teachers, digital engineers, civil society organisations, business leaders and children and young people themselves.

The demand to create a better digital environment for young people is often synonymous with a call to curtail access. 5Rights does not support this view. Children and young people consider access desirable and essential. We agree and therefore welcome the rapid growth of the digital environment on terms that meet the needs of young people. Every child should be able to access the digital world *creatively, knowledgeably and fearlessly*.

5Rights' response to the Internet Safety Strategy considers the rights and needs of children and young people in the digital environment.

1. PRINCIPLES (chapter 3)

Underlying Principles

We welcome Government's 3 underlying principles.

The UN Charter on the Rights of the Child is the gold-standard of children's rights, and states that the 'best interests of the child' is a primary consideration in all environments and under all circumstances². Incorporating this principle would align Government's safety

¹ Signatories to the 5Rights framework: <http://5rightsframework.com/signatories.html>

² Article 3 of the [UNCRC](#)

strategy with its obligations as a signatory to the Charter and would give expression to our common understanding of the rights and privileges of childhood.

5Rights recommends that Government adds a commitment to the UNCRC as a 4th underlying principle.

Digital Charter

5Rights is concerned that the ISS consultation comes before the Digital Charter.

“The Digital Charter has two fundamental aims: making Britain the best place to develop and deploy new technology; and making Britain the safest place in the world to be online. The Internet Safety Strategy is part of the latter of these two aims³”.

It is important that children (who are one third of all users worldwide) are central to all aspects of the Charter, and not only safety. We have yet to see the outline of the Charter, but we hope that it will be more than a binary balancing of commercial needs of business and the safety of users – but provide a holistic view of the needs of a 21st Century ‘digital first’ society.

The Digital Charter should make the digital environment a place where all UK citizens can flourish – including children. Children’s needs in the digital environment are over-associated solely with the safety agenda. Children are the near future of the digital economy they will be the workers, consumers, leaders and technologists of the digital first society.

5Rights recommends that Government puts the needs and future of children and young people at the heart of its Digital Charter.

2. GOVERNMENT (chapter 4)

The Future of UKCCIS

Government proposes to widen UKCCIS’s remit. We do not support this proposal.

A new UKCCIS, charged with tackling hate crime, trolling, radicalization, scamming, misogyny, revenge porn, fake news, will mean that the needs of children will be subsumed

³ Page 9 [‘Internet Safety Strategy - Green Paper’](#) October, 2017

by these other important issues. The challenges and vulnerabilities that children and young people face in the digital environment, and the rights and privileges they are entitled to, are specific and related to their age.

Despite its flaws, UKCCIS is the only place in the ecosystem of Government that has children's digital lives at the centre of its concern. So whilst we agree that UKCCIS should be remodelled, it should not lose its child focus.

A well-reformed UKCCIS would be resourced with staff and funds to carry out research and make policy recommendations, which Ministers should only reject with transparent reason. It would have an obligation to report on progress against predetermined, long-term objectives and support the work of all departments to create an evidence-based, consistent policy across Government. It would put the views and experiences of children at the heart of its work and would work closely with, but not be directed by, industry.

This work would be backed by statutory powers including the power to require disclosure of information and for people to appear before it.

UKCCIS is currently chaired jointly by three Ministers. If it is to achieve its full potential, it must have a single chair, independent of Government and industry, who enjoys the confidence of child advocates and with clear distance and powers to hold all stakeholders to account.

5Rights recommends that Government create an independent, fully-resourced, *child-focused* Council to implement an evidence-based, long-term strategy that meets the 'best interests of the child' in the digital environment.

5Rights recommends that a reformed UKCCIS would be chaired by an independent Chair.

Government's Wider Role

We agree that because the digital environment is global, Government must participate in international discussions and agreements.

5Rights supports Government's commitment to advocate for a more robust international response to online safety.

5Rights supports calls for a global governance structure that provides clarity on jurisdiction and enforcement policies across all aspects of the digital environment.

We note that there is an inherent conflict of interest in the brief of the Minister for Digital, which necessitates a close relationship with the tech industry, and his obligation to safeguard the rights and privileges of children. For absolute clarity, there is no suggestion that DCMS or its Minister for Digital have anything but the good outcomes of children in mind – but the conflict, and perception of conflict, of the Minister holding both briefs simultaneously, should be resolved.

5Rights recommends that the needs of children and young people in the digital environment are held separately in another Government department.

3. WORKING WITH INDUSTRY (chapter 5)

We agree that technology has many of the answers to the problems that children face in the digital environment, and we welcome the recent amendments to the Data Protection Bill that will result in a robust and enforceable code on age-appropriate design of online services that collect children’s personal data. This is an example of where ‘good design’ or ‘design to be safe’ can play a part in the wellbeing and safety of children.

However, the Internet Safety Strategy makes two assertions which need further thought.

First, the assertion that *“no technology can be inherently good or bad... what matters are the choices that we all make when we use these tools”*⁴.

Whilst technology may be neutral, it is designed for specific purposes. The vast majority of digital technology is designed in ways that are commercially driven to extend use and almost exclusively do not consider the needs and interests of children. Major gaming, streaming and social media platforms are designed by behavioural psychologists and machine and human technologists, to create an environment in which ‘independent choice’ is increasingly fettered. Users only have choices determined by technologies that are concentrated on extending user engagement at all costs. The Government’s Safety Strategy must not ignore this reality. 5Rights will publish a report, co-authored by Schillings law firm, in early 2018 on strategies used to encourage extended user engagement.

Second, the assertion that self-regulation remains possible. 2017 has seen tech reach its lowest rung of public trust. Among the many transgressions of the last few months are: a

⁴ Page 8 [‘Internet Safety Strategy - Green Paper’](#) October, 2017

leaked internal memo revealing Facebook’s use of algorithms to enable advertisers to target children when they are feeling ‘worthless, insecure, defeated, anxious, silly, useless, stupid, overwhelmed, stressed, and a failure’⁵; Google’s failure to remove traumatising videos on YouTube Kids⁶ and their proposal that such content should be policed by their child users; congressional hearings in the US on election interference; and the Committee on Standards in Public Life’s recent report conclusion that *“having heard directly from social media companies, we remain unconvinced that they are going far enough or fast enough to tackle online intimidation”*⁷.

We note the failure of the ICT Coalition’s Code, the watering down of the Social Media Code of Conduct and the tech lobby’s opposition to high data standards for children in the Data Protection Bill.

Tech brings with it the possibility to tackle the world’s greatest iniquities, to help us communicate with and entertain each other and to inform, educate and inspire. But the 2017 snapshot is of a global industry that has lost the societal vision of its founders and the trust of its users. Among the vocal critics are: Jaron Lanier, inventor of virtual reality⁸; Sean Parker, co-founder of Facebook⁹; Leah Pearlman and Justin Rosenstein, who designed the ‘like’ button¹⁰; and Chamath Palihapitiya, former vice-president of Facebook¹¹. All have condemned platforms that they believe transgress societal norms.

Sir Tim Berners-Lee, inventor of the web, said that *“the system is failing”* and that users have become *“so used to these systems being manipulated that people just think that’s how the internet works. Social networks – they are manmade. If they are not serving humanity, they can and should be changed”*¹².

All companies that engage with children online must do so in full knowledge and

⁵ <https://www.theguardian.com/technology/2017/may/01/facebook-advertising-data-insecure-teens>

⁶ <https://medium.com/@jamesbridle/something-is-wrong-on-the-internet-c39c471271d2>

⁷ Intimidation in Public Life A Review by the Committee on Standards in Public Life, December 2017

⁸ In an interview with CNBC, Lanier said: “As [advertising] gets more advanced, it turns into direct behavior modification, where everybody is seeing customized information that’s tied immediately to what they’re doing, and what they’ve done in their past — to their personality. People start getting pulled apart because they don’t see the same news anymore. And I think it destroys society.”

<https://www.cnbc.com/2017/11/21/vr-pioneer-jaron-lanier-on-the-dangers-of-social-media-and-ads.html>

⁹ Sean Parker, co-founder of Facebook has become “a conscientious objector” to social media which is designed to “consume as much of [a user’s] time and conscious attention as possible.” He went on to say “God only knows what it’s doing to our children’s brains”

<http://fortune.com/2017/11/09/sean-parker-facebook-childrens-brains/>

¹⁰ Both have spoken about their regret at the ‘unintended consequences’

<https://www.theguardian.com/technology/2017/oct/05/smartphone-addiction-silicon-valley-dystopia>

¹¹ Chamath Palihapitiya, former vice-president of user growth, said that he feels tremendous guilt “over his work on “tools that are ripping apart the social fabric of how society works” He went on to say: “The short-term, dopamine-driven feedback loops that we have created are destroying how society works. No civil discourse, no cooperation, misinformation, mistruth.”

https://www.theguardian.com/technology/2017/dec/11/facebook-former-executive-ripping-society-apart?CMP=Share_iOSApp_Other

¹² <https://www.theguardian.com/technology/2017/nov/15/tim-berners-lee-world-wide-web-net-neutrality>

acceptance of their heightened responsibilities to children.

Government proposes extending the guidance issued under the social media code of practice. We note that there are major tech businesses that are not social media companies who should be in scope when establishing standards.

All industries and businesses have regulatory standards that support consumers. These standards are highest for vulnerable users – children are vulnerable users. The Safety Strategy is an opportunity to align standards of expectations for online services with offline standards. For clarity, this includes all services, whether offline businesses operating online (Uber, Hasbro, Amazon, etc.) or online platform businesses (Google, Snap, Facebook, Apple’s App Store, Nintendo, PlayStation, etc.).

5Rights recommends that Government create parity of standards between those expected of online services and existing regulatory frameworks offline, by updating and extending existing regulation and legislation to include the digital environment.

5Rights supports Government’s call for greater transparency from industry, and for base line data to be provided to measure progress and compliance.

5Rights supports the Children’s Commissioner’s case to update the UNCRC for the digital environment¹³.

5Rights believes that the needs and rights of children in the digital environment must be clearly articulated in a manner that can be backed up by law.

We note Government’s suggestion of a social media levy. We also note that there are major tech businesses that are not social media companies.

5Rights recommends that children’s rights, safety and education should be funded by central Government and determined against long-term strategic objectives that are set by public policy, not directed by companies that may have conflicting commercial interests.

5Rights recommends that all companies that operate in the UK should be obliged to contribute to a fair tax regime, not given discretion over voluntary contributions.

¹³ ‘The Case for a UNCRC General Comment on Children’s Rights and Digital Media’ A report prepared for Children’s Commissioner for England by Sonia Livingstone, Gerison Lansdown and Amanda Third, LSE Consulting, April 2017
<https://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/06/Case-for-general-comment-on-digital-media.pdf>

4. SUPPORTING CHILDREN, PARENTS & CARERS (chapter 7)

Digital Literacy

We agree with Government that children need digital confidence and skills. We emphasise that education, digital skills and social competencies are part of, but not a replacement for, a digital world that recognises the needs of, and is designed to be used by, children.

Children who are digitally literate take more risks – but come to less harm. Children who are not digitally literate take less risks and come to more harm¹⁴.

The right to digital literacy is the fifth right of the 5Rights Framework¹⁵. To be safe, a 21st Century child needs to understand the digital environment in which they play, learn and socialise. They must understand the purposes of the technology they use, have a critical understanding of the content it delivers, the skills and competencies to participate creatively and a reasonable, age-appropriate understanding of potential social outcomes – including, but not narrowly focused on, harms.

In a recent research project undertaken by 5Rights and BT, we surveyed 73 programmes providing digital literacy for children. We found that while 50 delivered e-safety messages (sometimes conflicting), just 9 considered children’s rights and the rights of others, and only a handful offered resources on computational thinking or the opportunities that the digital environment offers to communicate and collaborate. There was a single item about commercial realities. Yet it is the commercial drivers that determine so much of a child’s online experience – with the associated risks.

We welcome statutory Relationships and Sex Education (RSE) brought in by the Digital Economy Act 2017, and the Government’s consultation on putting Personal, social, health and economic education (PSHE) on statutory footing. However an RSE curriculum that focuses exclusively on a narrow set of online harms without providing a wider context (including the way in which social norms apply in the digital environment), risks alienating

¹⁴ Page 141 Originally published in Jordan, A. and Romer, D., (eds.) Media and the wellbeing of children and adolescents, Oxford, Oxford University Press, 2014, pp. 129-146. ISBN 9780199987467

¹⁵ <http://5rightsframework.com/the-5-rights/the-right-to-digital-literacy.html>

children, whilst at the same time distorting the full range of opportunities and hurdles of the digital environment.

As the longitudinal study EU Online consistently shows¹⁶, children are on the lowest ladder of digital opportunity because they spend the most time on a few highly commercial sites and have the least critical understanding and facility to understand, organise or use the information they are presented with online.

There are also many children who do not have sufficient access to the digital environment.

We also note that safety, wellbeing, literacy and skills being led by different Government departments is a barrier to offering children a joined-up digital literacy programme.

We acknowledge the role of parents as the first line of defence and primary advocate for children. Many parents are confused by the mixed messages of the dangers of being online and the importance of the digital environment to their child's future prospects. We recognise that digital literacy requires lifelong learning, but note that childhood experts find that parental wisdom, warmth and interest are effective tools with which to discuss and support a child's online life. It is not a question for Government alone, but it should play its part in presenting parents with a less polarised view of their children's digital lives.

We also note that the term 'digital native' is unhelpful to children, particularly in light of the fact they are the demographic getting least value from digital interactions¹⁷: *"Using technology cannot, in itself, be taken as evidence that the individual child is a creative participant in the digital environment with full digital literacy, agency and citizenship."*¹⁸.

Finally, we wish to highlight that girls are not engaging with the construction and implementation of the digital environment. This creates a long-term danger of solidifying a digital gender-divide. Digital literacy must address this issue.

5Rights supports the recommendation of the House of Lords Communications Committee's 'Growing up with the Internet' report that digital literacy should be the

¹⁶ Livingstone, S., Mascheroni, G., Ólafsson, K., and Haddon, L., (2014) Children's online risks and opportunities: comparative findings from EU Kids Online and Net Children Go Mobile. London: London School of Economics and Political Science. Available at www.eukidsonline.net and <http://www.netchildrengomobile.eu/>

¹⁷ See footnote 16.

¹⁸ Page 7 'Digital Childhood: Addressing Childhood Development Milestones in the Digital Environment', Baroness Kidron and Dr Angharad Rudkin, December 2017

fourth pillar of a child's education alongside reading, writing and mathematics, and be resourced and taught accordingly¹⁹.

5Rights also supports the Committee's recommendation that PSHE should be made a statutory subject, inspected by Ofsted and mandatory in all schools, whatever their legal status.

5Rights notes that whilst access should be on age-appropriate terms, children without access to the digital environment are at a disadvantage and recommends that Government policy sets a high bar of access at 100% of children and young people.

5Rights recommends that teaching resources, methods and language tackle the specific barriers to girls digital advancement.

5. ONLINE HARMS (Chapter 8)

Redefining Online Harms

We celebrate the work of all who protect children online, including wePROTECT, IWF, BBFC, NSPCC, police and others, and support their need for resources, training and international cooperation.

Supplementary to Government's concerns about the safety of all children, we note that the Internet Safety Strategy does not sufficiently recognise that the digital world is often particularly hostile for girls and young women. The harms, anxieties and mental health outcomes disproportionately affect girls.

5Rights recommends that all those tasked with the safety of children online, develop specific policies to improve outcomes for girls.

Safety cannot be categorised only by a narrow set of harms. Key challenges familiar to children and young people include: sleeplessness²⁰, obesity²¹, over-exposure and

¹⁹ Para 30 of House of Lords' Communications Committee '[Growing Up With the Internet](#)', 21 March 2017

²⁰ "Sleep deprivation increases the likelihood teens will suffer myriad negative consequences, including an inability to concentrate, poor grades, drowsy-driving incidents, anxiety, depression, thoughts of suicide and even suicide attempts." 'Among Teens, Sleep Deprivation as Epidemic', Stanford Medicine, October 2015.

²¹ Problematic Internet is linked to obesity in children and adolescents. Artemis K. Tsitsika, Elisabeth K. Andrie, Theodora Psaltopoulou, Chara K. Tzavara, Theodoros N. Sergentanis, Ioannis Ntanasis-Stathopoulos, Flora Bacopoulou, Clive Richardson, George P. Chrousos, Maria Tsoia; Association between problematic internet use, socio-demographic variables and obesity among European adolescents, *European Journal of Public Health*, Volume 26, Issue 4, 1 August 2016, Pages 617–622, <https://doi.org/10.1093/eurpub/ckw028>

over-sharing, false identities, compulsive use²², opportunity cost, stress and anxiety²³, reputational risk²⁴ and vulnerability to advertising²⁵.

Our work with children shows consistent calls from children for²⁶:

- consistent community rules across platforms
- proactive approach to enforcing community standards
- commitment to stopping or slowing the spread of abuse
- clear timelines for reporting and resolution
- practical and emotional support for those who experience problems
- better content labeling
- clearer guidance on achieving a balanced digital life and the potential mental and physical health risks associated with overuse
- integrated tools within digital services and platforms that support self-managed usage and promote wellbeing
- greater transparency on how online platforms make money
- easy ways to take content down
- high default privacy settings and customised consent
- allowing children to determine how they share content in a more nuanced and bespoke way
- the ability to easily and quickly review and revise their digital footprints

5Rights's recent report '*Digital Childhood: Addressing Childhood Development Milestones in the Digital Environment*' looks at childhood norms and how they interact with the digital environment, co-authored by ten eminent academics (and attached to this response) the report makes a series of policy recommendations based on the development needs of children from infancy to maturity.

²² 72% of US teens surveyed reported that they felt the need to immediately respond to texts, social media messages other notifications. '[Key Findings: Technology and Addiction, Concern, Controversy and Finding Balance, Common Sense Media](#)', 2016, p.2.

²³ Children who spend over 3 hours on social websites on a normal school night are more than twice as likely to report a high or very high mental ill health score as children spending less time on social websites. 'Children's Wellbeing', Office of National Statistics, 2015

²⁴ 58% of 12-15s who go online agree with the statement: "I can easily delete information that I have posted about myself online if I don't want people to see it." Children and Parents Media Use and Attitudes, Ofcom 2016, p.6

²⁵ Only 24% of 8-11s and 38% of 12-15s can correctly identify sponsored links on Google as Advertising. Children and Parents Media Use and Attitudes, Ofcom 2016, p.7 https://www.ofcom.org.uk/_data/assets/pdf_file/0020/94025/Childrens-and-Parents-Media-Use-and-Attitudes-2016-Executive-summary.pdf

²⁶ These calls were consistently made by children at the BT/5Rights Hothouse held on 1-3 Nov 2017, at the Sky/Royal Taskforce workshop held on 14th Feb 2017, and at the London Youth Juries held on 17-18 April 2015 and by those surveyed and consulted during the 5Rights Youth Commission's review of children and young people's digital lives conducted between February 2016- March 2017 and resulted in the publication of the report 'Our Digital Rights' in March 2017 <http://d1qmdf3vop2l07.cloudfront.net/eggplant-cherry.cloudvent.net/compressed/7660b29ac3127d42c99bf394ed4c724c.pdf>

The report highlights that digital plays an integral and positive role in the daily lives of young people and it is necessary for society to have digitally active children. It therefore emphasises that policy strategies should not exclude children and young people from the digital environment, but rather support and enable digital activity, at different ages, with different kinds of support and different levels of risk.

5Rights recommends that Government adopt a wider definition of online harms so that solutions not only aim to counteract the extreme, but also consider the quotidian.

5Rights recommends that rather than focusing on excluding risk and harm, Government instead sets its sights on the more ambitious goal of securing the wellbeing of children, so that children thrive and flourish in an age-appropriate digital environment.

5Rights recognises that the exclusion of all risks is no more achievable in the digital environment than in any other environment, but reiterate the need for high quality report, resolution and emotional support mechanisms, as part of an enforceable regulatory environment. The care of children is a price of doing business with them.

5Rights draws Government's attention to the 36 recommendations²⁷ of the Digital Childhood report and recommends that these are incorporated into the Internet Safety Strategy.

²⁷ ['Digital Childhood: Addressing Childhood Development Milestones in the Digital Environment'](#), Baroness Kidron and Dr Angharad Rudkin, December 2017