**Committee on the Rights of the Child**

**General Comment on children’s rights in relation to the digital environment**

**Response from the Young Scot 5Rights Youth Leadership Group**

The Young Scot 5Rights Leadership Group are delighted to submit this response to the Committee on the Rights of the Child in relation to the General Comment on children’s rights in relation to the digital environment.

**About Young Scot**

Young Scot is the national youth information and citizenship charity for Scotland. We work with young people aged 11-26, and provide them with information, ideas and access to opportunities. Through our co-design services, we give young people the power to create real change to policy, practice and services, by involving them systematically in decision making processes in collaboration with organisations.

**Background: Young Scot and 5Rights**

Since April 2015, Young Scot has been the lead strategic partner for 5Rights in Scotland and has been raising awareness of young people’s rights in the digital world in Scotland. At the core of our work around 5Rights, is supporting young people to lead on this process, and empowering them to be champions of their own rights. This has been done through the Young Scot 5Rights Youth Commission and, latterly, the Young Scot 5Rights Youth Leadership Group, both of which have been delivered in partnership with the Scottish Government and the 5Rights Foundation.

The 5Rights Youth Commission was commissioned in February 2016 to co-design the recommendations for how young people’s rights can be realised in the digital world – a 15-month investigation that culminated in twenty recommendations in their report, ‘Our Digital Rights’ in May 2017.

Launched in February 2018 by the Cabinet Secretary for Culture, Tourism and External Affairs, Fiona Hyslop MSP, the 5Rights Youth Leadership Group spent a total of 15 months investigating what practical actions will need to take place to implement some of the recommendations from the 5Rights Youth Commission’s ‘Our Digital Rights’ report. The recommendations they considered were divided into five themes: Young Digital Champions, Cyber Resilience, Digital Rights Respecting Businesses, Innovative Tech, and Year of Young People.

The success of both of these projects have shown that young people are experts of their own experiences, and that their voices and lived experiences are vital and powerful in creating a digital world that empowers and respects young people.

**How can children’s views and experiences be expressed and taken into account when formulating policies and practices which affect their access to, and use of, digital technologies?**

The Young Scot 5Rights Youth Commission and the current 5Rights Youth Leadership programme centres around Young Scot’s innovative co-design methodology. By its nature, this type of engagement provides an opportunity for young people to take the lead in the design of policy and practices which tackle issues affecting them.

Young Scot has extensive experience in engaging with Scotland’s young people to seek their views and input in the development of the services they use. Young people have a significant role to play in encouraging organisations and communities to adopt a more collaborative culture, focusing resources to effectively meet the needs of individuals and communities.

This approach involves young people systematically creating, designing and delivering solutions in collaboration with organisations. Young people are involved from the beginning of the decision making process through a highly participative approach developing informed insights, ideas, recommendations and solutions for policy and practice. The engagement of young people across Scotland in 5Rights is an example of how this can be done effectively, allowing young people to express their experiences and views in a way that also empowered them as systems changers and influencers.

Supporting people to co-design ideas has been shown to have a radical impact on service innovation. We know using a co-design approach enables a more distributed, decentralised approach to innovation that has supported Scotland’s ambitions to cede power and responsibility directly to young people.

The 5Rights Youth Leaders would like to stress the importance of genuine co-production with young people, both in relation to children’s rights in the digital environment and in the design and development of digital services. They would like to encourage this approach by policymakers and industry alike.

**How can discrimination (originating offline or online) be effectively addressed, to ensure all children have their rights realised in a digital world?**

We would like to emphasise the significance of the issue of discrimination online and the wider issue of cybercrime. In the 2017 report ‘Our ~~Digital~~ Rights’, the 5Rights Youth Commission discovered that according to 52.1% of young people, the biggest threat in the digital world for young people is anonymity, bullying and targeting – this encompasses bullying online, trolling, grooming, and other targeted exploitations caused by anonymous contacts. 47.1% of young people said they have come across anything that has upset them online. 76.9% of young people who have come across something that has upset them online, have not sought support. Of those who did seek support, 55.9% went to their parents or carers (another 16.9% went to their wider family), followed by 20.3% who went to their school or teacher. The importance of parents, carers, youth workers, educators and other influencers in effectively addressing discrimination online is evident. 60.8% of respondents felt that the advice they have received from their parents/carers/school about online safety is between somewhat relevant and very relevant.

We would like to highlight the importance of information and education in effectively addressing discrimination online (and offline). This links directly to Article 13 of the UNCRC: young people have the right to find out and share information.

The 5Rights Youth Commission’s recommendation 1.1 also states: We call for a dedicated Young Digital Champions programme to peer educate on digital literacy and citizenship. Youth leaders can be particularly helpful around digital literacy and digital citizenship. Young people tend to feel more comfortable around others of the same age, which can allow a more open exchange of experiences that young people can relate to and build upon. This support can be incredibly effective, allowing young people to tackle uncomfortable or challenging topics in a free and friendly manner. A focus across education on cyber resilience, not just on issues around child protection is also key.

In our recent survey with almost 1000 young people in Scotland, young people gave an average score of 4.5 out of 10 to describe their awareness of cyber resilience. As we dug deeper and asked young people what being cyber resilient looks like for a young person, 40% of the 959 young people we asked responded with ‘don’t know’. Of those who did know, 14% said that it was having emotional strength and resilience online – for example being strong, resisting peer pressure, being able to bounce back after negativity. This is followed by 9% who said it was specifically to do with resilience against bullying behaviours. Only 3% of young people said it was specifically about cyber security. We believe there needs to be a clear focus across education on the rights of children and young people around discrimination online, not just in terms of prevention but also in how to be resilient and know how to respond appropriately when discriminated against online.

Through the work of the 5Rights Youth Commission and 5Rights Youth Leadership Group, it has been apparent that cybercrime can be seen as easier to commit and get away with. The 2017 ‘Our ~~Digital~~ Rights’ report states that “Cybercrimes can come in all shapes, forms and natures…some such as harassment, grooming and stalking affect us directly and personally, potentially even causing physical harm. Others are more impersonal, perhaps we don't even notice that we have fallen victims to: hacking, phishing and fraud, to name but a few.

The victim can be made even more vulnerable by the anonymous nature of some of these crimes, making a person’s overall experience online rather intimidating. Those who feel threatened and wish to report might feel they are not able to if they aren’t even sure who it is that has committed an offence against them. In the same vein, the ability to hide behind the veil of anonymity can also act as an incentive for those who intend to commit crime, as they might feel their identity cannot be unveiled.

Our inability to recognise when something should be reported, or who to, can inhibit our access to safety and support – meaning our right to safety and right to be protected from harm cannot realised (UNCRC Article 19).”

In response to this, we would like to see clearer definitions of cybercrime and reportable offences online. Police Scotland emphasises this with the statement ‘if it’s illegal offline it is illegal online’[[1]](#footnote-2), with examples including the posting of contents that promote crime or violence, threats, blackmail or extortion – but it is never too prudent to provide some more specific and clearer definitions and examples, especially when it comes to informing young people, and empowering them to report and seek help.

We believe that through information and education, young people should be made more aware of the types of things they see online that they should or can report, and the investigative process and consequences that will follow. Not only will the education around this increase our confidence in seeking support, it can also act as a deterrent against committing these offences ourselves.

**How should the General Comment treat the role of parents and other caregivers?**

Parents and carers provide the primary care for young people and play a key role in supporting and encouraging their child to stay safe – helping them when necessary and directing them to more appropriate help when required.

We also want to emphasise the vital role parents and carers can play in inspiring and empowering young people to access the digital world creatively, knowledgably and fearlessly. This also applies to their responsibility as role models, not only around behaviours based on what they are currently doing themselves, but also a forward-looking attitude in adapting and developing in the constantly changing digital world. The General Comment should draw attention to the role they play in encouraging young people to interact with new technology, whether within or out with the home environment. The General Comment should also recognise the support needed for parents/carers for them to deliver this vital role. Understandably, they might not be familiar with the new technology themselves and parents and carers should be afforded the right to learn also.

Beyond safeguarding and support, it is paramount that parents and carers understand and respect the rights of their child in their own behaviours. In recent 5Rights engagement activity with Primary 6 and 7 school pupils in Aberdeenshire, almost all participants shared they had experiences of ‘sharenting’ and have felt annoyed or embarrassed by what has been shared about them without their permission. When asked if they find it easy to remove content that someone else has created about them, of the 959 young people who completed our survey, 46.0% completely disagree. It is important that parents and carers are able to support their child to get to know and exercise their rights – be it offline or online – and parents must ensure they are respecting the rights of their children through their own online behaviours.

**How should the practices of businesses operating in the digital environment support the realisation of children's rights?**

The 5Rights Youth Leadership Group believe more should be done to make businesses more aware and respectful of young people and their digital rights. There is also an issue of trust in terms of businesses’ handling young people’s data: 42% of young people who responded to our recent survey said they are either strongly or somewhat uncomfortable about how businesses might store or use their personal data.

We understand that profits are important to businesses, but we feel that often this is at the expense of our rights and wellbeing. Products and services are designed, using persuasive design techniques, to increase and maintain the consumption from users – but young people are particularly vulnerable to these techniques, and the impact that they can have on them can be detrimental to their health and wellbeing. It should be mandatory for businesses and their practices to be rights respecting and where possible, in the development of new businesses, practices and approaches, they should be rights based by design.

Discussion around a rights-based approach to supporting young people in the digital world may be a relatively new development, but we feel that the time is right for our rapidly evolving digital world to change and those who use young people’s data, information, attention and time as tools for commercial gain, to be required to put rights and ethics before profits.

This is why the 5Rights Youth Leadership Group have been developing a Digital Rights Respecting Businesses Award model. We want businesses to refocus their efforts and resources on creating products and services that are built around young people’s rights and needs. Most of all, we want businesses to work with young people to develop and foster a new respectful culture, which will benefit everyone in the digital world.

Regardless of the type of product or services they might be providing, the 5Rights Youth Leaders group encourage all companies to take on a rights-based approach to their design – setting the standard for their industry and leading by example – and believe the General Comment should set out the expectations on these companies to behave ethically and appropriately when engaging with young people.

By businesses being transparent about their practices, and explaining them in simpler terms, customers can be more confident about what they are signing up to. Companies should also be keen to seek customers’ feedback and respond promptly to data deletion requests. Young people have the right to remove and withdraw. We understand that this is not always possible, but if companies can be more transparent and give meaningful reasons for such decisions, this can help to create a healthy, trusting relationship between the companies and their customers.

**How can States better realise their obligations to children's rights in relation to the digital environment?**

The 5Right Youth Leaders see the responsibilities of government lying in policymaking, and the public awareness of young people’s rights. The relationship between 5Rights and the Scottish Government shows the positive impact when the Government works with young people to co-design an approach to seeing the rights of children and young people realised. States should champion a rights-based approach but also ensure they are adhering to it across their policies, practices, procurement and public services – including education, learning and the school curriculum. Regulations and policies around cyber should also centre on quality and accessible support for those who seek it.

It is vital that States use their influence on the private and third sectors, to inspire the same rights-based approach in all behaviours, products and services that have young people as their intended or unintended users or stakeholders. Increasing public awareness around the UNCRC and general rights of children and young people is also something that is needed to make sure that young people’s rights are respected regardless of the context.

In informing policies, governments have the responsibility to hear directly from young people – rather than merely via those who work with young people, such as teachers or youth workers. It is important that policy changes reflect young people’s actual experiences and needs, rather than the assumptions of the adults around them.

Young people’s rights should be central to the consideration and deliberation around issues such as data protection and surveillance. States should also use their cross-sector and global influence, to promote ‘young people’s rights by design’.

**Is the realisation of children’s rights in the digital environment necessary to realise children’s rights in other environments?**

In short, yes. Further to this, the rights children and young people have offline are necessary to realise their rights in the digital environment. If young people have these rights, then they exist wherever they go. For society to move forward in realising the rights of young people, it is no longer appropriate to view online and offline as two exclusive and separate entities. The 5Rights Youth Commission learnt that digital literacy is very much part of their general literacy, for young people to understand the world around them. Building cyber resilience, is very much part of building resilience against all risks. Young people’s ‘digital life’ is just their life – and their digital rights are not digital at all, they are simply their existing rights as young people.

To apply the UNCRC in the context of the digital environment, the 5Rights Youth Leadership group suggest the considerations of the 5Rights Framework and all of its principles. The Youth Leaders have also highlighted the following articles from the UNCRC, and how they might apply specifically in the digital world:

* Article 3 (best interests of children). All decisions made in the design of products and services, should be made in the best interest of children and young people. This links to the Age Appropriate Design code.
* Article 5 (parental guidance and a child’s evolving capacities). More options should be given to older young people (for example, aged 16-17) to control and make decisions about their own data, so as to recognise and respect a young person’s evolving capacities
* Article 12 (respect for the views of the child). Young people should be meaningfully involved in setting standards and policies in the digital world and be given the platform to influence such policies. This goes beyond young people’s freedom to express - their opinions must be respected and actively consulted by those who design digital services, and by those who regulate them.
* Article 13 (right to find out and share information). This links to digital literacy and empowerment which underpins all of the 5Rights. Young people have the right to access relevant and reliable information to help them make informed choices about their lives.
* Article 16 (right to privacy)/Article 8 (protection and preservation of identity). Respecting the privacy of a young person and protecting their identity must be the core principle of any tool developed in the digital environment. There should be specific guidelines regarding the use of trackers or cookies with young users. Young people should also be given choices on how much data they want to share - no data needs to be given in order for young people to access services
* Article 17 (access to information from the media). Sensitive materials should be hidden automatically for younger children. Older young people should be given a choice to opt in or out of what they can see, and warnings about sensitive materials should always be given. Terms and conditions and privacy policy documents should be written and presented in such ways that the user can easily access and understand. Young people should also be given the confidence that the information they consume from a service is reliable and valid. Digital providers should be held accountable if they are found to be allowing misinformation to spread on their platform.
* Article 27 (adequate standard of living). Providing excellent standards that meet the physical and mental needs of young people should be the overall concern in the design of digital services. While the current state and provisions of many digital services can come under scrutiny in how lacking they might be in terms of supporting young people’s rights, we should also embrace the positive role of technology in meeting certain needs of young people, and aim to maximise access to such opportunities
* Article 31 (leisure, play and culture). The importance of play for young people should be considered in the digital context. Online activities for young people don’t always need to be educational - learning outcomes don’t always come solely from educational sources. The internet provides opportunities for young people to develop wide ranging skills including social skills, and this should be encouraged
* Article 42 (knowledge of rights). There should be standards for how a provider of digital tools and provisions inform and educate their consumers about their rights, in a comprehensive way that is relevant to the user’s abilities and maturity. This has to be a continual process under the responsibility of the ISS provider, so that young people are aware of how and if their rights are supported
1. http://www.scotland.police.uk/keep-safe/keep-secure-online/ [↑](#footnote-ref-2)