

Opening Statement to the Joint Oireachtas Committee on Media, Tourism, Arts, Culture, Sport and the Gaeltacht on the General Scheme of the Online Safety and Media Regulation Bill

May 2021



Founded in 1995, the Children’s Rights Alliance unites over 120 members working together to make Ireland one of the best places in the world to be a child. We change the lives of all children in Ireland by making sure that their rights are respected and protected in our laws, policies and services.

Accompaniment Support Service for Children (A.S.S.C.)
Ag Eisteacht
Alcohol Action Ireland
Amnesty International Ireland
An Cosán
AslAm
Association of Secondary Teachers Ireland (ASTI)
ATD Fourth World – Ireland Ltd
Atheist Ireland
Barnardos
Barretstown Camp
Bedford Row Family Project
BeLonG To Youth Services
Catholic Guides of Ireland
Childrens Books Ireland
Child Care Law Reporting Project
Childhood Development Initiative
Childminding Ireland
Children in Hospital Ireland
COPE Galway
Cork Life Centre
Crosscare
CyberSafeKids
Dalkey School Project National School
Daughters of Charity Child and Family Service
Dental Health Foundation of Ireland
Department of Occupational Science and Occupational Therapy, UCC
Disability Federation of Ireland
Doras
Down Syndrome Ireland
Dublin Rape Crisis Centre
Dyslexia Association of Ireland
Dyspraxia/DCD Ireland
Early Childhood Ireland
Educate Together
EPIC
Extern Ireland
Focus Ireland
Foróige
Gaelscoileanna Teo
Good Shepherd Cork
Immigrant Council of Ireland
Inclusion Ireland
Institute of Guidance Counsellors
Irish Aftercare Network
Irish Association for Infant Mental Health
Irish Association of Social Workers
Irish Congress of Trade Unions (ICTU)
Irish Council for Civil Liberties (ICCL)
Irish Foster Care Association
Irish Girl Guides
Irish Heart Foundation
Irish National Teachers Organisation (INTO)
Irish Penal Reform Trust
Irish Primary Principals Network
Irish Refugee Council
Irish Second Level Students’ Union (ISSU)
Irish Society for the Prevention of Cruelty to Children
Irish Traveller Movement
Irish Youth Foundation (IYF)
Jack & Jill Children’s Foundation
Jigsaw
Katharine Howard Foundation
Kids’ Own Publishing Partnership
Kinship Care
Leap Ireland
Let’s Grow Together! Infant and Childhood Partnerships CLG.
Mecpaths
Mental Health Reform
Mercy Law Resource Centre
Migrant Rights Centre Ireland
Mothers’ Union
My Project Minding You
Museum of Childhood Project
Music Generation
National Childhood Network
National Forum of Family Resource Centres
National Parents Council Post Primary
National Parents Council Primary
National Youth Council of Ireland
Novas
One Family
One in Four
Pavee Point
Peter McVerry Trust
Prevention and Early Intervention Network
Private Hospitals Association
Psychological Society Ireland
Rainbow Club Cork
Rainbows Ireland
Rape Crisis Network Ireland (RCNI)
Realt Beag/Ballyfermot Star
Respond Housing
SAFE Ireland
Saoirse Housing Association
SAOL Beag Children’s Centre
Scouting Ireland
School of Education UCD
Sexual Violence Centre Cork
SIPTU
Simon Communities of Ireland
Social Care Ireland
Society of St. Vincent de Paul
Sonas Domestic Violence Charity
SPHE Network
SpunOut.ie
St. Nicholas Montessori College
St. Nicholas Montessori Teachers’ Association
St. Patrick’s Mental Health Services
Teachers’ Union of Ireland
Transgender Equality Network Ireland
The Ark, A Cultural Centre for Children
The UNESCO Child and Family Research Centre, NUI Galway
Traveller Visibility Group Ltd
Treoir
UNICEF Ireland
Young Ballymun
Young Social Innovators
Youth Advocate Programme Ireland (YAP)
Youth Work Ireland

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The Children's Rights Alliance welcomes today's opportunity to address the Committee on the General Scheme of the Online Safety and Media Regulation Bill. The Alliance unites over 120 organisations working together to make Ireland one of the best places in the world to be a child.

Children make up one third of global online users. While undoubtedly, the internet has significant positive impacts both for children and wider society, for too long legislation and policy have not kept pace with the evolution of the online world. This has left children and young people at risk and unprepared to appropriately navigate online platforms.

All children have the right to be protected from abuse, neglect and sexual exploitation. The UN Committee on the Rights of the Child has recommended taking a holistic approach to address the risks posed by digital media and technology to children's safety, including online harassment, sexual exploitation of children, access to violent and sexual content, grooming and self-generated sexual content. The Committee has also highlighted States' obligation to 'develop effective safeguards against abuse without unduly restricting the full enjoyment of their rights'. The Committee has recommended that States should regularly update legal frameworks to protect children from 'emerging risks of violence, including psychological harm, in the digital environment'.

Online safety for children and young people also encompasses their privacy rights and how these are best protected in compliance with the UN Convention on the Rights of the Child. An individual's right to privacy is also protected under the International Covenant on Civil and Political Rights as well as the European Convention on Human Rights.

In our presentation today, we will focus on the functions of the media commission, membership of the media commission and the need for an effective complaints system for children and young people.

Membership of the Commission (Head 19)

While one of the objectives of the proposed Commission is to 'protect the interests of children taking into account the vulnerability of children to harmful content and undue commercial exploitation', the Scheme of the Bill does not specifically state that one member of the proposed Commission will be nominated as an Online Safety Commissioner. The Media Commission will be empowered to delegate functions to individual commissioners, and while we note the Government's intention to appoint one of the commissioners to oversee the online safety functions, the Children's Rights Alliance believes that the legislation should explicitly provide for and establish a dedicated Online Safety Commissioner. The Online Safety Commissioner must be adequately resourced, with appropriate ring-fenced funding and staffing, and granted robust statutory powers to sanction companies who do not comply with timebound codes for the protection of children and young people online that are in line with fair procedures.

Core Powers of the Media Commission, Auditing complaints handling and Systemic complaints scheme (Head 10, Head 52A and Head 52B)

The powers of the Media Commission as set out in Head 11 include 'the power to conduct investigations and inquiries'. However, the Scheme does not provide a mechanism for individuals to appeal to the Commission when a social media site fails to comply with the standards of the Code of Practice on Digital Safety. Instead, the Bill provides for a 'systematic complaints scheme' or 'super complaints' designed for nominated bodies, such as expert Non-Governmental Organisations (NGO), to bring these issues to the attention of the Commission, an example of which could be that a vast number of complaints about a particular issue are made against a particular provider. This Bill provides for the Commission to have the power to audit the complaints handling system of a service

provider and direct them to take specified actions which can include changes to their systems or the take-down or restoration of content.

The Council of Europe recommends Member States should ensure that a child's right to an effective remedy under the European Convention of Human Rights is respected and protected when their rights have been infringed online. This means that States are required to make provision for 'known, accessible, affordable, and child-friendly avenues through which children, as well as their parents or legal representatives, may submit complaints and seek remedies'. The process should be speedy, child-friendly and provide the appropriate redress.

The Children's Rights Alliance is calling for the legislation to include an individual complaints mechanism to ensure that when online providers do not respect the rights of children and young people, and they have exhausted all appropriate channels with the relevant platform, they will have access to an effective remedy including inquiry, explanation, reply, correction, proceedings, immediate removal of unlawful content, apology, reinstatement, reconnection and compensation.

Functions of the Media Commission (Head 10)

Head 10 of the General Scheme of the Bill provides that the Commission will conduct public information campaigns for the purpose of educating and providing information to the public in relation to online safety and media literacy. This is a welcome provision alongside the function to promote 'educational initiatives and activities relating to online safety' and to advise any educational or training institution, Ministers, Departments of State or any public body. However, the General Scheme does not give the Commission the power to evaluate and regulate the educational and community awareness programmes on online safety. Currently there is no single body in the State tasked with doing this work and providers of educational programmes are unregulated.

The Council of Europe (COE) *Guidelines to Respect, Protect and Fulfil the Rights of the Child in the Digital Environment* recommend that States ensure the educational resources are of a high quality and should be evaluated by States and other stakeholders in order to maintain high standards of education about the digital world. In Australia the eSafety Commissioner has the power, alongside providing educational resources and training, to evaluate a range of educational and community awareness programs relevant to online safety. As part of this work they publish a list of trusted providers of online safety education on their website called the Trusted eSafety Provider Program. This is designed to give schools confidence that the external online safety provider they engage meets the eSafety Commissioner's online safety education standards. Consideration should be given to giving similar powers to the Online Safety Commissioner to evaluate and regulate educational and community awareness programmes on online safety.

Thank you for your attention and we would be happy to take any questions.