THE

1 Regulate

2 Educate

3 Enforce

OF CHILD SAFETY ONLINE

Introduction

Children make up one third of global users on the internet. Most children and young people accessing the digital world have enjoyable and positive experiences. They use the online world to maintain friendships, have fun, support their education and learn about their world. At the same time, the digital world can pose serious threats to the development and protection of children and young people. Online safety is now the child protection issue for our time.

The next Government must play a key role in educating and empowering young people to be safe online and making the digital world a safer place for them to be. We are calling on our political parties as they negotiate a new Programme for Government to put online safety to the top of their agenda by: (1) establishing a Digital Safety Commissioner; (2) ensuring that digital rights and online safety are central to the next Children and Young People's Strategy; (3) introducing a comprehensive digital literacy programme in formal and non-formal education and (4) effectively resourcing the Gardai to investigate crimes involving images of child sex abuse.

1. Establishment of a Digital Safety Commissioner

Problem: Currently online service providers are subjected to very little regulation. The tech industry is fast- paced with new products developed and launched all the time. Consistently new services are being provided that have implications for children and young people's safety and privacy.

Research commissioned by ISPCC and the Vodafone Foundation found that 73 per cent of parents did not think the Government were doing enough to keep children safe online. Another 78 per cent also felt that the industry were not doing enough (Hand, K , 2018 unpublished). Self-regulation of the industry can result in inconsistent standards being applied. We also know that there are high numbers of children under the age of 13 on social media platforms despite current age restrictions. There is also a lack of proper remedies available to children and young people where they have not been treated fairly by a service provider. There is no independent body to accept complaints or with legal powers to enforce rules to keep children safe online.

Solution: A Digital Safety Commissioner needs to be established as a matter of urgency with key statutory powers that is appropriately resourced. Following the example of the UK's Information Commissioner and Australia's E-Safety Commissioner, the Office of the Digital Safety Commissioner could play an important role in monitoring areas of law reform and putting in place appropriate regulations and supports to ensure that children are better protected online. For example:

(1)   The Digital Safety Commissioner could implement a Code of Conduct for online providers to enforce age-appropriate design and safety-by-design when planning/developing new technologies and force service providers to assess their sites for sexual abuse risks, prevent self-harm/pro-suicide content and block children from broadcasting their locations;

(2)   The Commissioner could also have responsibility for resolving complaints from children, young people and their families when service providers fail to respond and could have legal powers to issue sanctions and seek take down orders when there is failure to comply; and

(3)   The Office could provide information to children, young people and families on how to be safe online together with regulating providers that deliver online safety training.

Programme for Government Ask:
- **Within the first 100 days publish the Scheme of a Bill providing for the establishment of a Digital Safety Commissioner.**

2. Ensure that digital rights and online safety are central to the next Children and Young People's Strategy

The Problem: Faced with the rapid advances in technology, there is a danger that national policy making can become very reactive and fragmented. Policy in this area can also be too focused on protecting children from online abuse and overuse without considering the benefits of the digital age which children have an equal right to access. The last Government launched an Action Plan for Online Safety that ran from 2018-2019 meaning there is currently no national policy dealing with this area.

The Solution: Better Outcomes Brighter Futures: The Policy Framework for Children and Young People comes to an end in 2020 and the Government is in the process of developing a new Strategy. The last Strategy did not deal sufficiently with the area of digital rights and online safety because the digital landscape was very different for children. Digital rights and online safety must be central to the next Children and Young People's Strategy. Taking a coordinated and cross-departmental approach, the pressing issues that are impacting on children and young people could be addressed through this Strategy. This would include looking at infants' access to digital devices, providing access to digital resources to support children's development and empowering young people to get the most from the digital world. This Strategy could also include actions to equip parents on how to monitor and support their children's access to the digital world, together with new national measures to prevent children from being exposed to harm online. The Strategy could include an action to commission research to identify the most effective way for the Government to limit children's exposure to harmful content online including exploring opt-in and opt-out filters and age verification.

The Programme for Government Ask:
- **Ensure that digital rights and online safety are central to the next Children and Young People's Strategy and establish a dedicated implementation team and budget.**

3. Comprehensive Digital Literacy Programme in Formal and Non-Formal Education

Problem: Children, some as young as eight, have unsupervised access to the internet through a wide usage of smart and gaming devices and some rarely discuss what they are accessing with a parent or guardian (Cybersafe Ireland Annual Report, 2017). This can result in children being exposed to grooming or sexual exploitation and inappropriate content such as pornography, extreme dieting and self-harm websites. This is having a real impact on their behaviour and well-being. For example, the Dublin Rape Crisis Centre (DRCC) is encountering young people's whose attitudes and behaviours are being shaped by online pornography where problematic messages about gender, power, consent and sexuality are portrayed.

If children and young people do not have the knowledge and skills to cope with that they are seeing online, this can have devastating consequences. The UN Committee on the Rights of the Child has recommended that States should "address the risks posed by digital media and [information and communication technologies] to the safety of children, including online harassment, sexual exploitation of children, access to violent and sexual content, grooming and self-generated sexual content' by adopting 'holistic strategies' (2014, General Day of Discussion, OHCHR).

Children and young people themselves also need to understand the impact of their own behaviour online and how it can cause harm to other children when they engage in bullying and other tactics.

Solution: The solution is to start with educating and empowering young people to understand their rights in the digital world, the legal consequences of their online activities and to change behaviours. We know that supporting children to develop critical skills can help them to protect themselves from safety and data protection threats. We also know that developing their technical skills can also help them understand how to use online tools and remedies to protect themselves.

In place of criminalising children and young people for dangerous behaviour online, they need to be educated and empowered to act differently in future. Relative and relatable online safety education must be delivered via the curriculum on a regular basis at both primary and –post-primary level. Presently there are a myriad of programmes being delivered around the country but there is not a single core digital curriculum in our schools. Providing a standard approach in the form of a comprehensive digital literacy programme, could be an important step in addressing this gap. The education and empowerment of children to become smart digital citizens of the 21st century the ultimate goal for which to strive.

This programme should be delivered in parallel with an updated Relationships and Sexual Education syllabus, which would reflect what children and young people might be seeing online including helping them to deal with the vast amounts of pornography that they are exposed to. There is a clear need to support children and young people to develop competencies to distinguish positive and negative positive models of sexual health and relationships from the pornography that they watch. They need opportunities to talk about pornography that they watch.

Programme for Government Ask:
- **Develop a digital literacy programme for formal education (primary and secondary schools) and non-formal education (youth work settings) and implement nationally over the lifetime of the Government.**

4. Effectively Resourcing the Gardai to Investigate Crimes Involving Images of Child Sex Abuse

Problem: The production and distribution of these child sexual abuse and exploitation materials – whether in print, online, or live-streamed – represent a fundamental violation of children's rights. These images effectively represent a crime scene and people accessing these images directly contribute to the exploitation of child victims because they create demand. And according to One in Four, those accessing images of child sexual abuse can go onto commit offences against children.

There has been an explosion of new cases from 116 in 2016 to 392 in 2018. However, cases involving distribution of child abuse material are taking up to 10 years to complete, with the problem deteriorating in the last year (Gallagher, C, 5 Feb 2020, 'Delays to child porn inquiries put abused at risk', Irish Times). Delays are reported at every stage in the process including taking victim statements, arresting or interviewing suspects and sending the file to the DPP (Report of the Garda Siochana Inspectorate, Responding to Child Sexual Abuse, Dec 2017).

Solution: It is unacceptable that the Gardai do not have the resources to effectively investigate and support the prosecution of these cases in a timely manner. The Online Child Exploitation Unit has responsibility for monitoring the enforcement of the provisions of the Child Trafficking and Pornography Act, 1998. The Unit is the is the single point of contact for the Garda Síochána for referrals in connection with online child abuse material.

Programme for Government Ask:
- **In the first 100 days of the new Government, conduct a review of resources required by the Gardai to investigate crimes involving images of child sex abuse and earmark sufficient funds to reduce detection/investigation times.**

Barnardos
Children's Rights Alliance
Cybersafe Ireland
Dublin Rape Crisis Centre
ISPCC
One in Four
SpunOut.ie