UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD
Day of General Discussion: "Digital Media and Children's Rights"
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Submission by the Centre for Justice and Crime Prevention (CJCP), South Africa

About the CJCP.

The CJCP is a South African research NGO working in the field of violence prevention and safety, in South Africa and the region, with a particular focus on children and youth. Since its establishment in 2005, the CJCP has worked with a number of National and Provincial government departments in South Africa, including the Departments of Basic Education, Communications and Social Development, as well as the Presidency, to formulate evidence-based policy on issues of child safety, both online and offline, and to develop appropriate implementation frameworks and mechanisms for national and provincial policies and strategies. Specific examples include the development of a National Schools Safety Framework in 2014, and the development of a Children's Empowerment and ICT strategy with the Department of Communications. The organization designs and delivers intervention and training material for both government and civil society, and regularly presents research on children and online safety at national and international fora.

1.   Introduction.

1.1 The CJCP welcomes the commitment of the CRC's 2014 Day of General Discussion to the subject of Digital Media and Children's rights, and in so doing recognizing the importance of digital media to both the furthering of the rights of all children as enshrined in the Convention, and the importance of addressing how the use of digital media impacts and furthers the rights of children.

1.2 The work of the CJCP with both international and national partners working in South Africa has afforded the organization the opportunity to engage extensively on how children use digital media, and how the use of digital media has opened up both enormous opportunities, while also resulting in experiences that impact negatively on the ability to exercise their rights.

1.3 In this respect, the CJCP recognizes the need to explicitly balance the rights to informatiom, education, participation, and epression, with those of protection, safety and well-being that are enshrined in the Convention.

1.4 The rapid adoption of Information and Communication Technologies (ICTs), digital media, and social media platforms, by children, presents opportunities to directly enhance and further those rights detailed above (and others), but also to impinge and undermine the same rights. Further, a danger exists that in an attempt to ensure that children live free from harm and exploitation, national governments may affect policies or measures that undermine the potential and opportunities to further other rights of the child, that are presented through their access to and use of digital media.

2. The risks, harms and opportunities attached to the use of digital media in South Africa.

2.1 During the course of 2012 and 2013, the CJCP conducted two national research studies in South Africa that offer important insight into the potential risks that children in South Africa face online, and how their experience impacts on them, and on their rights. These are documented in full in the full report of the first: School Violence in South Africa: Results of the 2012 National Schools Violence Study (Burton & Leoschut 2013); the second on the research report produced together with UNICEF South Africa: Connected Dot Com - Young People's Navigation of Online Risks (CJCP 2014).

2.2 In South Africa, 81% of children report having access to a mobile phone, while 54% report access to a computer, iPad or tablet. 46% of children access the internet primarily via their mobile phone (CJCP 2014). Internet access, particularly via mobile phones, continues to grow exponentially, with internet access growing 25% between 2010 and 2011 (World Wide Works 2012).

2.3 It is widely acknowledged and accepted that the use of, and access to, digital media does open up children to additional risks and potential for harm. However, exposure to these risks may not in themselves be as harmful as many suggest. The CJCP research provides representative data, collected from 5,939 school children, on the online experiences of school children throughout South Africa, across all demographics. It revealed that:

2.3.1 One in five children had experienced some form of cyber-bullying or harassment within a 12 month period;14% had an online "fight", and 3,8% had someone post cruel or embarrassing photos of them online. 2.3% of children had sexually explicit images shared, distributed or posted online (Burton & Leoschut 2013).

2.3.2 Where images of a sexual nature were shared or posted, this was done most commonly via mobile phones, or phone-based instant messaging platforms.

2.3.3 Of those who reported experiences any form of online bullying, harassment, or being victim to sexting or the posting or distribution of images, four out of five reported feeling angry, and three out of five children felt embarrassed. One in two children felt afraid, and slightly fewer - 46% - felt anxious.

2.3.4 One in four (24.6%) children reported that they had missed school because of their experience, while one in five (20.3%) reported that their school marks dropped as a direct result of their experience.

2.3.5 Where children shared their experiences with an adult, some form of action was taken in less than half of the cases, while only 5% were told of available support or counselling services (CJCP 2014).

2.3.6 Just over one in ten (12.1%) of school children report meeting someone offline, that they had first met online, with boys (13.6%) slightly more likely than girls (10.3%) to take the conversation offline. In all of these case, the child reported that they took steps to minimize associated risk with such an action, from meeting in a public space or with a friend, or telling others where and when,

they were going to meet. Almost three of five school children who took the conversation and meeting offline, reported that they told their parent of their plans. One in five of all children reported that they regularly spoke to their parents about their online contacts.

2.3.7   The vast majority of children active online report knowing how to block unwanted conversations or users, and knowledge of, and use of, online security and privacy features. Steps commonly taken by children when experiencing victimization or harassment online include blocking the person, changing screen name or email, leaving the site (when web-based), logging off, or confronting the person offline (CJCP 2014).

2.4   This research suggests that while an indisputable fact that children are faced with different and varying forms of risks online, and many experience negative and hurtful behaviour, this may not be at the levels that are often popularized, and should not be perceived or reported on as an "epidemic", as is often the case. Such inflation tends to promote a "moral panic" that may increase greater restrictions on children while achieving little benefit or positive outcomes. It is thus important that government responds through appropriate policies and legislation, that are based on a thorough and nuanced understanding of the issue, in order to ensure that children's rights to information, to participate freely with other children and young people, and right to reliable information from the media (as well as their right to education), are not impinged.

2.5   The policy and legislative environment should reflect the relevance of digital media to children's daily lives, and reflect the best interest of the child in the way that online interaction and activities are provided for in policy. There have also been inadvertent unintended consequences resulting from inconsistent policies that are not formulated to adequately deal with children's actions and activities online. Examples of this would be the criminalizing of older children for engaging in consensual "sexting" – one example of which in South Africa has resulted in the very real danger of having children of 15 or 16 years of age placed on a child sexual offences register.

2.6   In developing effective responsive and age appropriate strategies, care should be taken to differentiate between online risks, and harms resulting from online activities. Recent research emerging from the EU Kids Online Project, research commissioned by the UNICEF Innocenti Centre, and others, highlight the importance of differentiating between risks that may be encountered online, and working with children to build their agency to successfully navigate these risks, while preventing harms that result from online interaction (Livingston & Bulger 2013; Smahel & Wright 2014; Slatvtcheva-Petkova et al 2014; Mitchell et al 2014) . These findings are also evident in the CJCP research conducted within South Africa (CJCP 2013).

3. Important considerations based on this research.

3.1 The CJCP thus believes that the following are thus important considerations that could inform the work of the Committee:

    3.1.1 **Building resilience and agency in young people -** Social media and ICTs provide an avenue through which children build relationships and achieve feelings of belonging, inclusion and acceptance by others; especially for those who have trouble forming and maintaining friendships in the 'real world', or offline. For some the social rewards of acceptance and belonging to a group can far out outweigh the consequences of anti-social behaviour.

    3.1.2 **Managing awareness of risks –** Older children tend to be aware of online risks and threats, and offline dangers that may result from online contact. In response, young people develop their own strategies to deal with these risks. These children often knowingly risk harm relating to their on line activities in order to feel a sense of inclusion and belonging. The ongoing translation of knowledge into behaviour is an essential component of managing these risks.

    3.1.3 **Attending to risks while promoting online opportunities -** Paying too much attention to reducing risk may have the adverse effect of limiting children's opportunities; however promoting online opportunities without highlighting the potential risks may also result in online harm. There needs to be a balance between promoting online opportunities and making children aware of their own online safety.

    3.1.4 **Developing support strategies and systems -** There is currently little space or support, either online or offline, available for children regarding their online concerns and experiences. Communication-focused strategies are an important in dealing with online risks; while also creating a safe space for children to seek support without fear of judgement, or restriction of access. This is particularly important when considering support to children who have experienced harm as a result of their online activities.

    3.1.5 **Research and Evidence –** there is a dearth of evidence-based strategies to both preventing, and responding to, online risks and the harms that children face. With notable international exceptions, there is often little at a country level that provides a nuanced picture of children's experiences online, and how different programming and strategies impact on children. Developing a body of knowledge on children's online experience, and applying the same rigour of

4. Conclusion.

4.1 In conclusion, ICTs, digital and social media offer enormous opportunities for children, in terms of forming connections and relationships, developing support networks, exploring worlds beyond their immediate environment. They offer seemingly endless educational opportunities, and the opportunity to access a range of services such as health. The online world is simply another space in which children now engage, learn and grow. As

such, just as in offline spaces, risks and dangers may present themselves, and children need the skills and capacity to engage responsibly, and to respond to risks appropriately and safely. Children need to be empowered to build on their own of **agency**, and to be **supported** in the development of the requisite skills to become digital citizens.

4.2 At the same time, the State has a responsibility to ensure that threats to children's fundamental rights to live free of exploitation and harm, are protected. This can in part be achieved by providing a policy and legislative environment that recognizes the difference between risk and harm, and that focuses on eliminating those risks that have a high likelihood of resulting in harms, such as sexual exploitation or abuse, or child trafficking.

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ANNEXURE: Recommendations to the Committee on the Rights of the Child.

Based on our research, the Centre for Justice and Crime Prevention proposes five concrete recommendations for consideration by the Committee:

1. A clear research agenda should be mapped , and should include the collection of rigorous data, using robust methodologies, and evidence-based approaches identified, at a country and international level. This should be accompanied by ongoing epidemiological research on the nature and extent of both risks and harms. Information-sharing, best practice and research dissemination should be incorporated into these agendas.

2. At a national level, signatories to the UNCRC and Amendments should develop coordinated, evidence-based, consultative and inclusive strategies and policies that involve all stakeholders, including government, civil society, the private sector and children. These strategies should include awareness raising and education, prevention and response components, and should convey consistent messaging.

3. Governments and policy-makers should ensure that the legislative framework that impacts on online safety and harms is consistent with other relevant country legislation, and where necessary, that this be updated to promote a consistent policy environment.   This should be consistent with the principles of the UNCRC and should be premised on principles of restorative justice, and should not criminalize age-appropriate development and behaviour.

4. The role of children in speaking to policies that directly affect them cannot be under-estimated, and should be integrated at as many levels of consultation as possible; their sense of agency, knowledge and the value of their experiences, is essential in ensuring appropriate online protection interventions.

5. Finally, countries should pay particular attention to the roles of different state and non-state agencies, including the police, in responding to reports and complaints of online behaviour or activities that may be harmful, and in establishing adequate suport systems. Roles should be clarified, and capacity built to appropriately deal with reports in a way that balances the best interests of those experiencing harms online, and of those exhibiting problematic online behaviour.