CHILD-CENTRED POLICY

Enfranchising Children as Digital Policy-Makers

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Introduction

The need for child-centred policies in the digital domain is now recognised as an important priority for governments and the wider policy community. Landmark publications such as UNICEF’s *State of the World’s Children 2017: Children in a Digital World* have provided evidence of the global nature of the pervasive presence of digital culture in 21st-century childhood. Much policy attention understandably focuses on issues of online harms, reflecting concerns from an adult perspective for child safeguarding and welfare. A child-centred approach to digital policy is one that would similarly recognise the importance of children’s safety in their use of digital technologies while formulating policy that seeks to advance the quality of children’s digital engagements. That such an approach should be grounded in children’s own experiences – in the form of both evidence and testimony from children themselves – would appear to be self-evident. Yet, despite the central role digital technologies play in the lives of children, progress in the area of advancing children’s active participation in digital policy-making is still at an early stage.

This chapter reviews the case for children as digital policy-makers and examines the challenges as well as the potential benefits of involving children in the process of formulating and implementing policy initiatives relating to digital practice. Policy-making in the digital environment comprises a complex multi-stakeholder space where the diverse interests of governments, industry, and civil society compete to achieve equilibrium in one of the most dynamic and fast-moving sectors. Even in multi-stakeholder platforms such as the Internet Governance Forum, which advocates open and inclusive dialogue and where principles of democratic participation are strongest, it can be challenging for end users, especially children, to have their voice heard (Epstein & Nonnecke, 2016). Yet, with one third of the total global population of internet users estimated to be under the age of 18 (Livingstone, Carr, & Byrne, 2015), the missed opportunity and the gap in terms of policy-making is a significant one. Building on the emerging discourse on children’s rights in the digital age (Gasser & Cortesi, 2016), the chapter highlights conceptual, policy-based, and practical issues related to children as digital policy-makers, arguing that children’s participation enhances public decision-making and contributes to better policy-making overall.
Participation in the Policy Process

Public policies lie at the heart of the relationship between citizens and the state. A range of opportunities may be available to citizens to be involved in decision-making regarding the formation of laws, regulatory measures, strategies, or funding decisions that make up the policy process (Kilpatrick, 2000). Such involvement may take the form of consultation whereby the public’s views are sought and listened to by policy-makers, or, more actively, participation, which provides some level of public responsibility, power, and influence in the formation of decisions (Partridge, 2005). A further dimension may include actual involvement in policy governance, which implies participation in the organisation and management of policies as well as the coordination of the interactions between different sectors of society in the policy process (Althaus, Bridgman, & Davis, 2013).

Children’s participation in policy-making stems from a recognition of their rights as citizens to be involved in matters that affect them. This has been recognised most notably in the UN Convention of the Rights of the Child (UNCRC) (2009), specifically Article 12 (the ‘Right to be Heard’). Article 12 ascribes to children the right to be heard in all matters affecting them and to participate in decision-making processes that have a bearing on their lives in accordance with their age and maturity. Article 12 is something of a touchstone for international efforts to reinforce governments’ responsibilities to facilitate consultation with children through representative authorities such as children’s ombudspersons and children’s commissioners, advocating on behalf of children’s participation rights alongside rights to protection and indeed rights of provision – the so-called three ‘Ps’ of the UNCRC.

Elaborating on what Article 12 may mean in practice, the UN Committee on the Rights of the Child has argued:

The views expressed by children may add relevant perspectives and experience and should be considered in decision-making, policy-making and preparation of laws and/or measures as well as their evaluation ... The concept of participation emphasises that including children should not only be a momentary act, but the starting point for an intense exchange between children and adults on the development of policies, programmes and measures in all relevant contexts of children’s lives.

(CRC, 2009, p. 7 at para. 12)

What could this mean in a digital policy context? Digital policy refers to the process of developing and implementing various forms of policies, procedures, and standards for the proper use, management, and development of digitalisation (Floridi, 2018). This may include, for instance, regulation of digital and electronic communications, network and information security, issues concerning broadband access and digital infrastructure, as well as online safety and civic participation. Public policy invariably impacts on some aspect of children’s everyday lives and experiences, all the more so in the case of the digital world where children and young people are most often to the fore in early adoption (Fortunati, Taipale, & de Luca, 2017). Yet the issues that dominate the digital policy agenda which most explicitly refer to children are often about protecting young people from harmful content or contact through restricting their access. Prominent examples of digital policy initiatives that are ostensibly child-focused include, therefore, the European Union’s Audiovisual Media Services Directive with its specific requirements for the protection of minors (ERGA, 2017); measures introduced in the UK to restrict access by under-18s to online pornography (Blake, 2019); or the introduction of a digital age of consent as part of the EU General Data Protection Regulation (GDPR) whereby an age limit is set between 13 and
16 years below which children require parental consent to register for many social media services (Macenaite & Kosta, 2017; Milkaite & Lievens, 2018). Key drivers in this respect are growing public and political concern about the lack of regulation of digital platforms, the perceived scant regard such operations have for children’s safety or welfare, and the pressure for a more urgent political response to curb the power of global digital undertakings.

In each of these areas of significant policy debate and development, consultation with children has been limited or entirely absent (Livingstone, 2018). The concerns that children themselves raise receive relatively little attention when it comes to: providing better online tools to deal with nasty comments, hate speech, or cyberbullying on social media platforms (Livingstone, Kirwil, Ponte, & Staksrud, 2013); their concerns about having to confront disturbing online content or being pestered with unwanted sexual messaging (European Institute for Gender Equality, 2018); and, importantly, their need for more support in developing their own media and digital literacy skills as well as positive content relevant to their lives, language, and culture.

Children also receive many conflicting and confusing messages about their use of digital technologies. On the one hand, they are encouraged to acquire digital skills and use ICT in their learning. On the other, they face restrictions – often stoked by parental fears about the harmful impact of digital technologies – despite its pervasive presence in the home. For this reason, a more considered incorporation of and reflection on children’s perspectives on digital policy matters has been taken up as a rights-based issue. This includes the fundamental principle that children have a right to be heard and that their input merits meaningful attention as a contribution to the policy debate (Byrne & Burton, 2017; Perez Vallejos et al., 2016).

Empowering Children as Digital Policy Actors

While the UNCRC was developed before the digital age, its drafting in 1989 anticipated the media and communications sphere as an important context in which to exercise and fulfil children’s rights. Article 13 (‘Freedom of Expression’) states: “this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child’s choice”. Article 17 recognises “the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources” (UNCRC, 1989). Combined, this formulation of the rights of children places a spotlight on the role of media – which inescapably is now a digital phenomenon – emphasising the importance of access to high-quality media content, opportunities for young people’s voices to be heard, and advocating for responsible and ethical media representation of children (Livingstone, 2007; Tobin, 2004; Von Feilitzen, Carlsson, & Bucht, 2010).

Scholarly attention has more recently highlighted the digital environment as an important and relevant context for the elaboration of children’s rights and specifically to advance children’s participation (Lievens, Livingstone, McLaughlin, O’Neill, & Verdoordt, 2018; Livingstone & O’Neill, 2014). Consideration of children’s rights in a digital context has, to date, centred around three interconnecting issues (Livingstone, Lansdown, & Third, 2017):

1. **Digital use**, in particular the right to access content and services;
2. **Digital environment** including rights within online and networked spaces; and
3. **Digital citizenship**, for instance, how such media impacts upon wider rights in society (Livingstone & Third, 2017; Third & Collin, 2016).

The UN Committee on the Rights of the Child, for its part, devoted a Day of General Discussion on ‘Digital Media and Children’s Rights’ (2014) and has undertaken to publish a General
Comment on the subject (Livingstone et al., 2017). Addressing both risks and opportunities in the digital sphere, the Committee has argued for effective and immediate implementation of human rights-based laws and policies which integrate children’s access to digital media and ICTs (UN Committee of the Rights of the Child, 2014, pp. 18–19). Addressing children’s participation, it recommended that:

States should recognise the importance of access to, and use of, digital media and ICTs for children and their potential to promote all children’s rights, in particular the rights to freedom of expression, access to appropriate information, participation, education, as well as rest, leisure, play, recreational activities, cultural life and the arts.

(CRC Committee, 2014, p. 18)

In a report prepared for the UK Children’s Commissioner, it is also argued that engaging with children in the development of legislation and policy on such topics as digital participation and protection is vital and that “digital means of consulting and collaborating with children in the wider policy domains” and “enabling and empowering children to participate in wider political citizenship online and through social media” is a crucial development of the practical application of Article 12 (Livingstone, Lansdown, and Third, 2017, p. 42).

The Council of Europe has added its voice to empowering children as digital policymakers in a number of key policy statements. Its 2018 Recommendation to member states, **Guidelines to respect, protect and fulfil the rights of the child in the digital environment**, is the most comprehensive statement to date on the articulation of children’s rights within a digital context. The Recommendation sets out detailed policy guidance regarding children’s right to be heard, their right to access to the digital environment, rights to freedom of expression and information, and empowerment through digital literacy, while considering the importance of safety, security, and data protection and privacy (Council of Europe, 2018). It recommends that governments review their legislation, policies, and practice to ensure children’s rights are promoted within a digital context, that appropriate oversight is developed to ensure that business enterprises meet their responsibilities, and all relevant stakeholders ensure concerted action and cooperation at the national and international level to uphold and respect children’s rights.

The Recommendation’s guidance on the right to be heard, encapsulated in the statement “Children have the right to express themselves freely in all matters affecting them, and their views should be given due weight in accordance with their age and maturity” (2.4) encompasses specific recommendations on the development of practical opportunities for children to be actively and meaningfully involved in the policy-making process:

6 States and other relevant stakeholders should provide children with information on their rights, including their participation rights, in a way they can understand, and which is appropriate to their maturity and circumstances. They should enhance opportunities for them to express themselves through ICTs as a complement to face-to-face participation. Children should be informed of mechanisms and services providing adequate support, and of procedures for complaints, remedies or redress should their rights be violated. Such information should also be made available to their parents or carers to enable them to support children in exercising their rights.

7 Furthermore, States and other relevant stakeholders should actively engage children to participate meaningfully in devising, implementing and evaluating legislation, policies, mechanisms, practices, technologies and resources that aim to respect, protect and fulfil the rights of the child in the digital environment.

( emphasis added) (Council of Europe, 2018)
Notably, digital literacy and support for children to acquire the necessary skills to exercise their rights to participation is further identified as an important pre-condition. Children should receive adequate support through digital literacy education to ensure they have the skills and digital competence to engage in online communication and should not be disadvantaged by socio-geographical or socio-economic factors (paras 41–46).

Furthermore, states should introduce greater coordination and policy coherence across the full range of children’s rights in the digital environment. A comprehensive strategic national approach is advocated, engaging all relevant stakeholders, “such as ombudspersons for children and other independent human rights institutions, education stakeholders, data-protection authorities, business enterprises and civil society, including child and youth-led organisations” and ensuring adequate resources for children’s meaningful participation (para 84). This should also be supported by investment in “research and knowledge development, including child and youth participation in the field of the rights of the child in the digital environment” (para 110).

Building on the concept of the right to be heard in a digital context, Vromen (2008) has identified three key aspects of the digital sphere, specifically the internet, that are of particular relevance to its participatory potential.

First, the digital sphere represents an immense gateway to *information* that empowers through its open dissemination of knowledge about campaigns and issues of importance to young people. One of the most popular and basic things that children do when they first go online is to seek out information and use the internet as a vast encyclopaedia (Livingstone, Mascheroni, Ólafsson, & Haddon, 2014). Vromen (2008) argues that engaging and empowering young people through information about topical and political issues is key to more active participation. In the policy domain, this has been especially significant in terms of informing young people of their rights, making information available in accessible ways and providing them with trustworthy and authoritative sources of information.

Second, the internet is by its nature an *interactive communication* medium that facilitates a variety of different types of online conversations, from one to one, to online platforms, chat rooms, and discussion forums. The importance of interactivity from a policy-making point of view is its potential to facilitate communication and feedback from large numbers of people to government and other agencies and institutions, of which online petitions and online voting are the most prominent examples. Young people are often critical of internet resources that simply provide information and do not provide opportunities for interaction and engagement, and they seek out those resources that do (Coleman & Rowe, 2005).

Third, the internet may be seen as a vast *virtual public sphere*, thus “providing a platform for rational critical debate rather than simple registration of individual views through information aggregation tools, such as polls or surveys” (in Vromen, 2008, p. 81). Coleman (2008) advances the argument that for governments wishing to promote more active involvement of youth, such initiatives themselves have to be democratic in character. To avoid being more than a top-down exercise in bureaucratic management, terms of engagement should “be determined in partnership between official policy-makers and young people themselves, using wikis and other forms of collaborative decision-making software” (Coleman, 2008, p. 204). Openness and transparency in how conversations are initiated and structured, or how topics are prioritised, is also essential.

The respective *informational, interactive, and participatory* dimensions of the digital sphere, as presented by Vromen, may be said to represent an idealised space for digital participation. As Third and Collin argue (2016), digital citizenship is a concept “*brimming with promise for rethinking citizenship through the digital*” (p. 42, emphasis in original). However, as they also note, the reality of children’s experiences and the attendant policy responses is such that such potential is overwhelmed by the many challenges that children – as much as adults – face, such as being confronted with manipulation of information or ‘fake’ (political) news, the filter bubble, hate
speech, and even radicalisation through, among other means, digital media (Third, Livingstone, & Lansdown, 2019).

It is also the case that just as the existence of digital divides underscores the fact that digital opportunities are not equally available to all, there is also a notable participation gap when it comes to those children and young people who have the digital skills and the opportunity to access its participatory potential and those who do not (Helsper, 2012).

**Methodological and Other Challenges**

While there has been something of a shift within policy circles towards accentuating positive opportunities – notwithstanding the urgent imperative to respond to online harms – giving effect to children’s participation in policy-making is also a subject of considerable methodological debate. A number of theoretical models have been developed to conceptualise and support effective and meaningful participation of children and young people. Hart’s eight-rung hierarchal ladder of participation (1992), for instance, building on Arnstein (1989), proposes that only mechanisms which facilitate actual decision-making, whether shared with adults or child-initiated, can be considered truly participatory in nature.

Persistent systemic challenges or barriers to making children’s participation effective, i.e., involving active participation and actual decision-making, have been identified. Tisdall (2015) summarises the following six key areas of concern:

1. **Tokenism**: children may be consulted but with little discernible impact on decisions or outcomes (see also Arnstein, 1969; Partridge, 2005; Sinclair, 2004);
2. **Lack of feedback**: children are given insufficient information on what happens to their contributions (see also Gerison Lansdown, 2016; Lister, 2007);
3. **Who is included or excluded?** The ‘over-consultation’ of some children and not enough representation from seldom-heard or hard-to-reach groups (see also Kelleher, Seymour, & Halpenny, 2014; Kirby, Lanyon, Cronin, & Sinclair, 2003);
4. **Consultation but not dialogue**: children and young people are frequently consulted in one-off activities but are not involved over time in on-going, respectful dialogue (see also Collin, 2008);
5. **Adult processes and structures exclude children and young people**: a lack of integration of children’s participation into formal established policy-making processes, in effect making children’s participation a specialisation and risking that it will be side-lined (see also Cockburn, 2005; Kilkelly et al., 2007);
6. **Lack of sustainability**: with inadequate long-term support, participation initiatives risk being one-off and short term in nature and will not become embedded in the policy process (see also Asthana, 2006; Jochum, Pratten, & Wilding, 2005).

Models developed by Treseder (1997) and Kirby et al. (2003) address some of the contextual factors that can impact on the form of children’s and young people’s participation. Lundy’s model (2007) aims for a more comprehensive approach in drawing attention to four integrated elements – each related to Article 12 of the UNCRC. These are space, voice, audience, and influence, which act as chronological stages in the development of an effective model of child participation.

Lundy’s first element, space, refers to the provision of opportunities for children to express their views. These opportunities should be safe, inclusive, and voluntary. In addition to the decision to take part, children should also be allowed to choose which matters they wish to discuss and what methods of participation they would like to use. Following on from this, the second
element, *voice*, highlights that children and young people should be able to express their views. Once children are capable of forming views, they are entitled to communicate them. In line with Article 5 of the UNCRC, Lundy (2007) emphasises that parental assistance can be called upon to help formulate views if required. Further to this, the third element, *audience*, focusses on the importance of children’s views being listened to by decision-makers. Finally, the fourth element, *influence*, states that children’s views should be appropriately acted upon. The level of competence children possess for decision-making should be viewed according to their evolving capacities and within a child-empowering perspective (Lundy, 2007).

From a practice-based perspective, the literature on the use of digital technologies in youth work similarly provides important insights into the factors that are likely to make participation more effective (Grönlund & Åström, 2009; Panopoulou, Tambouris, & Tarabanis, 2014; Zimmermann, 2016). Drawing on the use of e-participation tools for involving youth in decision-making, the International Youth Service of the Federal Republic of Germany (IJAB, 2014) has outlined five key principles to underpin successful engagement.

First, *alignment with young people’s realities*: to encourage active participation requires consultation and structured dialogue to relate closely with young people’s lives and to address issues of concern to them. Processes should be designed to interest, stimulate, and motivate young people using diverse methods and creative applications. Social and digital media have intrinsic interest for many young people; yet design and technical implementation have to be carefully adapted to their needs and requirements.

Second, the adequate resourcing of effective participation is crucial. While the use of social and digital media can be a cost-effective way of reaching larger audiences and involving more young people who might not otherwise participate, it is not a cost-saving tool and needs to be adequately resourced to be successful. Sufficient resources for expertise, the time required to achieve the outcomes, and for appropriate technology development and support are needed.

Third, to be effective participation must have *defined outcomes* with a structural link to public decision-making processes defined in advance. A formal linkage to the policy-making cycle is an essential element. Delivering concrete results quickly, sharing them in an accessible fashion and broadcasting them across wider social media has positive benefits in reinforcing effectiveness.

Fourth, the issue of *transparency* is crucial, particularly given public concerns about the role of digital technologies in democratic processes. Social and digital media platforms can be opaque in terms of processing. Success factors include making the process of consultation or participation transparent for everyone, including the tools and software used with clear demonstration of information flows, input, and outcomes.

Finally, it is vital that *involvement is inclusive*. In order to promote an inclusive, participatory culture, young people should be involved at all stages, including feedback opportunities through successive phases. Young people’s input at the concept and piloting stage has been found to be particularly important and can positively impact on its design effectiveness (García-Peñalvo & Kearney, 2016).

Models of successful participation, whether technology-based or not, will always require close matching of the objectives set for the particular consultation or dialogue process, and engagement with as well as comprehensive feedback to the populations concerned (Peixoto, Fall, & Sjoberg, 2016). Experience from the field shows that selecting the appropriate methodologies and choosing the right digital tools is always a delicate balancing act between wider engagement and a more focussed deliberative process designed to achieve a specific outcome (Edelmann, Krümer, & Parycek, 2008). For children and youth, those methodologies, while showing promise, are still in development – especially in the case of digital methodologies – and necessarily require higher levels of safeguarding and oversight if they are to achieve the objectives of fostering better participation.
Conclusion

Despite its evident promise and the underlying policy imperatives that have attracted increasing international attention, the mobilisation of children as digital policy-makers remains at an early stage of development. The nature of participation itself remains complex and if effective mechanisms such as that mapped out by Lundy (2007) are to be realised in and through digital media, the barriers to participation, both contextual and systemic, need to be addressed.

Active participation may be defined as a process where citizens are engaged in policy-making and have a role in defining the issues, structuring the consultation process and where they can have an impact on the policy outcomes (OECD, 2003). Here, digital technologies can provide a range of supporting interactive communication tools that can bring policy-makers and end users closer together by sharing information and channels for feedback on an unprecedented level. However, as argued by Vromen (2008), participation in this context is a deliberative process which means that citizens have the opportunity to be actively involved in the decision-making process and its outcome. Applying digital technologies to this process suggests “a new framework for decision-making and legislation formation” that is more inclusive and more wide-ranging than what has gone before (Ergazakis, Metaxiotis, & Tsitsanis, 2011, p. 5).

Ultimately, to be successful, children’s involvement in policy-making – digital and otherwise – needs to be addressed both at the level of the individual child, with appropriate supports to foster a democratic ethos in the child’s immediate environment, as well as at the systemic level to include supportive professional attitudes and resources dedicated to fostering children’s participation, an enabling regulatory regime as well as a willingness and acceptance at the socio-political level of children’s legitimate role in policy-making. That digital policy itself can benefit from greater inclusion of youth perspectives is a key contributory consideration. But the underlying rationale remains that mobilising children’s digital participation is not just a more sophisticated application of digital literacy but also a higher order of citizen engagement, something that is central to digital citizenship, the positive use of digital media technology, and active participation in democratic culture (Council of Europe, 2017).

References


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