



Early Childhood Ireland’s Response to the United Nations Committee on Human Rights in relation to the digital environment

Introduction

Early Childhood Ireland is the national membership organisation for the Irish early years sector. We represent more than 3,800 early years providers who support over 100,000 children and their families through preschool, afterschool, and full day-care provision across Ireland. Our work includes quality enhancement, publications, advocacy, training, business support & information for a sector that employs over 25,000 people today. We are responding to the UNCRC consultation on children’s rights in relation to the digital environment in our capacity as the largest representative body of early learning and care providers in Ireland. In devising this submission, we respond to the six questions raised in the [Concept Note](#) and underline that young children have digital rights that must be upheld where possible. We believe that States must make all possible efforts to enable young children to realise their rights in the digital environment.

1. How can children’s views and experiences be expressed and taken into account when formulating policies and practices which affect their access to, and use of, digital technologies?

It is imperative that children’s views and experience are taken into account when formulating policies and practices which affect their access to, and use of, digital technologies. Children are unique individuals, varying by age, communication style and abilities. However, some universal principles may be applied to the methods used by States to consult with children regarding their use of digital technologies. It is essential that States proactively engage with children when formulating policies and practices that will impact on their rights in the digital environment. When consulting with children it is essential that States use clear, plain language that a child can understand. We believe that the communication of personal data to children should be delivered in an individualised manner, tailored to each unique child, and incorporating their age and abilities. We highlight the importance of devising ways to communicate personal data to young children. We acknowledge that young children in particular many have difficulties in understanding digital concepts, but it is important to remember that they do not lose their rights just because they are unable to read. Therefore, we believe that States have a duty to strive to communicate personal data and rights to young children, where possible. States could provide communications templates and materials for organisations that can be used for explaining digital rights to young children.

2. How can discrimination (originating offline or online) be effectively addressed, to ensure all children have their rights realised in a digital world?

A lack of IT infrastructure, digital resources, literacy, and confidence are all notable deterrents for children when engaging with the digital world. In order to have equal access to the digital environment all States must invest in IT infrastructure to ensure that all children have access to good quality and reliable internet. At the same time, an appropriate education strategy is necessary to empowering and equipping young users with the skills they need to make use of digital technology in a meaningful and beneficial way. States have an obligation to ensure children have access to a variety of digital literacy supports to ensure ease of access to information, resources, and further assistance where needed.

Ideally all States should have a Digital Safety Commissioner to provide guidance on the safeguarding of children and to inform the development of rigorous safety standards, principles, and frameworks for children's access to, and use of, technology. The Commissioner would lead out on promoting familiarity with, and understanding of, technology, so that parents and their care-givers feel confident and enabled to make an informed decision about the use of technology with children. The Commissioner would also have responsibility for ensuring a best practice approach to online safety which encompasses a strategy on Bullying Prevention and Intervention. This would ensure that children can navigate the digital world in a safe way.

3. How should the General Comment treat the role of parents and other caregivers?

Early Childhood Ireland views children as competent learners and citizens with rights, and their parents as champions in the lives of children. We believe that children have the same rights as adults in relation to their personal data, which does not belong to anyone else, even their parent or guardian. We are really encouraged that the European General Data Protection Regulation (GDPR) has encompassed and underlined the protection of children and the position of children as data subjects. Young children that are unable to exercise their data protection rights due to their age and level of understanding, have a right to be protected by their parents and guardians. Article 5 of the UN Convention on the Rights of the Child (UNCRC) recognises the duty of parents/guardians to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance to children in exercising their rights. This means parents must facilitate their young children in realising and understanding their digital rights where they cannot do this for themselves.

While introducing younger children to their digital rights will prove difficult, there could be room for inclusion of these rights on early years and school curriculums. However, given the age and maturity of children in early childhood care and education settings, we believe that parents must fulfil their duty to safeguard children's rights.

4. How should the practices of businesses operating in the digital environment support the realisation of children's rights?

It is essential all organisations and businesses operating in the digital environment uphold the rights of the child. At a minimum, businesses that undertake digital marketing to children should be held to the same standards and regulation applicable to broadcast media. All online and social media companies should be subject to oversight and regulation by the State for the content which is shared on their platforms. Businesses that operate in the digital environment should be required to build safety into the design of their platforms.

In Ireland under GDPR, any organisation or business holding children's personal data are assisted by the Data Protection Commission or relevant Government department in meeting their transparency obligations towards children. We acknowledge that the Data Protection Commission intends to produce guidance materials for both children and the organisations who process the personal data of children and codes of conduct in conjunction with sector stakeholders. However, we believe that stakeholder engagement should go further than drawing up codes of conduct. The Data Protection Commission should firstly produce templates and materials to be used by organisations to communicate data to children. In order for children to realise their transparency rights, every organisation should be as fully equipped to deliver on these rights as possible. We would like to see the DPC provide relevant information and training for organisations on communicating personal data to children.

5. How can States better realise their obligations to children's rights in relation to the digital environment?

We are really encouraged by the Irish Data Protection Commissioner's consultation with children of school age in Ireland as an inclusive practice fulfilling the right children have under the UNCRC to express their views freely on matters that affect them. Indeed, we would like to see a similar consultation conducted with younger children in early years settings, as they have equal data protection rights and believe this could be a model used to ensure children can realise their rights in relation to the digital environment.

We are aware that very young children will struggle to understand some of the digital concepts and due weight must be given to their age and maturity. However, a consultation process with younger children will aid States as a first step, in making the best effort possible to ensure young children can fulfil their digital rights. A consultation process that involves young children where appropriate, their parents/guardians and organisations they engage with, will ensure that any methods of data communication with young children will be evidence-based. We highlight the Mosaic Approach as an example of a possible method that could be used in the consultation. This approach is widely used to gather the views of young children (Joseph Rowntree Foundation, 2001). We encourage formal consultation with various agencies working with children such as the early years sector on the best consultation approaches for working with children under 6. We believe there is scope for a range of methods to be used to communicate data to young children. An example of what might be achieved is outlined in the GDPR, under Article 12, that the delivery of personal data can go beyond written means, where appropriate, including verbal delivery or the use of icons. This means that methods that have been used to gain consent from young children in research, through pictures, could be adapted to fit data protection purposes.

We also advocate for innovative methods of communication of personal data to children. For example, as an organisation, we continually highlight the importance of play in children's learning and understanding. The importance of play has also been recognised in the First 5 Strategy, a whole-of-Government strategy for babies, young children and their families 2019-2028. There could be room to adopt a play-based strategy to communicate digital rights for relevant age groups, to communicating data to children. However, we underline that all methods of communication regarding digital rights to young children should be

formed from consultation with the early years sector and piloted with different groups of children and stakeholders. This approach would ensure that any communications strategies, codes of conduct or materials produced are evidence-based.

6. Is the realisation of children's rights in the digital environment necessary to realise children's rights in other environments?

Yes, the realisation of children's rights in the digital environment is important to realising children's rights in other environments. States must focus, not only on online safety and best practice, but also on empowering and equipping young users with the skills to make use of digital technology in a meaningful and beneficial way.

The safeguarding of children's use of digital technology must be a priority of States. Children live in communication-rich environments and are surrounded by technology in the home and community. This can offer opportunities and possibilities to enrich children's learning and development. For example, in early years settings, children and practitioners can use technology to listen to stories or to make and publish stories; use equipment in games and role-playing activities; use the Internet to search for information sparked by children's interests; use technology to document children's learning or share that learning with families; and take photos, videos, or audio of activities in the setting. These are important opportunities and can build upon existing activities and experiences in a setting. However, it is essential that they take place in a safe environment that balances access to information and data with children's rights to privacy, choice, and dignity.

Conclusion

In this submission, we have made it clear that States have a responsibility to ensure the rights of the child are realised in the digital environment. At a minimum, we would like to see the General Comment inform the development of rigorous safety standards, principles, and frameworks for children's access to, and use of, technology. These should promote familiarity with, and understanding of, technology, so that parents and caregivers feel confident and enabled to make an informed decision about the use of technology with children. We have outlined in this submission that children should be consulted on their digital rights.

References

Joseph Rowntree Foundation (2001) *Listening to young children: The Mosaic approach*. Available at: <https://www.jrf.org.uk/report/listening-young-children-mosaic-approach> [Accessed May 2019].