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THE DIANA AWARD   
ANTI-BULLYING PROGRAMME\_**

**This is a response to the General Comment on children’s rights in relation to the digital environment.**

**The Diana Award**

The Diana Award is the charity legacy to Princess Diana's belief that young people have the power to change the world for the better. Our vision is to foster, develop and inspire positive change in the lives of young people. We do this in three key ways:

* Driving change - Facilitating change through practical action with young people.
* Recognising change - Rewarding positive change made by young people.
* Mobilising change - Celebrating and supporting ongoing change in young people.

**The Anti-Bullying Ambassador Programme**

The Diana Award’s Anti-Bullying Ambassador Programme uses a peer-to-peer model; training young people (8-18 years old) to support peers in their schools, communities, and online.

This peer-led approach enables young people to take the lead in educating their peers about the dangers of bullying both online and offline, providing support and running campaigns in their schools and wider community.

As an organisation, we partner with tech companies such as Facebook and Twitter to ensure the safety of young people is at the forefront of technological advancements. The Diana Award’s senior leadership sit on a number of advisory boards for digital platforms and regularly feed into safety design thinking and policy discussions.

The Anti-Bullying Ambassador Programme’s approach is very much youth-centred. We involve young people at every step of the way; whether that is hiring new staff, developing training programmes or shaping our strategic direction. Each year we elect a Youth Board to work closely with us and our tech partners.

In response to the concept note, we ran a focus group with our eight Youth Board members, all of whom are aged between 13 to 18 years old, to gather their views and experiences of using digital technologies.

Our discussions were based around the current rights granted to children and young people in the UNCRC and the proposed developments for a digital environment as they are stated in the concept note.

**How should the rights of children and young people be interpreted in a digital age?**

We asked our Youth Board to tell us about the rights they felt were important to have as children and young people operating in a digital environment. The following are a list of rights they want realised in a digital world:

**1 Privacy**

**1.1 The right to remove content of yourself online**

“If you post something on your account then you’re able to delete it because it’s your account. But if someone was to take a photo of you or even if it’s a photo you’ve taken and someone else has posted it without your consent then you should be allowed to take it down”

The Youth Board believe in the right for individuals to remove content of themselves if they haven’t given full consent for it to be posted online. They believe consent should be obtained regardless of who has posted, particularly if it uses identifiable content such as photos.

The Youth Board pointed out that without consent, some young people can be targeted by bullies who use online platforms to purposefully post negative photos and messages about individuals within their peer groups, schools or communities.

Bullying is a very real problem online, particularly for young people. The Diana Award has found that from a sample of over 1,400 young people, around 33% had experienced bullying via social media (Snapchat, Instagram, Facebook), while a further 12% had experienced it via online gaming.

Technology-based bullying, or 'cyberbullying' as it is commonly referred to, is different to other forms of bullying as it can happen at all times of the day, with a potentially bigger audience, who can forward on content at a click (Department for Education, 2017). The safety of the screen gives perpetrators the perceived anonymity to send personal or widespread attacks on others online. It was with this in mind that one member suggested, “You are more vulnerable online than you are in real life”.

**1.2 The right to permanently delete things online**

“If you’re under 18, or you were at the time of posting, you can be quite vulnerable and often don’t really know what you’re talking about. But when you get older the comments can be used against you or be brought back up and people can be targeted for it”

The Youth Board expressed concern about the permanency of online posts and its potential to impact individuals later on in life. In the offline world, if a child commits a crime or misdemeanour, their punishments are subject to their age and the individual is reprimanded accordingly. However, the Youth Board feel as though this rule doesn’t necessarily apply when it comes to online behaviours. One member of the Youth Board added, “You can delete things instantly but they do stay on the internet and they’ll always be there so the right to permanently delete something if you were a minor when you did it is important”. This is an acknowledgment that the “self” evolves, so the concept of the “digital self” needs also to allow for this kind of evolution over time.

**1.3 The right to share as much or as little as you feel comfortable with online**

“For example, on Facebook they ask you what school you go to and where you live and if you don’t fill it in then you’re constantly pressured to fill it in”

The Youth Board talked about the pressure they have felt from online platforms such as Facebook to share personal data (names, location) in order to use them, or complete their profiles.

While acknowledging that this information was not necessarily a requirement, the constant reminders to fill in sections of their profiles with personal details has compelled them to do so. One person added, “To make an account you are forced to, every time you go to the site it tells you fill in this, fill in this, then fill in this”.

This falls in line with the GDPR idea that consent be specific and ‘granular’ so that you get separate consent for separate things. Vague or blanket consent is not enough. Signing up to using a platform should be thought of as separate from consenting to that platform acquiring your personal details. In the offline world, it is less common for a child to be expected to disclose personal information without their or their parent’s prior consent. This begs the question as to why the same rule does not apply in the online world.

**2 Protection from harm**

**2.1 The right to protection**

“Young people should have the right to legal protection if there is something that is quite distressing in terms of what you can see, or even something that is quite distressing in terms of defamatory about yourself. You should have the right to protection in the physical world”

The Youth Board were keen to make the connection between online safety and offline protection. The online world poses a number of threats to young people’s safety that aren’t necessarily followed up with the same severity as they would in the offline world, despite the fact that online harms could have offline consequences.

While ensuring the rights of children and young people online, including their freedom to do certain things, we also need to consider the parameters in which these rights are afforded. What provisions will be established to ensure the protection of children and young people online as well as offline? As one member pointed out, “You shouldn’t be exposed to bad content that you wouldn’t want to see. You’re just exposed to whatever they give you. It shouldn’t be that kids have to accept the fact that there’s dodgy things online”

In calling for parity between the treatments of online and offline harms, the Youth Board’s arguments echo recent UK Government policy statements that “if it’s unacceptable offline, then it’s unacceptable online.”[[1]](#footnote-1)

**2.2 The right to turn off ads**

“A lot of ads don’t really relate to you at all, it won’t be relevant to your life and you’re expected to not pay attention to it”

The Youth Board spoke quite strongly about the role advertising plays in the online world, and that children can be subject to an overwhelming number of ads that don’t relate to their lives nor are they accessible to children and young people in the offline world. As one Youth Board member pointed out, “I mean should they be monetising from children on social media?”

The purpose of online advertising is to help businesses target global customers, their audience made up of largely adults who have the financial power to invest in their products. The Youth Board recognise that, for many children and young people, these advertisements have no bearing over their lives and often do not relate to their interests.

**2.3 The right to use websites without terms and conditions**

“It’s hard for kids to go and read all the terms and conditions but they click and accept as I’m sure most people do and they don’t know what they are agreeing to and I don’t think they realise the enormity of what they are agreeing to”

Cookies, terms and conditions, and privacy notices are a common feature on websites today. They pop up on most web pages and will often block access to that page if the individual has not accepted their terms of use.

For young people keen to explore the online world, these are part and parcel of using the internet. Feedback from the Youth Board suggests that they will often click “OK” or “Accept” in order to use the website or app without first checking what it is they are agreeing to.

One member of the Youth Board felt particularly strongly about this point, adding that, as a child, “You should be able to use a website without them stealing your data”. There is an assumption here that by clicking “Accept”, young people are handing over their data without knowing how it is being used.

The Youth Board’s concern about whether, to what extent and in what ways it is ethically correct for websites to be using the data of children and young people, particularly when that data may go on to be (mis)used in ways that expose young people to harm, finds echoes in a number of recent policy discussions and legal frameworks, not least the GDPR provisions specifically relating to minors.

**3 Connecting with family**

**3.1 The right to use digital technology to connect with family**

“One of the rights in the UNCRC is the right to see your parents that live in another country but a country like North Korea that limits their internet usage to just their country then you should have the right to talk to anyone anywhere in the world”

The Youth Board believe that in a digital age, children and young people have the right to connect with their family members via online platforms if they cannot be physically present in their lives.

Referring to Article 20 of the UNCRR, they argued that just as children and young people have the right to special protection and assistance if they cannot be looked after by their immediate family, the digital environment should also be a means through which familial connections are made.

**What should be taken as a priority when developing rights for children and young people in a digital environment?**

The Youth Board agreed on the following as immediate measures to be taken by State parties in order to realise the rights of children and young people in relation to the digital environment:

**Stricter rules regarding age and consent online**

“You can’t give someone rights if you can’t tell if they’re a child or not”

The Youth Board freely admitted to using websites and social media apps below the minimum age of 13 years old. This was common within their friendship circles, with some accessing Facebook from as young as 8 years old.

This posed a serious problem for the Youth Board. They debated how tech companies such as Facebook or Instagram could protect the rights of children and young people online when they can’t guarantee the exact age of the person using their platform.

They suggested that if we accept that children under the age of 13 will use social media platforms, then stricter systems should be put in place to ensure that those young people are in fact being protected appropriately. States and tech companies need to ensure there is a complete separation between adults’ and children’s rights online in much the same way as they are in the offline world.

**Independent regulator**

“Giving the companies and Governments power to take down anything they don’t agree with as bad or fake news, I mean everyone’s going to have an agenda and they shouldn’t really have the power to take things off social media because what if they have a subtle agenda”

The Youth Board put forward the suggestion for an independent regulator to oversee the implementation of the rights for children and young people. To ensure complete transparency, the Youth Board felt as though this would need to be an organisation outside of State or tech company control as these could potentially put their own agenda before the rights of children and young people.

**Deterrents**

“If you said something that was not ok to say then you’d be punished and you could end up in youth prison. If you’re constantly using the internet inappropriately then it should be looked into”

The Youth Board wish to see a set of measures that act as deterrents for negative behaviours online. One Youth Board member suggested, “Reducing the right to access content or post it online”

Reducing the right to access content for those who abuse the rights of others online would give individuals space to reflect on their behaviour. It was suggested that this could be done through social media apps or websites where there has been consistent recording of negative words used or reports against a particular individual.

Another Youth Board member suggested tech companies and individuals face financial repercussions, “Like if there was a fine people had to pay, like driving if you go too fast you have to make a law so people are more careful when they’re driving. There should be the exact same thing for online”.

The Youth Board also suggested that in addition to imposing penalties for abuses, a financial incentive should be given to tech companies to improve their cybersecurity. While they agreed this measure would be hard to implement, they felt quite strongly about monetising punishments and incentives in the online world.

**Working together**

There was a general consensus amongst the Youth Board of needing to have greater cooperation between tech companies, Governments and civil society, including charities and other public sector organisations.

**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?**

When asked their thoughts on how best to engage children and young people in the development of digital rights, the Youth Board suggested three preferred methods of communication:

* Focus groups: in-depth understanding, using market-research techniques, paying people for their contribution, using evidence from across countries to build a perspective.
* National polls: mass opinion with the majority of young people per country, with yes and no type answers.
* Questionnaires: online surveys, differentiated by age group and advertised through social media apps.

**Conclusions and Recommendations**

“I think we need to completely rethink how we use the internet. We’ve got all these rights (referring to the UNCRC) in real life that protect us based on our age but yet on the internet we’re often treated the same as an adult which seems odd”

As we have shown through our own internal practices, it’s imperative to incorporate the voices of children and young people into the work that we do. This should be no different on a global scale.

Businesses operating in the digital environment should support the realisation of children’s rights by adhering to a youth-centred approach; incorporating the viewpoints of young people into every major policy-related development, putting the protection of young people at the heart of decision-making by ensuring that potentially harmful incidences are followed up with in the offline world. This would mean working together with civil society to create 360 protection for the individual.

On the back of the Youth Board’s suggestion, a much clearer division is needed between the rights of an adult and the rights of children and young people when online. While Governments will have a huge role to play in implementing new laws surrounding these points, businesses operating in the digital environment should start thinking of ways to build age restrictions into new products. While this shouldn’t necessarily restrict the freedoms of children and young people online, it should be made clearer that children and young people will be afforded special care that is different from that of an adult.

With special thanks to The Diana Award Youth Board for their valuable insights on this project.

For more information regarding the work of The Diana Award, please contact our Research and Evaluation Coordinator, Amy Lacey; [amy.lacey@diana-award.org.uk](mailto:amy.lacey@diana-award.org.uk).

Please refer to our Research and Evaluation Hub for more information on the wider impact of our Programme; <https://www.antibullyingpro.com/researchandevaluation>

1. https://www.gov.uk/government/news/government-outlines-next-steps-to-make-the-uk-the-safest-place-to-be-online [↑](#footnote-ref-1)