

## Opening Statement

**Joint Oireachtas Committee on Media, Tourism, Arts, Culture, Sport and the Gaeltacht to a meeting of the Committee to discuss the *Online Safety and Media Regulation Bill*.**

**Mr John Church, Chief Executive, ISPC Childline**

**13 May 2021**

Chair, members of the Committee and colleagues, the ISPCCC thanks the Committee for inviting us to be here today to discuss the *General Scheme of the Online Safety and Media Regulation Bill*. I am joined by Fiona Jennings, ISPCCC Senior Policy and Public Affairs Manager and we will both be pleased to address any questions you might have on our opening statement and/or written submission as the session proceeds.

The ISPCCC's sole concern with this piece of legislation and the reason we are here today is to ensure the protection of children online and to impress on you as legislators that this is within your gift. The ISPCCC views itself as a child-centred technology advocate: it champions all the benefits technology has; highlights and educates on the potential risks and harms; and speaks out about the gaps in the current regulatory approach.

Through our suite of Childline services, children and young people tell us first-hand about the experiences of their daily lives. In the ISPCCC's operational year (October 2019-September 2020), the Childline Phone services received 265,952 contacts and answered 206,348 contacts, with Childline Online services receiving 34,710 contacts, while the Childline Therapeutic Support Service (CTSS) worked with 458 children; online safety, bullying including cyberbullying and the impact it can have on children's mental health featured across these services. In our CTSS work we see the devastating impact cyberbullying has on parents and carers. Parents/carers' own mental health, stress levels and general well-being suffers too because of their child enduring this.

*1 in 3 children globally are Internet users* – a much quoted statement we are all now very familiar with hearing, and solidifies the point that children are very much important stakeholders in the online world and must be given due consideration in how it is regulated.

In a recent study by the National Anti-Bullying Research and Resource Centre (ABC) at DCU 28 per cent of children surveyed reported being victims of cyberbullying during the recent lockdown, with 50 per cent of children reported having seen others been cyberbullied.<sup>1</sup>

But today I want to share with you the story of just one, one child. I want to demonstrate to you the real human impact of online harms and why access to effective and efficient remedies is crucial, and warrants meaningful policy and legislative change, that could – in some cases – be life-saving. This child's story reflects the weekly interactions we have with children and young people and why cyberbullying is an issue which behoves us all to take seriously.

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<sup>1</sup> [https://antibullyingcentre.b-cdn.net/wp-content/uploads/2020/08/Short-report\\_Covid\\_for-media\\_TM\\_with-Author-names-1-2.pdf](https://antibullyingcentre.b-cdn.net/wp-content/uploads/2020/08/Short-report_Covid_for-media_TM_with-Author-names-1-2.pdf)

## CHILDLINE CASE STUDY

Kate<sup>2</sup> is a 13-year-old girl. Kate's interests include gaming, hanging out with her friends, playing the piano, and enjoying all the typical things a 13-year-old girl ought to enjoy. Kate enjoys posting videos of her piano playing online; she enjoys competing with her friends through online gaming and using various apps to keep in touch with what's going on in their busy daily lives.

Or at least Kate used to enjoy these activities. Things changed recently for Kate. The in-school bullying she was enduring now moved online where lies were being spread about her by her so-called friends, and other students were texting and messaging her mean things and calling her horrible names on those very same apps they once enjoyed hanging out on together. Even in her favourite gaming chatroom there was no escape.

Kate sits alone in her bedroom – but not in silence. She is kept company by the constant ping of her phone alerting her to the latest horrible thing being said about her. She can't help but unlock her phone, berating herself as she promised herself, she wouldn't look again – but it's relentless – and she needs to know what they are saying about her this time.

When Kate contacted Childline she told the call facilitator how she wanted to 'slit her wrists' as she felt that was the only way to stop the cyberbullying. Imagine being in Kate's shoes, a child, any child and that this was the only option they felt they had to make their situation better.

Kate blocked some of the other children who were saying horrible things about her and reported some of them to the different platforms and gaming sites she was being cyberbullied on, but nothing meaningful happened, and the cyberbullying continued.

Cyberbullying can have a long-lasting and devastating impact on its victim: their schoolwork, their wider social circle, extracurricular activities, and family (siblings, parents/carers), leaving a negative online reputation for the victim where this type of content has not been removed. Parents inform us that they worry about their child potentially being viewed in a negative way by their peers and within their wider community.

Cyberbullying by its nature is intentional, targeted, repeated, persistent. Where in the past some victims of bullying had a reprieve at weekends and school holidays, this is no longer the case when bullying moves online.

It is likely that each individual example of cyberbullying Kate endured if reported in isolation would not meet the investigation threshold of any platform or site. However, together the picture is very clear; the impact is very clear; the devastation is unfortunately, very clear.

It is in cases like Kate's, a case of egregious cyberbullying that the ISPCC impresses upon the Committee the need for some mechanism to be available to children like Kate. A reporting mechanism children like Kate could avail of would so some way to rectify her situation and limit the harm being caused, and any future harm.

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<sup>2</sup> In the interest of privacy some of the specifics of this story have been changed.

If I were one of those children engaged in the cyberbullying of Kate and had my horrible messages removed, it is difficult to see how I could make the case that my right to freedom of expression was being infringed upon if my actions were clearly causing harm to another.

The ISPCC was impressed to hear the BAI at last week's Committee meeting, the future regulators for this space stating that the protection of minors is central to its plans and efforts going forward, while recognising that in a small number of situations there may not be the potential to resolve a situation in an effective and efficient manner within the provisions of the proposed bill.

It was further heartening to hear the testimonies of the BAI and the DPC calling on the Committee to reconsider including a notice and takedown function within the remit of the Online Safety Commissioner, seeing merit in such an individual complaints' function.

As a society there is a need to shift the narrative in terms of how we speak about bullying behaviour: it is not banter; it is not a rite of passage; it is not 'just having the craic' where someone is deliberately and persistently being targeted over and over. We need to recognise it for what it is: behaviour that can cause long-lasting harm.

Our one ask of the Committee is to reconsider the concept of the notice and takedown provision as set out in a draft bill purposed by the Law Reform Commission in 2016. In the most egregious cases of cyberbullying children must have access to an individual complaints' mechanism.

While we appreciate there is now an urgency in getting this legislation passed due to the need to transpose the AVMSD, we ask the Committee to not fall at the final hurdle and to remain committed to the protection of children online at this critical juncture.

We look forward to any questions you might have.

**[ENDS]**