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CHILDREN'S DIGITAL RIGHTS: A PRIORITY

The unfolding global research and policy agenda for children's digital rights is discussed by **SONIA LIVINGSTONE**

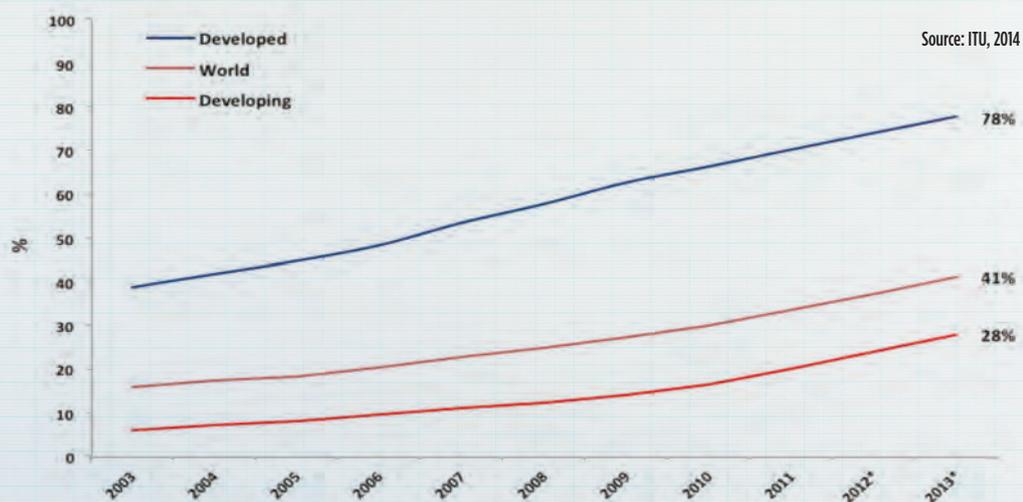
Internet access in the global North has risen steadily over the past two decades, transforming commerce, government, workplace, education and home. For much of this time, research and policy has aimed to stimulate and extend innovation, diffusion and adoption while preventing the emergence of digital inequalities that exacerbate prior economic and social inequalities. Policy attention has focused on the management of technological change maximising digital inclusion. The importance of evidence in critiquing the accompanying hyperbole – optimistic and pessimistic – and in guiding policy initiatives has been crucial.

Today, internet access in the global South is also rising. Already, data from the ITU shows that one in

four households (or one in three individuals) in developing countries has internet access (see Figure 1).¹ It would be unwise to speculate about the likely pace of change in developing countries, but it is crucial to note that, in this graph, the line for developed countries represents country populations summing to one and a quarter billion people while that for developing countries represents nearly six billion.²

In terms of internet use, the tipping point has now passed: already two-thirds of the world's nearly three billion internet users live in developing countries, but nearly everything we know about the internet is from the developed ones. It would also be unwise to speculate that the nature and meaning of internet adoption in the global South will evolve in

Figure 1: Households with internet access (2003-2013) in developed and developing countries





a similar fashion to that of the North, although one might hope that some of the knowledge gained over the past two decades can be put to good use in the South as it faces the challenges ahead.

The internet, perhaps more than any previous socio-technical transformation, connects North and South to the point where the whole is becoming more significant than either of the parts. Unsurprisingly, then, research and policy attention is shifting again, with increasing recognition of the complexities of governance in the network society (including governance of the networks themselves) and of the manifold contextual realities and contingencies of national, institutional and domestic uses of the internet (with many unintended consequences and seemingly intractable indeterminacies complicating policy agendas). Against these complexities, surely an inevitable result of connecting the vast diversity in the world, there is also a growing call for clarity – for the universal principles of the market, on the one hand, and of human rights on the other hand.

CHILDREN AS INTERNET USERS

This article positions children as internet users within this larger picture, with the specific focus on the question – yet to be widely debated, evidenced or implemented – of their digital rights or, more properly, their fundamental human rights in a digital age. Look once more at Figure 1. Not only does the population now getting online in developing countries dwarf that already online, but also many of these households contain children. Indeed, between one third (the world average) rising to fully one half (in the least developed countries) of the new population in the global South is under 18 years old.³ The UN defines a child as a person under 18 years old, and I will follow that definition.

This is not to patronise the many under-18 year-olds who already earn money, have caring or civic responsibilities or may even be parents themselves. Rather, it is to draw on the moral conviction of the UN Convention on the Rights of the Child (CRC) that under-18 year-olds have a particular claim to provision, protection and



◀ participation that applies over and above that of adults; bearing in mind also that the CRC is perfectly cognisant of what it calls the ‘evolving capacities’ of the child and the need to address their rights accordingly.⁴ This claim is traditionally directed to states, but one of the extraordinary features of the digital age is the extent to which states have devolved their power upwards to international bodies, downwards to local institutions and, most particularly, outwards to private sector organisations such as those which own digital sites, services and infrastructures.

In the global North, where only around one quarter of the population is a child, history already shows how regrettably easy and commonplace it has been to neglect the actual position of children. I emphasise their ‘actual’ position, for the many hyperbolic discourses of the pioneering and entrepreneurial digital native, on the one hand, and the vulnerable innocent robbed of their childhood, on the other, have been a salient thread throughout recent decades. Often guided more by enthusiasm than evidence, a host of initiatives have pushed technology into schools, libraries, youth centres and homes, although teacher training, curriculum development and parental support have been slower and more sporadic. And another host of initiatives have sought to profit from the child market or promote filters and other safety products, although much of this is more restrictive than empowering, tending to generate (and cater to) parental anxiety more than good sense.

Not all has been problematic, of course. There are many wonderful initiatives, though these are too rarely scalable, along with plenty of sensible practices and regulations emerging that balance risks and opportunities in a proportionate manner. And there is a lot of everyday pleasure and benefit being gained from internet access by children and their families. But the effects of change have been scattered, with as many opportunities being missed as taken up.

This is partly because the programmatic statements regarding digital or technology

Access in developing countries is increasingly ‘mobile first’

ambitions of many companies and governments still include little mention of children and even less careful attention to their actual needs and desires. Sometimes the discourse of digital natives seems to be uncritically accepted (ie. the kids are already ahead of adults online, so there’s no need to address them specifically). Or they are assumed to be the sole responsibility of their parents (who, after all, pay the bills). Or they are simply forgotten about, seemingly invisible in general talk about ‘the population’. It would be a tragedy to repeat the mistakes of the global North among the new populations getting online in the global South, given all that we now know. Yet early research suggests this is exactly what is happening, even though the number of children in the South approaches that of adults. If children remain invisible in research and policy debates, nothing much is likely to change.

MAPPING THE BIGGER PICTURE

Recently there have been a series of international reports striving to map the bigger picture, concerned both to bring out the key conclusions and priorities as they apply in the global North⁵ and to consider whether and how they may be relevant in the global South.⁶ It is becoming ever more apparent that the step-change in where children go online is not just a matter of geography: how children go online, and the consequences of this, is also changing.⁷ For instance, by contrast with two decades of experience in Europe and America, access in many developing countries is increasingly ‘mobile first’ rather than on desktops or at workplaces. Further, access is often community-based (eg. via cybercafes or various workarounds to gain access) than based at home or school (the two main locations, and thus



If children remain invisible in research and policy debates, nothing much is likely to change.



policy foci, in Europe and America).

It is also significant that, in the global South, schools and parents cannot automatically be relied on to ensure children’s rights online (as in the North, where the policy call is often for children’s needs to be met through education or in the home, seemingly absolving regulators or industry of specific responsibilities for the children under their charge or using their services); for in the global South, many children lack one or both across much of the world. Then, in Europe especially, we have been used to substantial public investment in internet access and online content; in countries where this is lacking, both access and use are likely to be much more commercial experiences – with more advertising and end-user costs, and little local,

TABLE 1: AN EVIDENCE-BASED TRANSLATION OF CHILDREN'S RIGHTS INTO THE DIGITAL AGE

UN Convention on the Rights of the Child (articles selected and paraphrased)	Evidence-based application of the CRC online (see Livingstone, in press, for citations to evidence) ¹⁵	Internet Rights and Principles Coalition (selected and paraphrased)
<p>Protection against all forms of abuse and neglect (Art. 19), including sexual exploitation and sexual abuse (Art. 34), and other forms of exploitation prejudicial to the child's welfare (Art. 36). Protection from 'material injurious to the child's wellbeing' (Art. 17e), 'arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation' (Art. 16) and the right of child to preserve his or her identity (Art. 8).</p>	<ul style="list-style-type: none"> • Sexual grooming, sexual exploitation and abuse • Creation and distribution of child abuse images • Online dimensions of child trafficking • New threats to privacy, dignity, identity and reputation • Exposure to (diverse, extreme, illegal) pornography • Personal data exploitation, misuse, unwarranted sharing or tracking • Hostility, hate, harassing and bullying content, contact and conduct • Inappropriate information and persuasion regarding self-harm, violence, suicide, pro-anorexia, drugs 	<ul style="list-style-type: none"> • The right to dignity must be respected, protected and fulfilled online • The right to privacy, freedom from surveillance or censorship and the right to online anonymity • The right to control over personal data collection, retention, processing, disposal and disclosure • The rights to life, liberty and security, including protection against harassment, crime, hate speech, defamation (<i>and, for children, sexual and other forms of exploitation</i>) • <i>Children must be given the freedom to use the internet and protected from the dangers associated with it, the balance depending on their capabilities</i>
<p>Provision to support children's rights to recreation and leisure appropriate to their age (Art. 31), an education that will support the development of their full potential (Art. 28) and prepare them 'for responsible life in a free society' (Art. 29), and to provide for 'the important function performed by the mass media' through diverse material of social and cultural benefit to the child (including minorities) to promote children's wellbeing (Art. 17).</p>	<ul style="list-style-type: none"> • Availability and distribution of formal and informal learning resources and curricula • Wealth of accessible and specialised information • Opportunities for creativity, exploration, expression • Digital, critical and information skills and literacies • Ways to counter or circumvent traditional inequalities or problems or to address special needs • Expanded array of entertainment and leisure choices • Access to/representation in own culture, language and heritage 	<ul style="list-style-type: none"> • Everyone has an equal right to access and use a secure and open internet and the specific needs of disadvantaged groups must be addressed • Cultural and linguistic diversity on the internet must be promoted and innovation should be encouraged to facilitate plurality of expression • The right to education through the internet; the right to culture and access to knowledge online • Internet standards and formats must be open, interoperable and inclusive
<p>Participation: 'In all actions concerning children... the best interests of the child shall be a primary consideration' (Art. 3), including the right of children to be consulted in all matters affecting them (Art. 12); also the child's right to freedom of expression (Art. 13) and to freedom of association (Art. 15).</p>	<ul style="list-style-type: none"> • Enhanced connections and networking opportunities • Scalable ways of consulting children about governance • User-friendly forums for child/youth voice and expression • Child-led initiatives for local and global change • Peer-to-peer connections for entertainment, learning, sharing and collaboration • Recognition of child/youth rights, responsibilities and engagement 	<ul style="list-style-type: none"> • The internet is a space for the promotion, protection and fulfilment of human rights and the advancement of social justice • The right to seek, receive and impart information freely, and to associate freely with others for social, political and cultural purposes • Internet governance must be multistakeholder, participatory and accountable

independent or own-language provision.

More challenging for policymakers (though also difficult for researchers) is the stark reality that in many countries around the world internet use is already associated with either very low or relatively-punitive state regulation, while the host of intermediaries (familiar to us especially in Europe) that act in the interests of child welfare and wellbeing both off and on the internet may barely exist. Last, and arguably most urgent, children's experiences in the global South – offline and, therefore, likely to be amplified online – are sharply stratified by socioeconomic, ethnic or gender inequalities and too often marked by forms of sexual and aggressive exploitation.

CALL FOR RESEARCH

All these challenges and more are rising up the research and policy agendas of children's organisations, industry and governments. Yet it may not have escaped you that I have not told you – because we don't really know – how many children even use the internet in many parts of Asia, the Middle East or Africa.⁸ Nor, more importantly, do we know what children around the world might themselves want from the internet or how it could genuinely benefit their lives, given their particular needs, their diverse contexts, and the many other difficulties they face.

It is now vital to research the needs and desires of children the world over, as their country or community gains internet access and begins to formulate an understanding of its risks and opportunities. Such research should include the voices and experiences of children as well as of their families, teachers, and the host of other organisations concerned with their wellbeing and that of the society they live in. Such research must also be consequential – informing and guiding the efforts of those in power and with the economic and cultural resources to make a difference.

But as many have observed, research can be slow, its relevance is often specific to its circumstances, and while a coordinated and comparable global research is sometimes called for, it has not yet occurred. Therefore, in addition and in parallel to these efforts I urge that we raise our gaze from the context-specific to the potentially-universal, from the language of need, harm or desire to the language of rights; for the available evidence can also be understood to underpin a call for children's rights in the digital age, as I map out in Table 1.

The table shows, first, how the CRC already includes an array of rights to protection, provision and participation that are of obvious relevance to 'the digital age', where this phrase is intended to encompass both children's own digital activities and the fact that, increasingly, they live in a digital and networked world which has consequences ➔

← for their wellbeing even if they personally do not or cannot use the internet.

Second, it highlights how the existing evidence regarding children's digital and networked lives already documents ways in which children's rights are being met or still need to be met, depending on the context. For instance, the body of evidence on sexual grooming, exploitation and abuse⁹ reveals the extent and distribution of the problem as well as underpinning the array of policy solutions already underway (although these continue to be developed and do not, as yet, meet the evident need).

The third column is the most recent and perhaps the most contentious. The CRC was 25 years old in November 2014. The body of research relevant to children's rights online is as old as the internet – say, two decades. But it is only in the last few years that stakeholders from diverse sectors of society have made the link, extending the language of rights to the internet and harnessing the power of their universal claim and ethical vision to encompass all children – indeed, all users – both present and future.

This shift comes from two directions, now converging. The first is that of child rights organisations as they extend their scope to embrace the internet. The second is that of advocates of freedom of expression and other human rights as they gain expertise and voice in matters of internet governance. It must be acknowledged that these have, thus far, tended to clash, dividing their efforts rather than collaborating. For reasons largely unintended by both sides, the call of the former for child protection online has been seized on by certain governments as offering the cover of legitimacy for the kinds of filtering, censorship and surveillance activities that the latter have expressly set out to combat. I can only say that such government actions do not nullify the rights of the child to protection against harm – nor indeed, their own right to freedom of expression.

So, without minimising the continuing difficulties resulting from misuse of the claim to children's rights let me turn specifically to the third column of Table 1. Of the multiplying array of charters and manifestos regarding digital rights,¹⁰ that of the Internet Rights and Principles Coalition speaks with the authority of the global Internet Governance Forum, the UN and UNESCO's WSIS+10 review (ten years on from the first World Summit on the Information Society).¹¹ Moreover, it makes specific reference to the rights of children (noted in italics insofar as this adds additional points to the table), as well as rights assumed throughout in relation to freedom of expression, assembly, privacy and so forth. I suggest that Table 1 offers a comprehensive vision – underpinned by the UN CRC, evidence-based, translated to the internet via an accountable, multistakeholder process.

For sure there are problems:

- The CRC is often more notable for its lack of implementation than its achievements¹²
- There are difficulties when these rights conflict (especially, protection and participation rights)¹³
- There are particular challenges insofar as the CRC is addressed to states while the internet is largely proprietary, commercial and, moreover, extraordinarily difficult to regulate effectively¹⁴
- As noted before, if it is difficult to determine even how many children are online globally, it is certainly difficult to document their needs, harms or desires in such a way as to inform the delivery of their rights, even if governments and businesses were to make this their priority.

But I urge that they should make it their priority, and I call on researchers internationally to coordinate their activities so as to ensure the activities of governments and businesses are carefully directed, sensitive to children's experiences, and appropriate to the local context while also mindful of the overarching ethical vision of children's rights in the digital age.

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