



Respecting the Digital Rights of the Child

Digital Rights and Freedoms
Vodafone Group Plc



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The United Nations (UN) Convention on the Rights of the Child (UNCRC) recognises children as independent holders of rights and contains 54 articles that cover their protection from abuse and exploitation, the provision of support to reach their full potential and to enable their full participation within society.

The UN estimates that one-third of internet users are under 18 (with the majority of those under-18s living in emerging markets) and for a number of years there has been a wide-ranging public debate regarding how best to reflect the 54 articles of the UNCRC when considering children and young people's use of digital networks and services.

In 2014, the United Nations Human Rights Council (UNHRC) began a review to consider the best way to maximise the benefits of digital for children while mitigating the potential for harm that arises from unmoderated access. The discussion of children's rights in an online context now focuses predominately on how best to apply the 'provision and participation' aspects of the UNCRC as opposed to focusing exclusively on

the protection aspects of the Convention. In simple terms, there is a growing recognition that the need to reduce the risk of harm arising from online access must be balanced against the positive and empowering effects of global communication networks and information sources for young people eager to learn more about the world around them.

33%

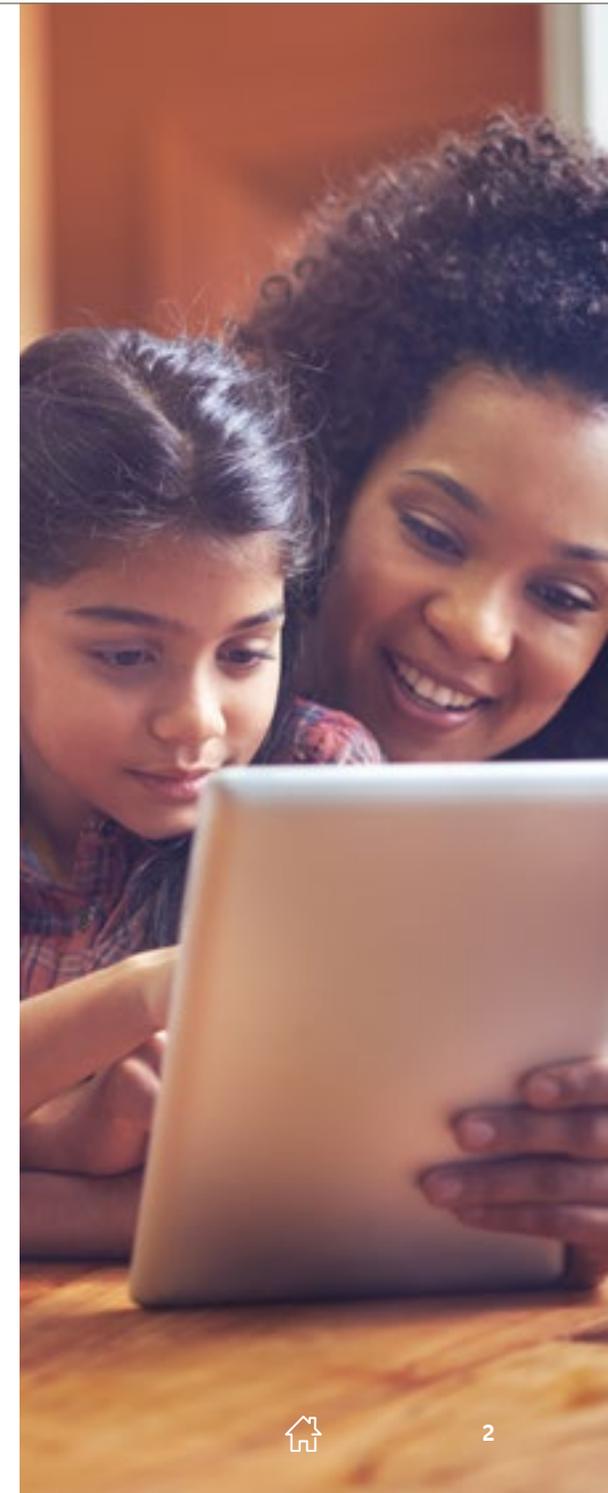
of internet users are under 18

One of the more contentious issues arises from the freedom of expression implications of measures designed to prevent the one-third of internet users under the age of 18 from accessing content that is only suitable for adults (or indeed content that is illegal for any internet user, adults included). There can be significant tensions in this area. For example, the right to anonymity online can play a fundamental role in providing individual citizens with the confidence to express their opinions freely; however, the same right also provides adults with the ability to mask their true identity when trying to groom minors. Restricting or removing the ability of internet

users to hide their identity would make it much more difficult for predatory paedophiles to target children. It would also sharply reduce the ability of citizens within autocratic regimes safely to express dissent or communicate their concerns to the outside world.

The discussion concerning the 'provision and participation' articles of the UNCRC focuses on ensuring there is greater transparency in the practices of individuals and organisations in areas such as:

- how children's data is collected and used;
- how access to that data is managed and controlled;
- the digital literacy and resilience skills needed to maintain children's wellbeing online;
- how children can be involved in the evolution of digital networks and services and provided with a voice to help shape their legal rights; and
- raising awareness among children and young people of their rights, including through peer-to-peer methods.



Vodafone and child protection

Vodafone has been seen as a global leader in addressing child protection issues on the mobile internet since 2004. We were the first telecommunications operator in the world to offer our customers the option of parental controls on a mobile network.

We first created a website dedicated to safety information for parents in 2009 followed by the launch of the highly regarded [Vodafone Digital Parenting magazine](#) in 2010. These initiatives were piloted within our local UK business but have since been localised in various forms across many of the countries in which we operate.

In 2015, we began to focus on the ‘provision and participation’ aspects of children’s digital rights. In partnership with [The Diana Award](#), we are piloting the ‘Peer 2 Peer Digital Resilience’ initiative ‘[#BeStrong Online](#)’, which consists of 10 education modules designed for 11 to 13-year-olds (to be delivered by older students) that introduce young teenagers to some of the issues they may encounter in a digital world and equip them with the knowledge and techniques they will need to cope with those challenges. We are also an industry partner in the [EU ENABLE project](#) that aims to deliver a holistic approach to social and emotional learning, targeted specifically at the issue of bullying. The ENABLE pilot was implemented in five countries across Europe in 2016, and reached

around 6,000 young people aged 11 to 14 years, approximately 2,000 parents and at least 30 schools.

Preventing access to child abuse content

Within the UNCRC, there are three optional protocols, one of which deals with the issue of sexual exploitation and child sexual abuse material. Vodafone is a member of the [Internet Watch Foundation \(IWF\)](#) and a founding signatory of the [GSMA Mobile Alliance Against Child Sexual Abuse Content](#) which commits to the removal of such content or, where this is not possible, the disruption of the sharing of or access to this material. As part of this commitment we apply the IWF block list on most of our networks worldwide. The block list consists of URLs that the IWF have identified as a link to online child sexual abuse material.

In the IWF’s view, each time an image is viewed, this is tantamount to another action of abuse being perpetrated and therefore the take down or blocking of content identified on the list protects the victim from additional suffering. We share that perspective. Some critics view the IWF block list as a form of censorship. While the IWF operates under a memorandum of understanding with public prosecutors and senior police officers in the UK (where the IWF is based), an understanding of that kind is not equivalent to a court order or specific requirement under the law.

There is therefore concern among some freedom of expression and privacy activists that the IWF block list sets a precedent for telecommunications operators to choose to block access to certain types of content without a lawful instruction to do so, either of their own volition (on a self-regulatory basis) or in response to political pressure. This tension was highlighted when the European Commission’s proposal on mandatory blocking (within the Directive 2011/92/EU) to combat sexual abuse and sexual exploitation of children and child pornography was deliberately removed by Members of the European Parliament.

However, we would highlight that the criteria applied by the IWF when assessing whether or not material is considered to be child sexual abuse material are aligned with the legal definitions used by law enforcement agencies in the countries in which we operate. It is also notable that the IWF’s expertise in identifying this material has been accepted by public prosecutors and senior police officers in the UK.

Child protection, net neutrality and the European Union

More recently, the [Directive 2015/2120](#) that outlines the European Union’s net neutrality requirements has introduced a level of legal uncertainty regarding whether or not the IWF block list can lawfully be applied by telecommunications operators beyond

December 2016. The Directive required member states to notify the European Commission of any self-regulatory filtering initiatives by April 2016 and then provide the Commission with a legal framework within which those initiatives will continue to operate. As far as we are aware, no member state has, as yet, submitted the IWF block list to the Commission. There is, therefore, a possibility that the IWF scheme as a whole could be the focus of a legal challenge in the future.

We will continue to apply the IWF block list until we are formally instructed not to do so by a court order or a change in legislation prohibiting its use in a member state. We must and will always comply with the law. While the legal uncertainty associated with this approach is unwelcome, we will maintain our commitment to child protection until such time as a government or court orders us to cease taking action against this abusive and damaging content.

There is a similar issue with the use of parental controls for legal content suitable only for people over the age of 18. Since 2006, all mobile operators in the UK have automatically applied a bar to restrict access to content on the mobile internet rated as 18+. Users must prove that they are 18 or over in order to have the bar lifted. UK mobile operators have applied this rule on a self-regulatory basis for more than a decade, using the [British Board of Film Classification \(BBFC\)](#) guidelines as a point of arbitration. The BBFC has provided age classification for publicly shown films for over 100 years, and regularly uses public surveys and insights to ensure its classification guidelines reflect the majority of UK public opinion. This has resulted in a transparent process and clear guidelines on how child protection age classification is applied to content that can be viewed on the mobile internet.

The European Union Net Neutrality Directive requires the UK to notify the Commission of any self-regulatory filtering initiatives, as

explained above. If the UK does not follow this Directive – and for the period remaining while the UK formally remains a member state of the European Union – there is the possibility of a legal challenge on the basis that the age 18 bar restricts the rights of the child to access content online. Ensuring that children's rights are appropriately reconciled with the rights of all internet users is a complex challenge. Children who are 'born digital' often seem to have a level of comprehension and intuition online that is far beyond many adults; however, in reality they are particularly vulnerable, with limited capacity to understand behaviours easily recognised as harmful by adults and with very limited legal rights of redress.

We will continue to participate in this ever-changing and vital debate at all levels in order to ensure that our policies and processes reflect our responsibilities to society and – most importantly – uphold and protect the international recognised rights of the child.

