

EMAIL

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Online Safety Call for Evidence
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Ref: 23/CJS/MMcC/122

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Dear Team

Re: Categorisation: Research and Advice Call for Evidence

The Commissioner for Children and Young People (NICCY) was established in accordance with 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland (NI). Under Articles 7(2) and (3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. Under Article 7(4), NICCY has a statutory duty to advise any relevant authority on matters concerning the rights or best interests of children and young persons. The Commissioner's remit includes children and young people up to 18 years, or 21 years, if the young person has a disability or experience of being in the care of social services. In carrying out their functions, NICCY's paramount consideration is the rights of the child or young person, having particular regard to their wishes and feelings. NICCY must also have regard to all relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC).

NICCY welcomes the opportunity to briefly respond to this consultation informed by the European Network of Ombudspersons for Children (ENOC) Position Statement on "Children's Rights in the Digital Environment" in 2019. We wish to emphasise the importance of taking a child rights approach in ensuring all online service providers meet their responsibility in respecting the rights of the child in the digital environment and

encourage them to support and promote these rights.

The obligations which the UNCRC places on signatories apply not only to all aspects of children's lives from their survival and well-being, their development and protection and their voice being heard but also to all spaces which they inhabit, including the digital environment. The articles enshrined in the Convention can be understood as comprehensively addressing children's provision, protection and participation rights. These rights are intrinsically interrelated, interdependent and indivisible and all duty bearers are required to ensure that they are promoted and safeguarded in the digital world. As this generation of children and young people becomes the first to truly live in the digital age, we are faced with the significant challenge of ensuring that their rights flourish in the online world. The protection of these rights must be successfully accomplished by being deeply embedded into the legal, government, business, education and social frameworks that govern and mediate our digital lives. ENOC's recommendations have drawn on international and European child rights standards, the views of ENOC members and the views of ENYA and children.¹

As such, ENOC has urged the States, Council of Europe, European Commission and Duty Bearers to:

1. Fulfil children's rights in the digital age by recognising and fully implementing the UN Convention on the Rights of the Child (UNCRC) and the Council of Europe Guidelines to respect, protect and fulfil the rights of the child in the digital environment through the development and implementation of rights-based strategies and measures, designed to evolve with technological developments. This must be undertaken in accordance with Article 4 of the Convention which requires that all appropriate legislative, administrative, and other measures are undertaken;
2. Require governments, business and industry to respect and fully support children's rights in the digital environment;
3. Ensure that children's right to have a say in actions and decisions that affect them in the digital environment is realised;
4. Ensure all children have access to the digital environment without discrimination;

¹ [ENOC-2019-Statement-on-Childrens-Rights-in-the-Digital-Environment-FV.pdf](#)

5. Protect children's enjoyment of the internet, technology and social media free from false information, harmful content or harmful technologies;
6. Take all necessary steps to protect children from bullying, violence, exploitation and abuse in all forms in the digital world;
7. Recognise that children's right to education extends to the digital environment and support children's digital skills development;
8. Provide support to parents and carers in their role as guardians of children's rights online to ensure that children can benefit from the opportunities afforded by the digital environment, while reducing potential risks; and
9. Ensure access to child friendly reporting, complaints and redress procedures for children and young people, their parents and carers.²

These recommendations are focused on supporting the realisation of the UNCRC in the digital environment. They are also intended to support the implementation of the Council of Europe Guidelines (CM/Rec(2018/7) which outline a comprehensive, strategic approach for promoting and safeguarding the rights of the child in the digital environment.³

We look forward to responding to Phase 2 of the consultation on codes and guidance focusing on child safety duties and pornography.

Yours sincerely



Mairead McCafferty
Chief Executive

² [ENOC-2019-Statement-on-Childrens-Rights-in-the-Digital-Environment-FV.pdf](#) pp.3-6

³ [16808d881a \(coe.int\)](#), Recommendation CM/Rec (2018)7 of the Committee of Ministers to member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment.