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Introduction

Between 2007 and 2012, there were several waves of British parliamentary discussions over issues involving children and young people, arising from the use of online and mobile technology. This memorandum aims to explore the discussions of the British Parliament and among British academics with regard to identifying and addressing those issues, as well as some of the solutions policymakers have proposed. I will pay special attention to the language used in the discussions, to see if there are any particular gender and race distinctions drawn in the policy making process.

Over the years, it is evident that British policymakers, lawmakers and scholars have recognized the urgency and seriousness of issues such as cyberbullying, sexting, child sexual exploitation through online media, etc. However, it is also evident that governmental policy has focused heavily on labelling technology as the primary cause of the various social issues involving children and young people in Britain. While some research findings acknowledge that certain policy issues tend to be gender specific,¹ there has been very little discussion about the deeper issue of gender inequality.

During policy discussions about online and mobile technology, British policy and lawmakers only briefly acknowledged the benefits of online and mobile technology. There appears to be little emphasis on the promotion of the Internet as a tool for economic growth, except with respect to Parliamentary discussions about equal access to Internet for children in rural areas.

Chronological Overview

The first wave of serious parliamentary debates over the impact of technology on children in the 2007-2012 timeframe took place between September 2007 and March 2008, soon after Prime Minister Gordon Brown commissioned Dr. Tanya Byron, a British child psychologist to research

¹ Hate emails, threatening texts and humiliating images posted on social networking sites are twice as likely to be targeted at girls as boys, according to new research by Anglia Ruskin University. Niamh O'Brien & Tina Moules, "The Impact of Cyber-bullying on Young People's Mental Health" (Nov 2010) ARU, online: <http://178.236.153.244/media/111007/cyber-bullying_report.pdf> [O'Brien & Moules] at 22.

the effectiveness and adequacy of existing measures to help prevent children from being exposed to harmful or inappropriate materials in video games and on the Internet, and to make recommendations for additional action.²

Before the final release of the Byron Review, which was presented to Parliament in March 2008, there was a series of parliamentary sessions dedicated to identifying the existing issues in terms of harms and negative impacts on children and young people brought by technology (including video games and the Internet).³

Three months after the release of the Byron Review and corresponding recommendations, the British government's Department for Children, Schools and Families produced an Action Plan⁴ which fully adopted Dr. Byron's recommendations and came up with the following solutions:

- 1) child Internet safety regulation,
- 2) public information and awareness of e-safety,
- 3) better education for children and families,
- 4) reforming the video games classification system, and
- 5) better information and support to families regarding video games.⁵

Based on Dr. Byron's recommendation, the government also formed the UK Council for Child Internet Safety (UKCCIS). UKCCIS is "a group of more than 200 organizations across the government, industry, law enforcement, academia and charity sectors, who work in partnership to help keep children safe online."⁶ By the end of 2012, UKCCIS claimed to have accomplished the creation of:

² UK, Department for Children, Schools and Families and Department for Culture, Media and Sport, *Report of the Byron Review: Safer Children in a Digital World* by Dr. Tanya Byron (London: Department for Children, Schools and Families, 2008) [Byron Review].

³ UK, HC, *Parliamentary Debates*, col 551W (19 November 2007).

⁴ UK, Department for Children, Schools and Families, *The Byron Review Action Plan* (London: Department for Children, Schools and Families, 2008)

⁵ *Ibid* at 24-26.

⁶ UK, Department of Education (1 May 2013), *Children and Young People: Child Internet Safety*, online: <<http://www.education.gov.uk/childrenandyoungpeople/>>.

- a family friendly Internet and a code of practice drawn up by service providers following a consultation about parental Internet controls;
- advice for industry providers on effective Internet safety messages they should use;
- advice for industry providers on social networking, moderation, search and chat; and
- summaries of a large body of Internet safety research.⁷

In 2008, online child sexual exploitation was a central focus of discussion in the British Parliament, including consideration of issues such as online child pornography, child trafficking, child prostitution and Internet providers' responsibilities. The issue of cyberbullying was also mentioned during this period, with the focus primarily on children using mobile phones to carry out what was considered to be traditional bullying. In 2010 and 2011 researchers and policymakers began suggesting that cyberbullying may cause deeper and more serious damage to the wellbeing of children, especially girls.⁸ Deeper discussion linking cyberbullying to sexting and child pornography began in 2011 and 2012.

Between 2009 and 2011, the policy discussions still focused mainly on cyber safety in terms of harm avoidance for children, and how to keep children away from inappropriate and harmful content from the Internet. At least one journal article, written in 2009 by Sonia Livingstone and Elisabeth Staksrud, discussed the implications of gender difference in the context of cyber safety.⁹ Livingstone and Staksrud argued that not all children encounter risk online to the same degree; social demographic factors make a difference. For example, they claimed that:

- older teenagers are more likely than younger ones to meet online friends offline, and
- boys and middle-class teenagers more likely to disclose personal information online.¹⁰

In March 2010, two years after the implementation of government policy based on her recommendations, Dr. Byron conducted a follow-up review to examine the effectiveness of the

⁷ *Ibid.*

⁸ *O'Brien & Moules, supra* note 1 at 26-27.

⁹ Sonia Livingstone & Elisabeth Staksrud, "Children and Online Risk – Powerless Victims or Resourceful Participants?" (2009) *Information, Communication and Society*, 12(3) [*Livingstone & Staksrud*] at 364-87.

¹⁰ *Ibid.*

policy.¹¹ In the 2010 review, Dr. Byron observed increased public awareness of issues affecting children and youth online, since the implementation of the government policy and the formation of UKCCIS.¹² She also applauded improvements in educating children about how to cope with living in the digital world, and how to develop resilience against harm.¹³ She recommended continuing with the work the government had set in motion in 2008, strengthening the implementation of the 2008 policy.¹⁴

Another wave of parliamentary discussion about children and technology began in 2011. This time, its focus was on sexting. According to policymakers, the widespread use of smartphones was at the root of sexting – a new form of cyberbullying.¹⁵ They also began to speak of children as both victims and offenders.¹⁶ The language of these discussions suggests that the victims of cyberbullying are usually girls and young women, while the offenders can be girls, boys or older men.¹⁷ It is worth noting that the language tends to describe victims of sexting as vulnerable girls and young women who themselves have personal problems.¹⁸

Policy Issues

A. Cyber Safety – The Broadest Policy Issue

Cyber safety was the most common policy issue discussed over the five-year period. It is also the broadest issue, covering many other policy issues, including exposure to crime, exposure to sexualized and violent content, cyberbullying, and online grooming.¹⁹ In a way, cyber safety is something of an umbrella policy issue covering all of these topics. While one might think that in discussing cyber safety there ought to be a distinction between children as victims of exposure to inappropriate content, and children as victims of direct physical and psychological harm caused

¹¹ Tanya Byron, “Do we have Safe Children in a Digital World? A Review of Progress since the 2008 Byron Review” (2010) Byron Review: Children and New Technology.

¹² *Ibid* at 13-14.

¹³ *Ibid* at 3.

¹⁴ *Ibid* at 48-50.

¹⁵ UK, HC, *West Minster Hall Debate*, col 279WH (25 April 2012) (Ann Coffey) [Coffey, “West Minster Debate”].

¹⁶ *Ibid* at col 281WH.

¹⁷ *Ibid*.

¹⁸ *Ibid* at col 279WH.

¹⁹ Example of the use of the word grooming can be found in note 15, as the debate was titled “Sexting and Sexual Grooming”.

by cyberbullying or online grooming. This distinction did not appear to be explicitly drawn in the British policymaking discourse.

One major focus of the cyber safety policy discussion was the need to engage Internet service providers (ISPs) to filter and remove inappropriate Internet content brought to their attention by the Internet Watch Foundation (IWF). ISPs can be liable to prosecution if they do not remove sites when notified by the IWF. In addition, The Home Office Task Force on Child Protection on the Internet [“Task Force on Child Protection”], which was set up in 2001, published the *Good Practice Guidance for Search Providers and Advice to the Public on How to Search Safely*.²⁰

The Byron Review

The initial discussion of cyber safety started in September 2007, when Prime Minister George Brown announced a review of the risk to children of exposure to harmful or inappropriate content in video games and online.²¹ The review also assessed the effectiveness and adequacy of existing measures to help prevent children from being exposed to such content and help parents understand and manage the risks of access to inappropriate content.²²

While waiting for Dr. Byron’s report, British parliamentarians identified some key priorities, questions and existing resources regarding online safety for children:

- It was a priority to strike a balance between protecting children and young people and allowing them the freedom to learn for themselves and develop resilience to harm.²³
- How do we filter Internet access in schools?²⁴
- The Task Force on Online Child Protection brought together government, law enforcement, children’s agencies and the Internet industry to work to ensure that children can use the Internet in safety.²⁵

²⁰ UK, HC, *Official Report*, vol 470, (23 January 2008).

²¹ *Byron Review*, *supra* note 2.

²² *Ibid.*

²³ UK, HC, *Written Ministerial Statement*, Staying Safe Action Plan by Secretary State for Children, Schools and Families, (5 February 2008) (Kevin Brennan) [Brennan, “Ministerial Statement”].

²⁴ UK, HC, *Parliamentary Debate*, col 2297W (4 March 2008) (Mr. Coaker).

²⁵ *Ibid.*

- The Child Exploitation Online Protection Centre (CEOP), Interpol and National Centre for Missing and Exploited Children (NCMEC) were all working together to create a Virtual Global Taskforce.²⁶

The policy discussions mentioned above have a few characteristics:

- they emphasize the collaboration of different sectors to work together to combat the online harm affecting children;
- they did not discuss specifically who those children are and how they are affected. The generic term “children” was frequently used, with no explicit distinction between boys and girls;
- much emphasis was placed on the ISP’s responsibility in filtering and blocking inappropriate content; and
- the discussions tended to reflect the general ideas policymakers had in regard to the impact of online technology to children, rather than focusing on research findings.

The Byron Review filled in the gaps in the sense that it provided parliamentarians with more evidence to see how children felt about online technology and cyber safety, the type of harm they were experiencing, and how they had been using online technology. Through interviews with children and parents, the review suggested that children's and parents' main concerns about the Internet were as follows:

- both children and parents feel lost about the massive information available on the Internet;
- children feel insecure and unsafe about the Internet;
- children fear that other people may behave badly, and fear that their own siblings behave badly; and
- children feel worried about being bullied on the Internet and not wanting to go to school.²⁷

Dr. Byron also suggests that Internet risks can reflect ‘offline’ concerns (e.g. bullying), and the problems can sometimes have the potential to be more damaging because of the anonymous

²⁶ *Ibid.*

²⁷ *Byron Review, supra* note 2 at 4.

nature of the Internet.²⁸ She suggested that the government set up a new Council where the government and others involved in Internet and child safety could get together to make sure that everyone is working together to help children be safe online. The result, as mentioned above, was the UK Council for Child Internet Safety (UKCCIS), which has three main tasks:

- 1) Make sure enough is done to teach children, young people, parents and other adults about the risks of going online and what they can do about them;
- 2) Work with technology experts, people who understand how children develop and different companies to make sure that there are proper technical tools and support (for example, to help children and parents decide which sites are safest to use); and
- 3) Agree on sets of safety codes about the ways companies look after children and young people in the spaces they provide online.

Dr. Byron's report focuses primarily on harm avoidance (building children's resilience through education, stakeholders working together to filter inappropriate content, video games rating change to reflect the age appropriateness for certain content) and the responsibility of adults (parents, service providers, policymakers) to protect children from harm online. There was no discussion about the role of makers of troublesome content or of online child abusers. The discussion recognized children only as possible victims and not as possible perpetrators, and gender neutral language was used throughout the report.

B. Child Sexual Exploitation

Child sexual exploitation is another broad policy issue that appeared frequently in the British parliamentary debates. I have considered this broad heading to include child pornography, child trafficking, child grooming and youth prostitution. Technology is not mentioned every time there is discussion about child sexual exploitation. However, there is also a progression over the years, which reflects a realization by policymakers that technology (including the Internet, social networking sites and mobile devices) is playing an increasingly important role.

²⁸ *Ibid.*

Technology is discussed as a medium to display child sexual exploitation, or as a tool for the furtherance of the exploitation (child trafficking, child grooming and youth prostitution).²⁹ Again, children are discussed exclusively as the victims of child sexual exploitation, and not as perpetrators. The language used is gender neutral, and this neutrality persists until more recent years when sexting and sexual grooming have become more prominent in the eyes of policy and lawmakers.

C. Cyberbullying

Policy discussions about cyberbullying evolved over time and have been more prominent since the Byron Review in 2008. In the earlier years, policy for cyberbullying focused primarily on cyberbullying that resembled traditional bullying, but had been carried out through mobile devices and the Internet.³⁰ In recent years, policymakers have also treated sexting as a form of cyberbullying.³¹

Policymakers came up with solutions including legislation to give school staff clear statutory power to confiscate mobile phones and discipline pupils for bullying behaviour off school premises, practical guidance and curriculum resources for schools, and a task force to bring together teachers' unions and ISPs to consider what more can be done to prevent cyberbullying of school staff.³² The government also initiated a major social marketing campaign and initiatives to support parents, schools and children's services, to help children manage online risks, including those from cyberbullying.³³

Similar to other policy issue discussions, service providers are held to a high standard of responsibility. The Parliament called on the government to introduce a strategy to combat cyberbullying, with clear sanctions for website operators who fail to adequately discharge their responsibilities in this area.³⁴

²⁹ UK, HC, *Parliamentary Debates*, (3 March 2008).

³⁰ UK, HC, *Parliamentary Debates*, col 782W (20 November 2008) (Sarah McCarthy-Fry) (“as part of anti-bullying week we are currently re-running this campaign to drive home the message that if young people laugh at, or pass on bullying messages online or with mobile phones, they are taking part in bullying”).

³¹ Coffey, “West Minster Debate”, *supra* note 15 at col 280WH.

³² UK, HC, *Parliamentary Debates*, col 1242W (3 April 2008) (Kevin Brennan).

³³ *Ibid.*

³⁴ UK, HL, *Parliamentary Debates*, col 1217 (9 November 2012) (Baroness Dean of Thornton-le-Fylde).

Discussions outside of the parliamentary debates provide some context for the government discussion. According to an Anglia Ruskin University (ARU) study, one in five children admitted to being cyberbullied and girls were twice as likely to have been a victim.³⁵ This research surveyed 500 children aged from 10 to 19, and it found that half of those bullied said their mental health had suffered as a result. More than a quarter had missed classes and more than a third stopped socializing outside of school because they felt scared or embarrassed by the bullying.³⁶

An article reporting on the ARU study included stories of girls whose suicides (or attempts) appear to have been related to cyberbullying. Megan Gillan, for example, was a 15-year-old who took a fatal dose of tablets after classmates posted spiteful messages on the Internet about her appearance and clothing. Holly Grogan, a 15-year-old public schoolgirl jumped from a road bridge and died in 2009 after being bullied on her Facebook page. Georgia Woods was a 14-year-old girl who almost committed suicide after being bullied by schoolmates online. Luckily, her parents discovered her attempt before it was too late and reported it to her school. A series of counselling sessions took place short after, and the parents also spoke to school bullies who had no idea how much pain they had caused to Georgia. Georgia's story became a positive and happy story when she became a "cyber mentor" helping other children cope with online bullying.³⁷ This report focused exclusively on the girl victims of cyberbullying, without any discussion about the bullies, or their motivations.

D. Sexting & Grooming

One of the most noticeable differences in the sexting discourse, compared to other policy discourses, was the language used by policymakers. Here, the language was much more gender specific. Although there was still a tendency to use gender-neutral language (including references to "children" and "young people"), parliamentarians noted that girls and young women are often the victims of sexting, and those doing harm are often boys or older men.³⁸

³⁵ O'Brien & Moules, *supra* note 1 at 44.

³⁶ *Ibid* at 27.

³⁷ Nina Lakhani, "One in five children is victim of cyber-bullying – with girls targeted most" (02 August 2011), online: <<http://www.independent.co.uk/news/uk/home-news/>>.

³⁸ Coffey, "West Minster Debate", *supra* note 15.

In policy discussion about sexting, peer pressure is credited as one of the reasons girls send sexually explicit images of themselves, and parliamentarians expressed concern that these girls are getting younger.³⁹ Frequent connections were made between sexting and missing people – rhetoric about dangers that lurk online and the traps children fall into.⁴⁰ Policymakers commented that, "throughout ages, as children have grown up, they have wanted to push boundaries at an age when they are more sexually and socially aware; they want to experiment and tread their own path to independence", but emphasized that it is the new technology that makes this experimenting potentially dangerous.⁴¹ They mentioned that some young girls are particularly vulnerable to pressure - for example, girls with low self-esteem, those from dysfunctional families or those living in care.⁴²

The term "online grooming" appeared in the policy discussion related to sexting. According to one parliamentarian, "many victims are slowly lured into exploitation by someone posing as a boyfriend and are then kept under control by threats".⁴³ Although the words "girls" or "young women" did not consistently appear in these discussions, policymakers sometimes used the word "boyfriend" to refer to offenders, suggesting acceptance of online grooming as a gender specific policy issue.

The recognition that children and young people can be sexually victimised by other young people is reshaping policymakers' understanding of the relationship between sexting and online grooming.⁴⁴ Some MPs viewed sexting as "a tool of coercion, threat and power, as young people are encouraged to take pictures or videos of themselves, initially often because they are groomed into thinking the person is their boyfriend. Sexting becomes a tool of manipulation and the young person is threatened",⁴⁵ "Young people, particularly vulnerable young females, quite often look

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² *Ibid* at col 280WH.

⁴³ UK, HC, *Parliamentary Debates*, col 209 (12 November 2012) (Nicola Blackwood).

⁴⁴ Coffey, "West Minster Debate", *supra* at note 15.

⁴⁵ *Ibid* at col280WH.

at sexting as a fairly innocent, normal exchange of either messages or images, and they do not realize the seriousness of what they are doing and how others could use that material”.⁴⁶

In terms of solutions, the Association of Chief Police Officers indicated that it did not support the prosecution or criminalization of children for taking indecent images of themselves and sharing them.⁴⁷ Instead, it suggested that education and awareness-raising programmes should focus on children who send images or exert pressure on other children to produce images.⁴⁸ As with other issues, it was suggested that service providers in the industry, namely mobile phone providers, should do more to highlight the potential dangers of their products.⁴⁹

E. Child Education and Empowerment

During the five-year period reviewed, policymakers regularly appealed to the importance of child sex education, and teaching kids empowerment and mechanisms to cope with life in a world with rapid technological development and increasingly free-flowing information.

On at least one occasion, parliamentarians cautioned against the loss of freedom that could result from strict Internet censorship.⁵⁰ Some British scholars agreed that the “goal of risk prevention tends to support an over-protective, risk-averse culture and restricts the freedom of online exploration that society encourages for children in other spheres.”⁵¹ During the debate of one private member’s bill to improve online safety legislation, it was suggested that young people should be included in the sexting discussion, to provide input and recommendations, since young people are more willing to listen to their own peers.⁵²

Discussions about child sex education emphasized the importance of teaching boys how to respect girls and girls’ bodies.⁵³ Policymakers raised the concern that boys who were exposed to

⁴⁶ *Ibid* at col 281WH (Gregory Campbell).

⁴⁷ *Ibid* at col281WH.

⁴⁸ *Ibid* at col282WH.

⁴⁹ *Ibid*.

⁵⁰ Brennan, “Ministerial Statement”, *supra* note 23.

⁵¹ *Livingstone & Staksrud, supra* note 9 at 364.

⁵² UK, HL, *Parliamentary Debates on private members' bills -Online Safety Bill [HL] 2012-13*, (12 November 2012) (Baroness Dean of Thornton-le-Fylde).

⁵³ *Ibid*.

online pornography may have a distorted view of women and female sexuality.⁵⁴ This was one of the very few social policy discussions in which gender equality was explicitly raised as an issue. Arguably, gender inequality lies at the heart of many of these issues, and should be discussed and addressed more seriously and frequently.

Policymakers proposed educational solutions including the following:

- a stronger focus on "relationships" and the skills and values that young people need as they progress through childhood and adolescence, into adulthood;
- work within a clear and explicit values framework of mutual respect, rights and responsibilities, gender equality and acceptance of diversity;
- recognition of the diversity of young people, including sexuality, disability, ethnicity and faith;
- support for young people in terms of sex and relationships through parents, schools, help lines, websites, peer educators and other professionals;
- building stronger connections between school and home; and
- more cooperation between schools and external professionals.⁵⁵

F. Sexualisation of Children

The sexualisation of children is its own unique policy issue, for a few reasons. For one, it is different from child sexual exploitation or online grooming because it does not correspond with a criminal offence; it is a social phenomenon reflected in the media, including the Internet. This policy issue did not appear in parliamentary discussions until very recently. Four years after the Byron Review, the British Parliament commissioned another independent review conducted by Reg Bailey, Chief Executive of the Mothers' Union ("The Bailey Review").⁵⁶ It called on businesses and broadcasters to play their part. Reported follow-up action has included:

- 1) the British Retail Consortium developed a code of practice for its members on retailing age-appropriate clothes for children;

⁵⁴ *Ibid.*

⁵⁵ UK, *Review of Sex and Relationship Education (SRE) in Schools*, (A report by the External Steering Group) (London: 2008).

⁵⁶ UK, Department for Education, *Letting Children be Children: Report of an Independent Review of the Commercialisation and Sexualisation of Childhood* by Reg Bailey (London: Her Majesty's Command, 2011)

- 2) the Advertising Standards Authority issued tighter guidelines on outdoor advertisements containing sexualised imagery;
- 3) Ofcom issued new guidelines to broadcasters on observing the 9pm watershed on television and music videos;
- 4) the UK media regulators set up a single website, ParentPort, to make it easier for parents to complain about any programme, advertisement, product or service; and
- 5) a pledge was taken by members of the Advertising Association not to employ children under 16 as brand ambassadors and in peer-to-peer marketing.⁵⁷

Observations and Conclusion

Based on my review of these policy discussions, I would suggest that UK policymakers have tended to address symptoms rather than attempt to cure actual problems. There were very few discussions on tackling the sources of harm that children may be exposed to on the Internet. There was some discussion about tackling the demand side of online child pornography by engaging credit/debit card companies and ISPs,⁵⁸ but less direct discussion about controlling the supply side of child pornography. Internet content filtering is only an ex post facto measure; it does not solve the root problem.

Some academics have suggested that government policies overemphasize virtual sexual exploitation of children, while ignoring the most common forms of child sexual abuse, which occur at home or in the family.⁵⁹

Overall, the policymaking progress in the UK with regard to children and technology has been a learning curve for the policy and lawmakers themselves. On one hand, there may be “too many cooks in the kitchen”- two hundred different organizations make up the UK Council Child Internet Safety. On the other hand, the government adopted the recommendations of a single researcher (Dr. Byron) in their entirety. With the variety of players and approaches involved, it

⁵⁷ *Ibid.*

⁵⁸ UK, HC, *Standing Order*, No 23 (21 July 2010) (Geraint Davies).

⁵⁹ Yvonne Jewkes & Maggie Wykes, “Reconstructing the sexual abuse of children: ‘cyber-paeds’, panic and power” (2012) 15: 8 *Sexualities* 934-952.

will be interesting to see what the British government and policymakers come up with in the next few years.