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2012-01-01

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Brian O'Neill
Dublin Institute of Technology, brian.oneill@dit.ie

Elisabeth Staksrud
University of Oslo, elisabeth.staksrud@media.uio.no

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Recommended Citation
O'Neill, B., & Staksrud, E. (2012). Policy implications and recommendations: now what? In S. Livingstone, L. Haddon & A. Görzig (Eds.), Children, risk and safety online: Research and policy challenges in comparative perspective (pp. 339-354). Bristol: Policy Press.

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Chapter 26 - Policy implications and recommendations: Now what?

Brian O'Neill and Elisabeth Staksrud

To appear in Livingstone, S., Haddon, L., and Goerzig, A. (Eds.) (in preparation) *Children, risk and safety online: Research and policy challenges in comparative perspective*. Bristol: The Policy Press.

Introduction

The *EU Kids Online* survey represents the most substantial knowledge base to date about young people's online experiences in Europe. Chapters in this volume highlight findings that provide new kinds of evidence of significant interest for policy makers. They address questions which range from how to respond to the fact that the internet is now firmly in children's lives; how to develop appropriate strategies for internet safety while responding to shifting patterns of access and use; how to manage those enduring risks to children's welfare that appear to be amplified in the online world, and deal with risks that are genuinely new; how to best mobilise mediation that can be effective; and how, in the context of wide diversity across Europe, to promote equality and inclusiveness?

In this chapter, we discuss the principal contours of the policy response to these questions thus far, asking whether current policy is working and what, if any, are the gaps in policy formulations on internet safety? Online safety has been debated in policy circles ever since the World Wide Web was opened for commercial and public participation, often without reliable research on its appropriateness or effectiveness. Responding to demands for greater regulation and control, policy makers have since the mid 1990s sought to support the opportunities of the Information Society, whilst minimizing its apparent downsides and increased risks for children and families brought about by a largely unregulated internet. Responses have included legislative, regulatory, law enforcement, awareness and educational measures involving a diverse number of stakeholders. The European Union has been to the fore in this regard, but so also has the Council of Europe, the International Telecommunication Union (ITU), UNICEF, UNESCO, and the Internet Governance Forum, to name but a few of the international actors within the increasingly busy space for policy debate on internet safety.

We are primarily concerned here with policy actions at the European level, where since 1999 the European Commission's Safer Internet Programme (SIP) has been the focal point of international cooperative measures to combat illegal and harmful internet content. This to date has favoured self-regulatory initiatives and parental responsibilities often with the support of NGOs. Reflecting the importance of research and evidence-based policy as illustrated through much of the analysis in this volume, we ask whether tensions in this approach have emerged that require an alternative formulation based on more exacting international regulatory requirements.

The Policy Context

Governments across the world in the mid to late 1990s, grappled with issues of internet regulation, at once keen to adopt policies that would support and harness the economic potential of information technologies whilst alert to, and in some instances singularly alarmed by the negative consequences of unregulated access to the internet. Following its growing commercialisation and the rapid uptake by the public of user-friendly web services, growing fears about the rise of pornography, risks of predation and the negative image of the internet as a 'lawless' place were seen as serious threats to developing its true potential. The most forthright attempt at extending traditional regulation into the online world was in the form of the US Communications Decency Act (1996) which foundered when its anti-decency provisions were successfully challenged in the Supreme Court (Reno v. ACLU, see for instance Nesson & Marglin, 1996).

Responding to similar calls for regulation in Europe, the European Commission issued a Green Paper on the protection of minors and human dignity for new audiovisual and information services (European Commission, 1996a) alongside a communication on the legal provisions outlawing content including child pornography (European Commission, 1996b). These twin documents set out some of the main themes that would be pursued in Europe's regulatory approach as it moved from a model based on traditional electronic media systems and top down regulation to a more diverse and individualised market for online services.

Two key principles can be identified to form the European approach to ICT in general and online safety in particular: 1) *The Precautionary Principle* emphasising a 'better safe than sorry' approach to new technological innovations (European Commission, 2000; Schomberg, 2006),and; 2) the principles laid out in the 1994 Bangemann report on the emerging information society, strongly supporting EC coordinated regulatory approaches and self-regulatory initiatives (Bangemann, 1994). While a clear definition of self-regulation is not generally available in policy documents, an inter-institutional agreement on better lawmaking provided the first definition of self-and co-regulation, in agreement with both the European Council, the European Parliament and the European Commission:

> Self-regulation is defined as the possibility for economic operators, the social partners, non-governmental organizations or associations to adopt amongst themselves and for themselves common guidelines at European level (particularly codes of practice or sectoral agreements).
> (…) Co-regulation means the mechanism whereby a Community legislative act entrusts the attainment of the objectives defined by the legislative authority to parties which are recognised in the field (such as economic operators, the social partners, non-governmental organisations, or associations). (European Parliament, Council, & Commission, 2003 point 18 & 22)

Today, within the European context, two underlying principles underpin child protection on the internet: 1) The industry knows their own technology best, and 2) parents know their own children best (Staksrud & Livingstone, 2011).

In practice, although relevant to many policy fields, internet safety policy initiatives within the EU have since 1999 found a coordinated approach under DG Information

Society's Safer Internet Programme. Initially the effort was formulated as an action plan focused on creating a safer environment through self-regulatory initiatives such as filtering and content classification, and support of hotlines for reporting illegal content (European Commission, 1999). The action plan intended to make 'a link between users, market and technology developments, and EU policy' (European Commission, 2001, p. 1; see also Sommer, 2001). Since then, the plan has developed into a full scale programme supporting European organisations such as INHOPE, the network of hotlines, and Insafe, the European network of national awareness centres. Awareness Centres typically work with a broad range of partners such as schools, libraries, youth groups and industry to promote internet safety and are intended to act as the primary platform for internet safety awareness at the national level. In addition, the EC supports projects of knowledge enhancement (of which the EU Kids Online project is one) (European Commission, 2010b, 2011), aiming to inform practical safety work, as well as broader policy implications. The current Safer Internet Programme (SIP) (2009-13) has also broadened its scope, encompassing newer web 2.0 internet services, such as social networking, and illegal content and harmful conduct such as grooming and bullying. Its objectives remain to increase public awareness, to increase support for reporting mechanisms, to establish and support information contact points, while continuing to foster self-regulatory initiatives in the field (European Commission, 2010b).[i]

In addition, at a fundamental level, *The Digital Agenda for Europe* provides the roadmap for policy to maximise the social and economic potential of ICT and specifically the internet in order to create a flourishing digital economy by 2020 (European Commission, 2010a). The Digital Agenda includes measures to promote the building of digital confidence, digital literacy skills and inclusion, and to promote cultural diversity and creative content. Digital competence, including an understanding of how to be safe online, is also recognised in other aspects of European policy. It is one of eight key competences of a European framework for lifelong learning (European Parliament and the Council of the European Union, 2006) and underpins the policy supporting media literacy for all (European Commission, 2007).

The internet safety landscape in Europe

The 25 European countries included in the EU Kids Online research comprise widely differing contexts varying in geography and politics, from each part of the European continent, primarily members of the European Union and also including Norway and Turkey. All countries, with the exception of Turkey, are members of Insafe. Countries vary in size, and include both large and small population sizes. They also differ in terms of internet usage with countries both above and below the European average, and, in terms of online risk factors, represent countries of high, medium and low risk (Livingstone & Haddon, 2009).

Another dimension in which countries vary is in terms of their support for internet safety. Countries differ in the degree of government interest in internet safety, the existence of statutory or other regulatory bodies with responsibility for its promotion, or in terms of the support offered by schools, NGOs and other groups concerned with child protection and children's welfare. Legislative provision varies substantially across Europe and adds to the complexity of dealing on a pan-European level on issues such as data protection and privacy, copyright, protection of minors and so on.

Stakeholders in Romania and Turkey report that there is no real national policy on internet safety, whereas in countries such as the UK and Ireland, internet safety has been the subject of sustained public interest and engagement for many years (Jorge, Cardoso, Ponte, & Haddon, 2010).

The education map across Europe is similarly varied. According to the Education, Audiovisual and Culture Executive Agency (EACEA), internet safety education is present in the school curriculum in 24 countries/regions (Eurydice, 2009). However, the means of its implementation diverges considerably. In eleven of 30 countries surveyed, internet safety was not part of the school curriculum. In some countries, schools had local autonomy over whether to include it as part of their overall provision. Internet literacy is also a very recent development for most systems and, in 80% of countries, internet safety was first introduced as recently as 2007. Teachers responsible for teaching internet safety do not always have specific training. There is also substantial variation both as to the content and the curriculum framework within which it is implemented.

As previously noted, with rapid change in internet and mobile technologies, industry groups have often deemed to be the best informed about the latest technologies and trends of use, if not always their safety implications. As such, industry-led codes and agreements are relied upon to deal with issues of risk, safety, and child protection that arise in new technological developments. The *European Framework for Safer Mobile use by Young Teenagers and Children* is, for example, the self-regulatory agreement signed by most mobile operators in 2007 setting down principles and measures that members commit to implementing at a national level (GSMA, 2007). The Commission monitors its implementation, noting compliance and evaluating its effectiveness through a series of commissioned reports (GSMA, 2010). Similarly, the *Safer Social Networking Principles for the EU* constitute a voluntary agreement incorporating guidelines for the use of social networking sites by children signed by most of Europe's major social network providers (European Commission, 2009). However, in terms of implementation, major gaps have been found in default privacy settings, searchability, and reporting procedures (Staksrud & Lobe, 2010), as well as age-verification mechanisms (Livingstone, Ólafsson, & Staksrud, 2011b).

Risks and safety on the internet

While there is consensus on the broad policy objectives, both the lack of evidence to date on the scale of the issues involved as well as the fast pace of technological change have hampered more concrete policy development. Policy attention has over the past decade shifted from content-related risks (e.g., exposure to pornographic and violent content) to contact and conduct-related risks (e.g., grooming and cyberbullying). Arguably, this shift in focus is reflective of children's changing role in this context (i.e., the context of the online environment). Children are no longer mere consumers of content but are also creators of content. Approaches to teaching children to become safe and responsible users of online technologies therefore must take account of children's roles as *consumer, participant* and *creator*.

EU Kids Online addresses the knowledge gap and provides ample evidence to show which children and young people in Europe have fully embraced online opportunities as part of their daily lives. 93% of 9-16 year old users go online at least weekly; 60% go online everyday or almost everyday, and illustrate just how thoroughly the internet

is now embedded in children's lives (Livingstone, Haddon, Görzig, & Ólafsson, 2011a) but education, age and gender have a significant impact on quality of access (Helsper & Lenhart, this volume). Evidence of where children use the internet (Mascheroni and Murru), which opportunities they use (Pruulmann-Vengerfeldt et al) and the skills they acquire (de Haan et al) are critically important in developing more targeted policy interventions. The fact that children are going online at ever-younger ages and often lack the skills and confidence to manage their safety and privacy online (Hasebrink, this volume; Livingstone, Ólafsson and Staksrud, 2011) is also an important guide for future strategy.

EU Kids Online also produces new kinds of evidence to inform the policy agenda. Recognising that risks do not necessarily lead to harm and that dealing with risks also leads to resilience, the focus of the research has been on those factors that may contribute to actual harm. Targeting interventions at the smaller number of children more vulnerable or susceptible to harm is recommended as more effective than restricting online opportunities. The relationship between risks in the offline world and online is not often fully appreciated by policy makers. Lampert and Donoso (this volume) and Görzig (2011) show that online bullies and those being bullied online are those children who are also most vulnerable offline. Given that victims of bullying are often also perpetrators, providing more support for these children, offline and online, might simultaneously decrease the occurrence of online bullying.

EU Kids Online has also looks at issues of mediation and coping strategies in more nuanced ways. Parents, it has been shown, are often ignorant of the risks experienced by children in their digital lives. But this is not to advocate more restrictive mediation which not only further limits online opportunities but may also be ineffective in reducing harm (Garmandia et al). Supporting greater parental awareness should empower them to not just set rules but to give advice and act as sources of social support (Pasquier et al). Similarly, social support by teachers and peers has considerable potential for reduction of harm through advancement of children's online competences (Kalmus et al).

In conclusion, it needs to be asked whether current policy measures and structures are working effectively. Do hotlines, awareness raising, filtering and content labelling lead to safer online opportunities and counteract risks that young people may experience? There is evidence that many of these measures continue to be relevant, even more so than when they were first produced, are effective, and have contributed to providing solutions to many of the challenging issues of internet safety (European Commission, 2008). Yet, as shown in much of the preceding analysis, there is considerable scope for improvement, expansion of focus and adjustment in terms of how many such schemes operate. The strategy of promoting filtering technologies remains a thorny one, for instance. Despite extensive investment and promotion, use of software filtering remains extremely uneven and less relevant to the increasingly diverse ways available to children for going online. More generally, parents seem unaware of the internet sources that have received the most investment: most of their information about internet safety from family and friends (48%) and just 21% from relevant websites with safety information (Livingstone, et al., 2011a).

Thus, in relation to already established policy efforts, considering the findings of the EU Kids Online survey and policy analysis (O'Neill & McLaughlin, 2011), we recommend the following:

- Focus on a differentiated and sophisticated awareness approach. Children are not all the same. Accordingly, awareness-raising in relation to online risks towards children should be balanced and proportionate, and targeted at those most at risk of harm.
- Reinforce parental awareness on risk and safety, especially encouraging dialogue between parent and child and supporting practical mediation skills for parents.
- Parents need to be alerted to the risks involved while avoiding an alarmist or sensationalist approach.
- Awareness-raising should highlight effective coping strategies in safety messages, emphasizing social supports such as talking to parents, friends and teachers, as well as the use of online tools.
- Formally recognize and support the role of schools in ICT education, also on national level. Develop an inventory of digital safety skills that can be incorporated into national ICT education frameworks.

The second question to be raised concerns whether there are significant gaps in current European policy provision. Many of the awareness raising strategies and much of the internet safety advice developed over the past ten years have centred around the pivotal role of parents mediating their children's internet use. The fact that internet access for young people has rapidly moved onto mobile devices and in more privatised settings highlights an important gap in the safety advice available. This, alongside new and emerging location based services, poses new challenges for awareness raisers to keep up to date and target messaging accordingly. Internet safety supports for much younger children, and their parents, is also another important gap. Children are going online at ever younger ages. Across Europe, one third of 9-10 year old children use the internet daily. The average age of first internet use in some countries is seven, many start using the Internet before they start school. Younger children also lack skills and confidence in areas of internet use that are especially important for safety. Younger children are also very active on social networking sites and are more likely than older children to have their profile 'public'. Over a quarter of 9-12 year old SNS users have their profile 'set to public' (Livingstone, et al., 2011b).

Thus, in relation to identified gaps in the existing policy as discussed above, and the findings in the previous chapters of this book, we recommend the following:

- Make positive content a policy priority.
- Focus more on younger users – even pre-school age.
- Adapt safety messages to new modes of access, communication and content.
- Conduct further research and analysis on ways in which digital differences are magnified by demographic and socio-economic factors.
- Consider regulatory mechanisms that ensure that service providers provide the maximum protection possible for the accounts of minors, whether it be social networking sites, mobile phones or other services.
- Industry sources should be proactive in fostering internet safety awareness and promote safety education in a prominent and accessible manner. 'Safety by design principles' should be the standard.

Finally, the perhaps most important major gap in current approaches to online safety is any provision for fostering digital citizenship. Given that direct parental

supervision is less relevant to children's online usage, it is important to encourage children to be responsible for their own safety as much as possible Our number one recommendation is therefore: *A focus on empowerment rather than restriction* of children's usage, emphasising responsible behaviour and digital citizenship, treating children as a competent, participatory group encouraging self-governing behaviour. Children, young people and their parents, in other words, should not always be seen as the target of awareness-raising but also as active agents with a central role in promoting and supporting safer internet practices.

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[i] Calls for more sustained industry engagement have been a consistent theme of evaluations of the Safer Internet Programme (European Commission, 2006; Technopolis, 2003). Self-regulatory agreements are the principle means by which regulatory and other stakeholders work with industry developers and providers to enhance provision for and awareness of internet safety (Tambini, Leonardi, & Marsden, 2008). Whether self-regulation is more accurately or better defined as a form of co-regulation remains an issue of debate. The Commission's 1998 Recommendation on the Protection of Minors and Human Dignity (despite the fact that the term co-regulation does not appear in the recommendation) is regarded by some (Lievens, Dumortier, & Ryan, 2006) as co-regulatory as opposed to self-regulatory in nature. The EU's 2006 Recommendation on the Protection of Minors and Human Dignity makes several references to co-regulation, stating that "[o]n the whole, self-regulation of the audiovisual sector is proving an effective additional measure, but it is not sufficient to protect minors from messages with harmful content." Lievens et al. argue that the 2006 recommendation is indicative of a palpable shift from self-regulation to co-regulation. Also, the 2007 Audiovisual Media Services Directive (AVMSD) advocates both self- and co-regulation (Commission of the European Communities, 2007).