



Never give up on a child. Ever.

## Opening Statement

Irish Society for the Prevention of Cruelty to Children (ISPCC)

Joint Oireachtas Committee on Justice and Equality

2 October 2019

Delivered by Mr John Church, CEO

### Introduction

Chair, members of the committee, members of the Oireachtas (if present), colleagues.

I thank the members of the committee for having us here today.

The ISPCC is delighted to be in a position to support this important draft piece of legislation and would like to thank Deputy Brendan Howlin for introducing it and you all for considering it in committee.

As the national child protection charity, I would like to present to you the ISPCC's perspective on how this bill may pertain to children.

### Children Online

Research conducted for the ISPCC in 2018 found that almost half of children aged 6 – 18 years were always online.<sup>1</sup>

The ISPCC's Childline service answers over 1,000 contacts every day from children. Many tell us about their experiences online.

### ISPCC Case Example:

A 16-year-old girl told Childline she had sent images to a former boyfriend, who then shared them with others without her permission. With these images now circulating widely, this girl told Childline she could not face going back to school and was contemplating suicide.

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<sup>1</sup> Hand, K. 2018. Cyber Safety Survey Key Findings - ISPCC Vodafone

## **ISPCC and Children’s Online Safety**

Online safety is an integral part of the ISPCC’s policy work.

We welcome Minister Bruton’s commitment to establishing an Office of Digital Safety Commissioner – an Office we see as imperative for championing children’s online safety.

The ISPCC continues to call for the introduction of a long-term national strategy for online safety.

## **Definitions**

The ISPCC is acutely aware of the long-term and devastating consequences bullying and cyberbullying can have on children.

As cyber-bullying can take place through any digital means of communication, it is essential that modern platforms others are included in how this bill defines ‘communications’.

## **Online Harassment, Harmful Communications and Related Offences**

Content which is shared online often has the potential to reach very large audiences, very quickly.

Young people told the Law Reform Commission<sup>2</sup> that they felt practices such as identity theft, online harassment and the non-consensual sharing of intimate images should be made illegal.

Through the ISPCC’s work with children and young people, however, we are acutely aware of the need for an age-appropriate response to the proposed offences as outlined in this bill. By their nature, children and young people do not have the maturity level of adults: they may exhibit a greater tendency to be impulsive and they may not fully comprehend the consequences their actions online may have.

In accordance with the UN Convention on the Rights of the Child, the ISPCC would not advocate that children and young people under the age of 18 be criminalised for their behaviour. Instead, it is essential they are educated and empowered to act differently in future. Entry into the Garda Youth Diversion Programme or similar may provide a more appropriate response.

Relative and relatable online safety education, delivered via the curriculum on a regular basis at both primary and –post-primary level, is a key component in preventing these activities occurring in the first instance.

While we appreciate we are here today to explore proposed criminal justice responses to online safety, we need to take this opportunity to reiterate our call for industry regulation as a fundamental response, too. At present, industry regulation falls short of adequately protecting children online. The ISPCC cannot support an approach of self-regulation of industry over legal regulation.

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<sup>2</sup> Law Reform Commission (2016). *Harmful Communications and Digital Safety*. Place of Publication: Dublin. Available at:

[https://www.lawreform.ie/\\_fileupload/Reports/Full%20Colour%20Cover%20Report%20on%20Harmful%20Communications%20and%20Digital%20Safety.pdf](https://www.lawreform.ie/_fileupload/Reports/Full%20Colour%20Cover%20Report%20on%20Harmful%20Communications%20and%20Digital%20Safety.pdf) (Accessed: 26 September 2019).

## **International Context**

As the online world does not know borders in the same way they pertain to the physical world, the ISPCC believes it is important to monitor international developments.

The Criminal Justice and Courts Act and the Voyeurism Act, as recently introduced in the UK, make the practices referred to as 'Revenge Porn' and 'Upskirting' criminal offences.

At an ISPCC event held in December 2018, the eSafety Commissioner of Australia outlined how the Office has successfully assisted over 1,000 young Australians to remove cyberbullying material.<sup>3</sup> The Office is equipped with regulatory powers to penalise and fine social media companies should they fail to remove such content.

## **Conclusion and Recommendations**

Children have a right to be protected and this protection extends to being online.

Legislation and regulation which strives to make the online world a safer place for children must be duly considered, respecting the particular rights and needs of child victims and child perpetrators.

We reiterate our point that such legislation, however, should not criminalise children and young people.

The ISPCC views the education and empowerment of children to become civic online citizens as the ultimate goal for which to strive.

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<sup>3</sup> Inman Grant, Julie. Pre-recorded video, Working Together to Keep Children Safe Online, Dublin, December 14, 2018.