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# THE RIGHT CLICK

\* AN AGENDA FOR CREATING A SAFER AND FAIRER ONLINE ENVIRONMENT FOR EVERY CHILD

**eNACSO** European NGO Alliance for Child Safety Online

CO-FUNDED BY THE EUROPEAN UNION

# THE RIGHT CLICK

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# FOREWORD 01

The internet is a global network and tackling its challenges to child safety requires a transnational approach. The European Union has a key role to play in ensuring this happens.

The European NGO Alliance for Child Safety Online, eNACSO, is a network dedicated to making the internet and associated technologies safer for children and young people. Our members are leading children's rights and child protection NGOs from across the European Union. eNACSO promotes and supports actions at national, European and international level. Our work is based on the 1989 UN Convention on the Rights of the Child[1] and its Optional Protocol on the sale of children, child prostitution and child pornography[2].

**The right click** details eNACSO's recommendations to the EU, industry, international organisations and other stakeholders on how to create a safer online environment for children and young people.

eNACSO would like to express its sincere thanks to John Carr for his time and commitment to producing this document.

Dieter Carstensen
Chair, eNACSO

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[1] www.unhchr.ch/html/menu3/b/k2crc.htm

[2] Throughout this document the term "child abuse images" is used rather than "child pornography" because this more accurately reflects the nature of the content.

# WHAT WE CAN ALL DO TO MAKE SURE CHILDREN ARE SAFE ONLINE

Empower children to become strong and engaged digital citizens.
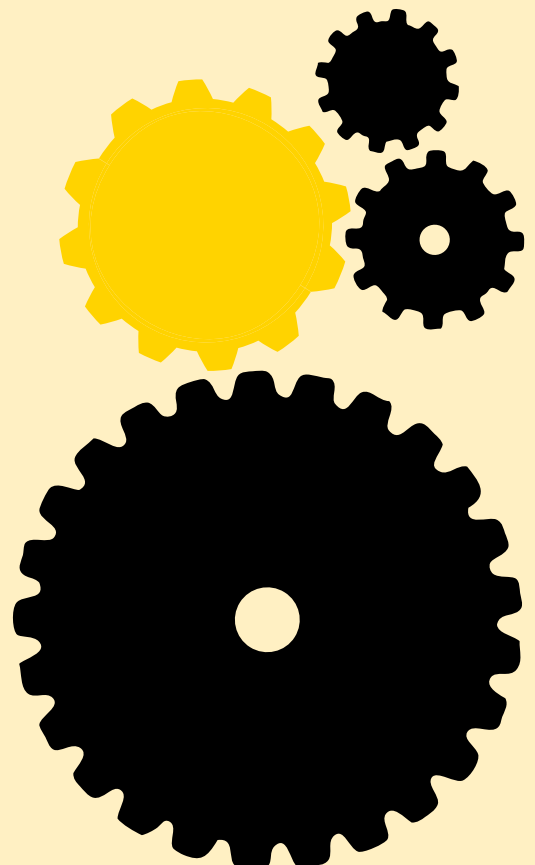
Combat the rise in online child abuse and child abuse images.

Make social networking sites safer for every child.

Protect children against online commercial exploitation and invasions of privacy.

Support and help fund NGOs to participate in policy decisions about online safety.

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The internet's ability to provide a platform for learning, creativity, connectivity and games is at the heart of its value and its attraction to the hundreds of millions of children and young people worldwide.

We need to help children and young people to develop a sense of digital citizenship, of responsibility, treating them as active participants, not solely as potential victims, giving them the opportunity to use the new tools provided by the new technologies as a means by which they can express their views and claim their rights.

However the internet has also brought with it a number of unwanted consequences. Some of these can put children and young people at risk of significant harm, for example, new types of bullying and new forms of sexual solicitation of children and young people have been facilitated by the internet. The number of child abuse images in circulation has hugely increased. Interpol, CEOP[3] and other law enforcement agencies between them currently hold nearly 1 million unique images of child abuse.

EU member states have an overriding duty to provide for the safety and wellbeing of all children and young people within their jurisdiction but to do this effectively they must work in partnership with others. It is a shared responsibility.

The recent publication of the Proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child pornography is a major step forward by the EU. The proposal should receive the maximum possible support across the whole of the EU.

But we can all achieve more. Children and young people, parents, teachers, law enforcement agencies and hi-tech companies all have a critical part to play. We must all learn from the experience of others if we are to continue making real progress.

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[3] The UK's Child Exploitation and Online Protection (CEOP) Centre.

# CHILDREN, YOUNG PEOPLE AND THE INTERNET: AN OVERVIEW 03

The internet[4] has become vital to the modern world. eNACSO strongly believes in the potential of the internet to enrich and empower children and young people in many different ways. That's why eNACSO actively promotes safe and equal access to the benefits of the internet for all children and young people everywhere.

This approach means we have to acknowledge that children and young people can experience the internet and associated digital technologies in ways which might be distressing or harmful, or both.

## 3.1    A positive force in the world

When we talk to children and young people about the internet and the new technologies it is essential to maintain an upbeat and positive attitude. We should aim to empower children and young people, helping them to have a realistic understanding of the internet's hazards and how to deal with them.

## 3.2    Striking the right balance

Parents and educators need to know how to strike the right balance between being realistic about the risks but not exaggerating them, and perhaps discouraging children and young people from using the technology at all. That would be a great loss to children and young people as individuals, and society as a whole.

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[4] There are many ways the internet can be accessed, eg via laptop, desktop, notebook-sized or handheld computers, through mobile phones, games consoles, personal digital assistants and TV. Rather than repeat this list throughout this document, unless the text provides otherwise, all of these mechanisms are relevant.

### 3.3 Virtual and real worlds becoming more closely aligned

As children and young people increasingly live out significant parts of their lives with and through the new technologies, the nature of the risks they take online have become inextricably entangled with wider aspects of their behaviours.

It is now simply no longer possible to draw neat lines between so called "internet issues" and "real world" problems.

### 3.4 An interactive and immersive world

Modern interactive technologies, particularly in the field of gaming, can be incredibly immersive, providing highly absorbing environments. These can help develop a wide range of problem-solving skills but these qualities have also created a new range of problems or concerns, particularly in relation to so-called "addiction". This can become an obstacle to the development of a range of interpersonal skills, or to developing a healthy lifestyle through taking exercise or engaging in sports.

### 3.5 Digital divide?

The United Nations Convention on the Rights of the Child (Article 12), requires that: "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."

The internet can provide an enormously enriching environment for very many users, particularly younger users, but it could also be contributing to a further widening of pre-existing divisions in society or even be responsible for opening up new ones. It is a divide rooted not only in possessing, or not possessing, the physical means of accessing the internet, but it is one which is also influenced by several other factors.

The internet has the potential to compound and even magnify existing individual vulnerabilities of particular children and young people, thereby adding to adversities they may face in the real world.

Professor Sonia Livingstone's research into children and young people's activities online established[5] that an individual's level of media literacy and self-confidence in using the internet will be decisive in determining whether and to what extent that individual benefits from it. For these reasons, in developing policies to address the digital divide, it is imperative not only to find ways to improve and widen the availability of the physical means of access, but also to focus on improving the media literacy and self-confidence of individual users.

The IT sector is characterised by constant and fast-moving innovations; these developments need to be matched by evolving policies that promote the permanent adaptation, facilitation and financial support for children and young people's participation in the online world, bearing in mind also the need for proper and proportionate safety and protective measures.

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[5] Drawing conclusions from new media research: reflections and puzzles regarding children's experience of the internet, LSE, 2006.

## 3.6 The role of governments and international agencies

Clearly national governments have the prime responsibility to act to protect all children and young people within their jurisdiction. However, the internet is a global medium. This places a particular onus on international institutions to lead and encourage action at national and international level. The EU[6] has been a pioneer in this field. Its annual "Safer Internet Day", coordinated by INSAFE, in effect has gone global, providing a very valuable focus for education and awareness activities in every major language across all five continents. With the publication in March 2010 of the draft Proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child pornography we are also beginning to see the EU legislating for child protection on a transnational basis.

The ITU[7] is now also spearheading a very important worldwide initiative that is gathering momentum. Perhaps most importantly, international institutions are best placed to help countries that are just beginning to grapple with the challenges of online child safety. We can all learn from the experience of others.
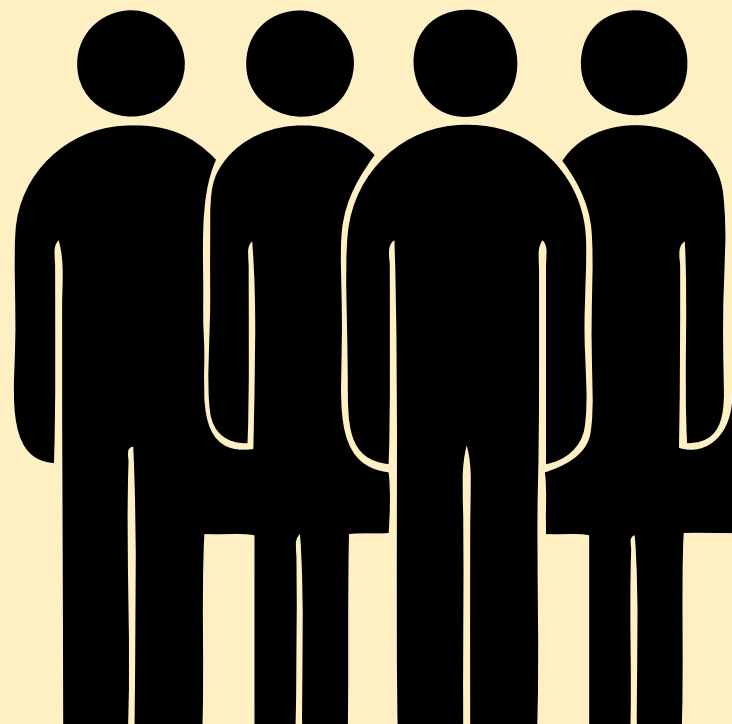
## 3.7 A multi-stakeholder approach is essential

No single agency or interest, public or private, no company or other organisation has a monopoly on knowledge or expertise in the field of online safety. Providing a safe environment for children and young people on the internet is a shared responsibility.

Children and young people need to be equipped to keep themselves safe online. Parents, guardians and teachers need to be helped to understand how children and young people use the new technologies so they, in turn, can help ensure children and young people get the most out of them and know how to use them safely.

Schools have a pivotal supporting role to play here. NGOs are also key but they may need some assistance to help develop their capacity to contribute. Partnerships with law enforcement are vital to ensure appropriate messaging is developed and properly integrated into wider education and awareness measures.

Industry is uniquely placed to make a contribution in two ways. First, by helping all stakeholders to produce and promote effective education and awareness resources as well as producing materials themselves which speak to their own customer base and markets. Secondly, by developing and promoting more and better technical solutions which underpin and reinforce the safety messages.

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[6] http://tiny.cc/eusip19

[7] http://tiny.cc/itucop

# CHILDREN'S VULNERABILITIES 04

As children's rights and child protection organisations, the principle that children and young people are more vulnerable is core to our perspective and our work on internet safety. It is also embedded in the entire range of child protection and child welfare policies and legislation of many different countries in all parts of the world.

In relation to the internet there are a number of issues about children and young people's vulnerabilities that are of ongoing concern. These may be summarised as follows:

**4.1 Content**

4.1.1 The internet's ability to expose children and young people to legal but age-inappropriate material, eg adult pornography or very violent imagery.

4.1.2 The internet's ability to expose children and young people to different kinds of illegal content, eg child abuse images.

**4.2 Contact**

4.2.1 The internet's ability to expose children and young people to bullying behaviour and/or sexual solicitations from adults or other minors.

4.2.2 The internet's ability to expose children and young people to harmful online communities such as sites which encourage anorexia, self-harm, suicide, violence, hate and political extremism.

## 4.3 Conduct

4.3.1 The internet's ability to facilitate and promote risky sexual interactions between children and young people, including encouraging them to take and post pictures of themselves or others ("sexting") which, aside from being harmful, may also be illegal.

4.3.2 The internet's ability to facilitate or encourage children to place in the public domain information about themselves, or post pictures or videos or texts that compromise their personal safety or jeopardise future career options.

4.3.3 The internet's ability to expose children and young people to bullying can also promote an environment in which children and young people are encouraged to bully others.

## 4.4 Commerce

4.4.1 The internet's ability to enable children to access or acquire age-inappropriate goods and services.

4.4.2 The internet's ability to expose children and young people to scams, identity theft, fraud and similar threats that are economic in nature.

4.4.3 The internet's ability to compromise a child or young person's personal safety through inadequate, unclear or unenforceable data protection or privacy laws.

## 4.5 Addiction

4.5.1 The internet's ability to facilitate access to games which can be played over it, or to create alternative environments, where these seem to have encouraged forms of obsessive behaviour or excessive use which may be having a deleterious effect on their health or social skills, or both.

## 4.6 Societal

4.6.1 At a macro level a digital divide between nations or regions similarly may entrench or widen existing global patterns of disadvantage.

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# KEY RECOMMENDATIONS <span style="color:yellow">05</span>

**5.1**  **Support the draft proposal for a new directive**

The draft Proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse, sexual exploitation of children and child pornography, is a major step forward by the EU. The proposal should receive the maximum possible support across the whole of the EU.
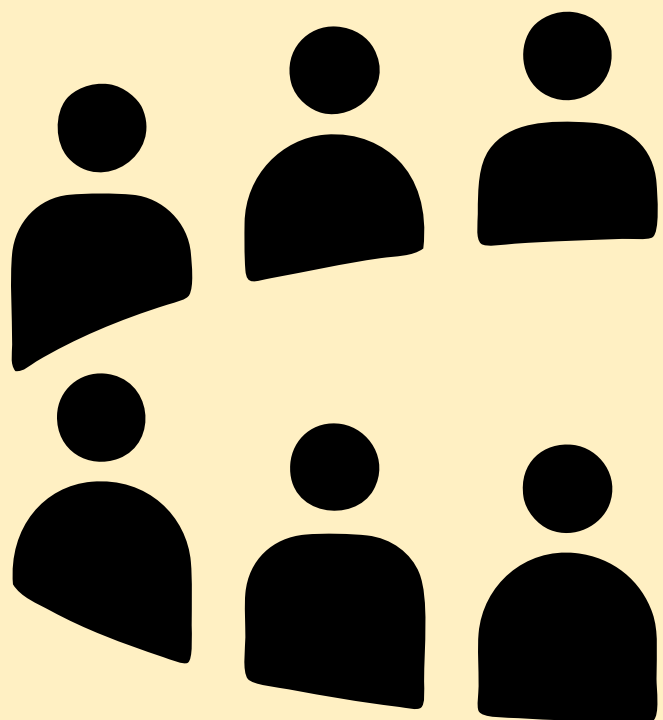
**5.2**  **Ensure the right to participation for every child**

5.2.1 Governments should encourage public awareness debates and campaigns to promote a positive cultural climate towards children and young people's participation in all matters that relate to them and their lives.

5.2.2 Governments should also ensure much bigger political and financial support to e-participation processes for young people working for increasing media literacy, reducing the digital divide, and providing a safer ICT environment. To this end the use of new media and new forms of participation should become an integral part of formal and informal education.

5.2.3 It is important to promote greater awareness of Article 12 of the UN Convention, and to develop training modules demonstrating its application in practice for all professionals working with and for children and young people, including NGO staff, ICT industry representatives, lawyers, judges, police, social workers, community workers, psychologists, care givers, teachers at all levels of the educational system, doctors, nurses and other health professionals.
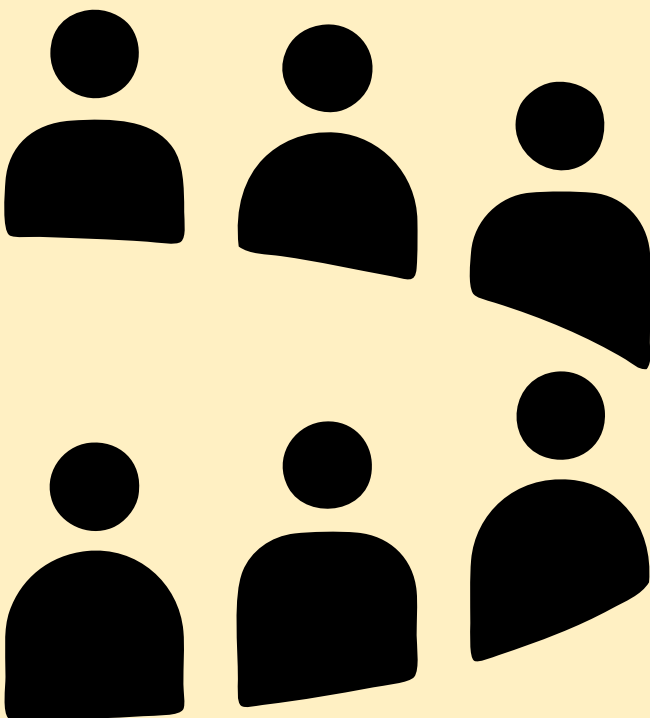
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## 5.3 The need to develop a comprehensive policy

5.3.1 Governments should develop a comprehensive range of policies to address internet safety for children and young people. In developing such policies it will be essential to draw on the expertise and knowledge of all the stakeholders. At the EU level, a children's rights strategy should be developed which will reflect the needs and rights of children and young people in the online environment.

5.3.2 It is particularly important to produce education and awareness programmes which reach out directly to children and young people. Law enforcement needs to find appropriate ways to integrate their messaging into these programmes.

5.3.3 It is also essential to find ways to help parents and teachers to understand the new technologies and how children and young people use them so that they, in turn, can provide help, advice or support.

5.3.4 Hi-tech companies have a particular role to play in helping all stakeholders to develop and promote effective educational resources as well as developing materials for use with their own customer base and markets.

5.3.5 Hi-tech companies also have a unique role to play in terms of developing technical solutions which can contribute to online child safety.

## 5.4 Encourage international leadership

5.4.1 The global nature of the internet places a particular responsibility on international institutions to lead and encourage action at national and international level. Intergovernmental and regionally based initiatives such as the ITU's Child Online Protection initiative and the EU's Safer Internet Programme have a vital role in pushing forward the agenda. International institutions are perhaps best placed to help those countries just beginning to grapple with the challenges of online child safety.
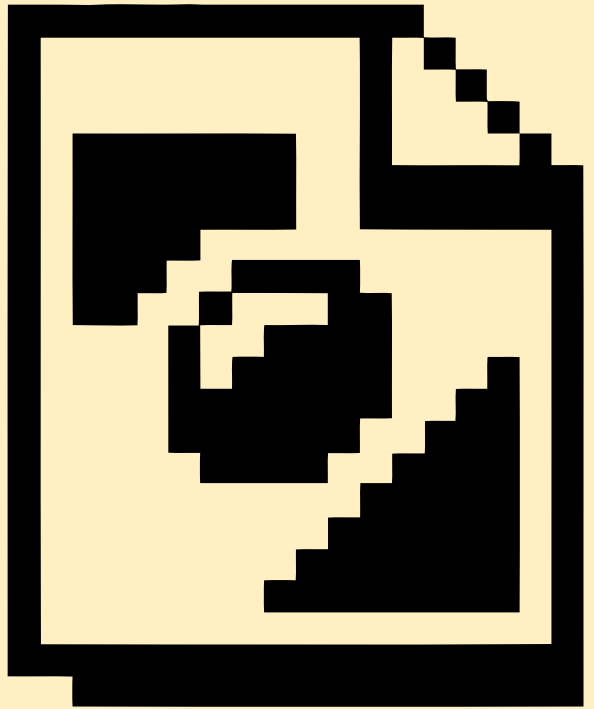
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## 5.5 Combat the spread of online child abuse and child abuse images

5.5.1 Laws made before the arrival of the internet may need to be modified to ensure they do not create barriers to the proper safeguarding of children online, ie modern laws should recognise that a range of sexual offences against children and young people can be committed in remote environments such as the internet. There is an urgent need to achieve a much greater degree of harmonisation of laws and police procedures for collecting and presenting evidence of online offences against children. The Commission should bring forward proposals for a framework directive to help bring this about within the EU.

5.5.2 Hotlines which receive reports about the location of child abuse images on the internet are essential. Every country should have a hotline which meets the needs of all linguistic groups within its jurisdiction. The quality of the hotline should meet INHOPE[8] agreed standards.

5.5.3 Worldwide, international and inter-governmental bodies, national governments and others should expedite the creation of a single list of all known child abuse addresses (or a list that is as large as possible, drawing on any and all national lists that are not currently encumbered by local legal constraints) to promote the more efficient removal, investigation, or blocking of child abuse material. With appropriate security surrounding its deployment, this list should be made available to relevant online service providers, filtering companies and others with a material interest.

5.5.4 Governments, law enforcement and industry should begin discussions about how to combat the use of peer-to-peer software for the distribution of child abuse images and how to combat the emergence of other types of closed groups or communities that have the same purpose.

5.5.5 The hi-tech industries should identify ways to prevent the misuse of encryption software and other technologies from facilitating the exchange of child abuse images.
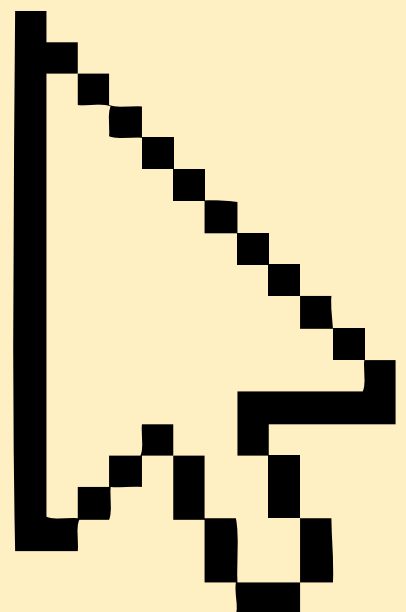
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[8] https://www.inhope.org/

5.5.6 Governments should ensure that adequate resources and technical tools are available to law enforcement agencies charged with dealing with child abuse images. They should also sponsor the development of an internationally-based investigative unit, with a specific remit to focus on the criminal networks behind a high proportion of the trade in child abuse images.

5.5.7 Drawing on the technical research currently being funded by the EU's Safer Internet Programme and others, governments should provide more resources to help law enforcement to achieve a higher rate of detection, location and rescue of children who have appeared in child abuse images on the internet.

5.5.8 Representations should be made to the Internet Corporation for Assigned Names and Numbers (ICANN) with a view to securing a substantial improvement in the regulatory performance of those domain name registries that currently appear to be ineffective in preventing child abuse images from being published under their auspices. ICANN should also be asked to give an undertaking that it will not allow any national or other registries to accept or allow domain names to be registered or maintained which advertise or promote the availability of child abuse images.

## 5.6  Support professionals and treatment programmes

5.6.1 The bodies responsible for the accreditation of police, health, social workers, youth workers, teachers, probation and prison staff, need to ensure that proper recognition is given within their professional qualifications and their professional development programmes to the importance of being able to recognise the manifestations of online abuse in victims, and be familiar with the kinds of abuse engaged in by perpetrators.

5.6.2 Governments should ensure that appropriate resources are developed to address the therapeutic needs of sexually abused children, including where images of that abuse have appeared on the internet.

5.6.3 Appropriate assessment and treatment programmes should be available for children displaying inappropriate or aggressive sexual behaviour online.

5.6.4 The relevant agencies need to ensure there is sufficient availability and take up of treatment programmes for internet offenders.

**5.7 Create new advertising, e-commerce, privacy and data protection standards**

5.7.1 Policies and standards need to be developed which protect children and young people from exposure to age-inappropriate advertising and age-inappropriate commercial activity.

5.7.2 Data protection and privacy commissioners and their equivalents should issue clear advice and guidance on the respective rights and responsibilities of all the parties where online data, or other transactions involving children and young people are concerned, or where services are being provided which are likely to be attractive to children and young people. In particular the commissioners should consider setting, or asking for appropriate authority to set, a legally defined minimum age below which verifiable parental consent will always be required in an online environment.

5.7.3 Adult products and services should not be advertised on websites which are primarily used by children and young people, or where substantial numbers of children and young people are known to be regular users. A clear definition of what constitutes a children's website should be formulated and all advertising on such sites should conform to the equivalent or relevant real-world advertising standards.

5.7.4 Vendors should not be able to avoid or evade laws on the sale of age-restricted goods and services eg alcohol, tobacco, pornography, gambling, weapons, by making them available over the internet. Appropriate regulations should be developed to govern the online sale of age-restricted goods and services.

5.7.5 Regulators need to monitor the development of forms of online payment which are anonymous and could therefore facilitate the illegal purchase of age restricted goods and services, or could facilitate trade in other illegal items, eg child abuse images.
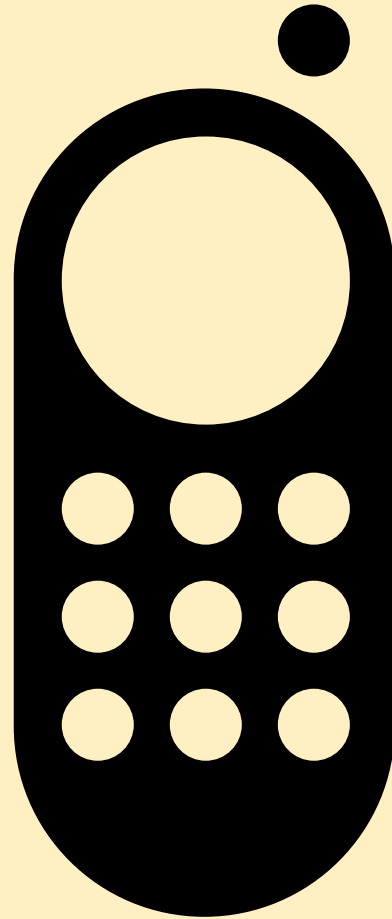
**5.8 Engage with mobile internet providers and location services**

5.8.1 Mobile network operators have a special responsibility towards children and young people. They should ensure only appropriate e-commerce activities are available to minors who use their networks. All adult services should be behind an adult bar. Location based services should be classified as an adult service.

5.8.2 Mobile phone handset manufacturers should accept a larger role in the ongoing discussions about child safety on the internet, with a view to developing safety features that can operate by default and are integrated directly into the handsets. They should also consider developing devices with a much-reduced feature set and therefore avoid some of the risks to children and young people that seem to be associated with the more sophisticated models.

5.8.3 Providers of Wi-Fi or other forms of remote internet access should replicate the arrangements currently made by many mobile network operators to restrict the availability of adult sites.

5.8.4 The new types of location services and tracking technologies now emerging into the consumer market pose challenges not only in the field of online safety for children and young people, but also in relation to the civil and privacy rights of all citizens. Strong safeguards must be developed to govern their use.

**5.9 Navigating an interactive and immersive world**

5.9.1 Games publishers and games hardware manufacturers need to collaborate with other elements of the interactive and online world to develop campaigns around promoting the notion of digital citizenship and digital responsibilities. Campaigns and actions based on peer-based education initiatives should be given particular priority.

5.9.2 Support for the Pan European Game Information system and PEGI online systems needs to be developed to encompass as large a number of countries as possible. More needs to be done to promote awareness of games rating systems both in relation to parents and children and young people.
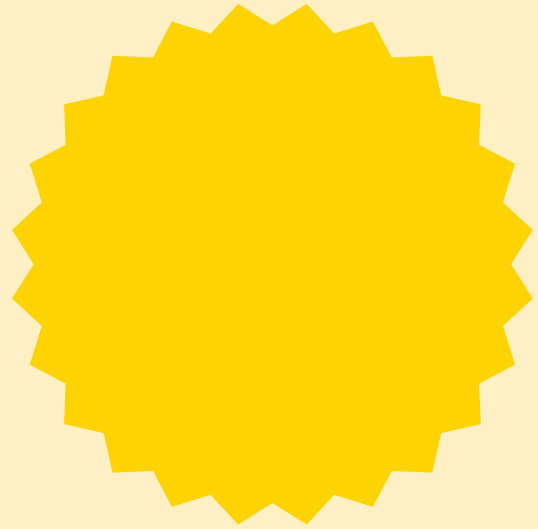
### 5.10 Make social networking sites safer

Social networking sites should have clear and transparent standards to address online child safety, including easy to use procedures to report abuse to the appropriate agency.

5.10.1 Social networking sites should have mechanisms which allow them to review content on their site, especially pictures and videos. They should also ensure they review all content reported to them within a clearly specified time period.

5.10.2 Independent mechanisms should be developed to monitor and report on the extent to which agreed standards are being observed by social networking sites.

### 5.11 Remove legal barriers

5.11.1 Efforts should be made to clarify the civil and criminal liabilities of online service providers in relation to user-generated content hosted on their sites. In particular, governments should press for an amendment to the E-Commerce Directive, and similar "safe harbour" provisions in other jurisdictions, to remove any disincentive for companies to police their own sites for fear of attracting liability. The principle should be that for any kind of civil or criminal liability to exist, it is always necessary to show the hosting company had actual knowledge of the unlawful content and deliberately took no action to remove it or failed to act within a reasonable time.

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### 5.12 Support NGOs in the policy making processes

5.12.1 The multi-stakeholder approach to policy making ultimately depends on each individual stakeholder having both the will and the means to take part. Typically very many NGOs have the will but too often they lack the resources to allow them to make an optimal contribution. Ways should be found to help NGOs to develop their capacity to engage constructively and in a well-informed and timely way in the multi-stakeholder policy making processes, both nationally and internationally.

5.12.2 To maintain public confidence in self-regulation as a mechanism for policy-making, convincing evidence of an improvement in online child safety is required.

# εNACSO MEMBERS (APRIL 2010)

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