Opening Statement

Irish Society for the Prevention of Cruelty to Children (ISPCC)

Joint Oireachtas Committee on Climate Action, Communications and Environment

6 Nov 2018

Delivered by Mr John Church, CEO

Introduction

Chair, members of the committee, members of the Oireachtas (if present), colleagues.

I thank the members of the committee for having us here today. The ISPCC is delighted to be in a position to support this important draft piece of legislation, and would like to thank Deputy Donnchadh O’Laoghaire for bringing it forward and you all for considering it in committee.

Online safety is the child protection issue of our day.

We welcome the introduction of the various provisions of the bill to establish an Office of Digital Safety Commissioner and look forward to its progression through the legislative process.

First, we would like to share with you two short ISPCC Childline case examples.

ISPCC Case Example:

15 year-old Female - contacted Childline’s Web chat service. She stated that she sent nude pictures of herself to her boyfriend and when they broke up he sent them to his friends and now her friends and people in school are talking about her and calling her vile names.

She feels really embarrassed, stupid and ashamed. She said that she feels very hurt and betrayed by her ex-boyfriend. She didn’t think that he would do such a thing. She said that she is terrified that her parents will find out and is scared about how they might react, especially her Dad as he is so strict. She said that she is so upset that she wants to kill herself.

13 year-old Male - contacted Childline’s Web chat service. He told Childline that he has been chatting to a person in a [name] chat room for about 2 months now and last night that person sent him child abuse images. He said that he is really ‘freaked out’ by the images that he has seen and feels scared. He said that he read up on this last night and found out that it is against the law for anyone to send images of a sexual nature to someone under the age of 18 and it is illegal to be in possession of these types of pictures. He is worried that he could get into trouble with the guards if he tells anyone about them.
These case examples illustrate the fear and isolation children feel when something they do online goes horribly wrong and they perceive the situation is out of their control to manage.

**Government Policy on Online Safety**

The ISPCC has been pleased to see the Houses of the Oireachtas take seriously the issue of online safety, with significant increase in activity across government departments in the last year.¹

We would like to take this opportunity too, to acknowledge the work of the Office for Internet Safety and Webwise and the work they do on limited resources. These structures need to be better resourced to make them more effective and for every parent, child and teacher in the country to become aware of them and embrace their resources and expertise.

The ISPCC broadly welcomed the publication of the government’s first Action Plan for Online Safety last July, in particular its provisions for enhanced education measures and proposed law reform. However, the ISPCC expressed its disappointment at the time that the action plan fell short in a commitment to statutory regulation.

Not long after the launch of the action plan, and indeed in recent times, the public has been presented with stark examples of where self-regulation is failing. It is our experience that these failures can impact negatively on children, and that there are positive actions that Ireland can take to better protect children online.

Notwithstanding the commitment to self-regulation in the action plan, and perhaps to reflect the fast changing nature of this space, we were delighted to hear Minister Bruton’s comments at the committee’s detailed scrutiny stage where the Minister stated it was time to move beyond self-regulation and highlighted the need for a regulatory body in the online space.

Moreover, while the ISPCC accepts that there will be much deliberation over what this model of regulation will look like, we urge the committee and the Minister to seize the opportunity now presented, to act.

**ISPCC and Children’s Online Safety**

In 2016, the ISPCC carried out an internal case review across its direct services to children and families, our Childline service and our front line services on the prevalence of online safety issues in our work. The findings of this review, along with cases in the external environment led to online safety being an integral part of our policy work, in turn giving us a clear mandate to advocate for change in this area.

In February 2017, the ISPCC presented to the Joint Oireachtas Committee on Children and Youth Affairs and shared our experiences regarding online safety issues. These issues included access and exposure to inappropriate content, online grooming and cyberbullying. Harmful communications among children can be compounded due to the nature of them being children and perhaps not realising the reach their actions can have online.

We are in no doubt online safety is a major issue for children and young people in Ireland.

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¹ Publication of the Joint Oireachtas Committee report on *The Cybersecurity of Children and Young Adults (March 2018)*; the Open Policy Debate on Online Safety (March 2018) and the publication of the Action Plan for Online Safety (July 2018).
The ISPCC through its Childline phone service has been listening to Children for 30 years. We answered almost 1,000 calls a day to our Childline phone service in 2017.

In 2005 we launched the first text-based support service for children in Ireland. We have seen a shift to our online and text service over the last decade, and we are in the final stages of development of a new online service. The ISPCC has seen the use in our Childline online services jump from 3,921 conversations in 2007 to 29,407 conversations in 2017.

We know that children want us to be online, and to be more accessible to them in the spaces they inhabit. Through listening to and engaging with hundreds of thousands of children annually, we have been able to spot trends over the years and raise these issues in the media, with policy-makers and legislators. Over the past two decades, particularly we have seen how children’s technological lives are becoming increasingly embedded in their lives as a whole. The online/offline distinction for children is an unfamiliar concept. Utilising technology and being online are no longer an add-on; it is how and where they live their lives.

Children Online

Children make up one third of all internet users globally, one in two users in the developed world.2

Children’s participation and protection rights in the digital environment are widely supported across EU laws and policies.3 4

Irish policy sets out ambitions for all Irish citizens to be connected and online; ICT is broadly available and its use encouraged in many schools; the government’s Action Plan for Online Safety recognises children’s specific vulnerability warranting greater protection.5 6 7

The Net Children Go Mobile Report (2015) found that 1 in 5 children in Ireland reported being bothered by something they saw on the internet in the past.8 The internet was not created with children as users in mind, but they use it, we know this and we all have a role to play in keeping them safe online.

Therefore, it is imperative we recognise the need for a regulatory body like a digital safety commissioner, or equivalent to champion children’s online safety and seek remedies for them when they are unable to do so themselves.

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3 Council of Europe Strategy on the Rights of the Child (2016-2021)
4 This position is further strengthened by the Council of Europe’s Recommendation CM/Rec(2018)7 of the Committee of Ministers to member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment.4 Section 3.7 71 (c) states that ‘States, as the primary responsible entity, should take appropriate steps to protect children against human rights abuses within the digital environment by business enterprises and to ensure that children have access to an effective remedy, including by: (c) requiring that business enterprises make available, on their platform or within their service, easily accessible ways for any person, and in particular children, to report any material or activity which causes them concern and that reports received are dealt with efficiently and within reasonable timescales.
7 http://www.internetsafety.ie/en/IS/Pages/PB18000003
8 https://arrow.dit.ie/cserrep/55/
Regulation

Children are often and invariably the ‘guinea pigs’ for developers and creators when new apps are released into the marketplace. A quick search in the app store will list apps which are not household names to us, but are very familiar to our children. It can be these smaller, newer apps that can often cause the biggest and most complex problems, which can be difficult to resolve adequately.

The ISPCC acknowledge that some companies and platforms are making efforts in this area, but leaving it up to individual companies to decide how, to what extent and when they will prioritise children’s protection online and remove harmful content is to fail children.

Defining Harmful Communications

The issue of defining harmful communications has been raised at the various stages of debate on this bill thus far. It is important that a definition is created to reflect the examples of harmful communications referred to in the Law Reform Commission’s report, and elsewhere, and not be overly broad to render the definition unworkable and in effect, useless. Getting the definition right will be a hugely positive step in online communications, as there will be a recognition in law that seemingly harmless words and actions, can cause harm and do actually matter. This will go some way to better protect children who might be victims of harmful communications online.

Conclusion

Everyone has a role in keeping children safe online. The ISPCC has been to the fore calling for industry regulation in this space. However, we are keenly attuned to the fact that industry regulation requires a pan-European approach.

While some of the suggested work of a Digital Safety Commissioner is being done across other government departments and structures, we feel there is merit in having the coordination of this work to maximise its efforts and impacts for all concerned coming under an Office of Digital Safety Commissioner, or equivalent.

Children have a right to be protected and this protection extends to being online. Being online is the public space where children frequent the most. They converse with their friends there; keep in touch with family there; they shop there; it is their first go-to place for information. And, like any public space it should afford them similar safety protections.