



Children, Education and Home Affairs Scrutiny Panel

What protection do children in Jersey have from
online harms?

Witness: The Children's Commissioner

Wednesday, 16th July 2025

Panel:

Deputy C.D. Curtis of St. Helier Central (Chair)

Connétable M. Labey of Grouville (Vice-Chair)

Deputy H.M. Miles of St. Brelade

Witnesses:

Dr. C. Corrigan, The Children's Commissioner for Jersey

Ms. T. Murphy, Head of Office, Children's Commissioner for Jersey

[9:28]

Deputy C.D. Curtis of St. Helier Central (Chair):

So, welcome to this special hearing on online harms with the Children's Commissioner and today is 16th July and I would just like to say thank you for coming in to speak to us and thank you for the submission you have given to us on online harms. This hearing will be filmed and streamed live, the recording and transcripts will be published afterwards on the States Assembly website. All electronic devices including mobile phones should be switched to silent. I would ask that any members of the public who have joined us in the room today do not interfere in the proceedings and as soon as the hearing is closed, please leave quietly. I am Deputy Catherine Curtis, the Chair of the panel.

Connétable M. Labey of Grouville (Vice-Chair):

My name is Mark Labey, Connétable of Grouville and I am Vice-Chair.

Deputy H.M. Miles of St. Brelade:

I am Helen Miles, Deputy of St. Brelade, member of the panel.

The Children's Commissioner:

I am Carmel Corrigan and I am the Children's Commissioner for Jersey.

Head of Office, Children's Commissioner for Jersey:

I am Tara Murphy, I am the Head of Office at the Children's Commissioner for Jersey.

Deputy C.D. Curtis:

Okay, thank you, everyone. We have one hour for this special hearing, so I will start with some scene-setting questions. Dr. Corrigan, for the record, could you outline the statutory duties of your office and explain if or how they are relevant for the protection of children from online harms?

The Children's Commissioner:

Yes, the statutory duties of the office are outlined in the Commission of Children and Young People (Jersey) Law 2019. The primary function of the office is the promotion and protection of children and young people's rights in Jersey.

[9:30]

For children under the age of 18, the primary international instrument that is concerned is the United Nations Convention on the Child, extended to Jersey in 2014. Our remit also extends to some groups of children and young people up to the age of 25 years. That includes children who are care experienced, children with disabilities and children who have been charged under the Young Offenders Law. For these young people, and indeed for children, their human rights are also enshrined in a number of other international treaties that extend to Jersey. These include the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the European Convention on Human Rights. The relevance of the U.N.C.R.C. (United Nations Convention on Rights of a Child) and the duties of my office to this Scrutiny Panel, I believe, are almost spelled out in the U.N. (United Nations) general comment number 25, which addresses the rights of children and their protection in both the digital and offline world. The Committee is clear that we need to promote access to a safe and digital world that promotes and contributes to children's growth, development, learning and participation, but also

needs to recognise the need for stringent safeguards to protect children from online abuse and exploitation.

Deputy C.D. Curtis:

Okay, thank you. So what have children and young people actually told you about their digital lives and whether online harms have any impact?

The Children's Commissioner:

This is not an issue that has been raised with our office by children. When we went out to consultation last April for our strategic priorities, digital safety or online harms did not emerge from children as an issue that they thought we should be focusing on. It did, however, emerge from adults who raised several issues around cyber bullying, around protection from the online world, about managing social media, but they were raised predominantly by adults, not by children themselves. We have spoken to our own youth advisory group recently, but this is in relation to the recent Ministerial direction around children not having phones on their person in schools and it is specific to that. Most have reported that they do not actually currently have access to their phones in school. They can have them on their person but they must be turned off during the school day. Some of our advisory panel expressed anxiety about not being able to actually have their phone on their person, even if switched off. They tended to talk about what happens in an emergency. What happens if I really need to contact my parents? But some also felt that it was kind of a sign of mistrust in them to adhere to a no phones policy in school and that they were not trusted to have them without them actually being physically removed from them. They also very clearly raised the fact that they were not consulted about this direction, that this was something that simply they were informed of but they were not asked about.

Deputy C.D. Curtis:

Can I ask what age group are these children?

The Children's Commissioner:

The children are from 10 to 17.

Deputy C.D. Curtis:

For these responses about not being consulted was across that age group, was it?

The Children's Commissioner:

More so with the older age group because there are a small number of children who are still at the upper end of primary school where phones are not permitted anyway.

Deputy C.D. Curtis:

Yes, okay. Right, so are there any types of ... I mean, were you surprised to not hear about online related harms? Is that a surprise?

The Children's Commissioner:

No, I do not think it was specifically a surprise. My previous work with children would suggest that this is not something that a lot of children specifically see as being dangerous to them. I was surprised perhaps not to see more mention of cyberbullying and but not specifically in relation to the broader range of potential online harms.

Deputy C.D. Curtis:

Because I think - I do not have the figures at the moment - that came up in the children's survey recently, quite a lot who said they had experienced cyberbullying.

The Children's Commissioner:

Yes, some children had said in that survey that they had experienced cyberbullying. I do not have the figures to hand. I think one of the issues that we need to consider when we think about cyberbullying is that cyberbullying tends to be an extension or a reflection of actual in-person bullying that is also going on. It is not something that frequently happens independently of in-person interaction, so it is a multi-layered issue. I do not think it is as straightforward as just looking at the online piece of that.

Deputy C.D. Curtis:

Yes, it is like an extension and bringing it into a child's home. Have you had feedback from other professionals who work with children? I mean, you mentioned about the responses from adults, so like teachers, social workers, youth workers as well about children's online and digital lives?

The Children's Commissioner:

Again, the adults that responded to us through that survey, some of them were professionals. We know that some of them were professionals, some of them were parents. It is not an issue that is being raised with us regularly by professionals and it is not an issue that is being raised with us regularly through our advice and information service either. A small number of parents have raised it with us, but almost exclusively in relation to the use of smartphones and smartphones in schools, as opposed to the broader digital and online harms agenda.

Deputy C.D. Curtis:

Just very briefly, what are the main issues raised with you by children? It is housing, bullying ...

The Children's Commissioner:

Education is a main one, including equal access to education and education inequality, mental health and mental health services. Play and leisure is a big issue that they raise with us consistently. They have also raised with us the issue of income inequality and poverty on the Island and how their families may be struggling. Those are the 4 main issues that children bring to us a lot of the time. And then, of course, we have 2 other priorities, which are, by their nature, continuous, which is children in care and youth offending. But a lot of children are not necessarily involved in those systems.

Deputy C.D. Curtis:

Okay. Do you think that frontline professionals like teachers, youth workers and the police are sufficiently equipped to recognise and respond to digital harms?

Deputy C.D. Curtis:

Again, this is not an area that is a strategic priority for us. We have not done a lot of work in this area. So I am not really sure that I can give an informed response to that. I am not aware, necessarily, of what kind of training teachers are getting in relation to dealing with this, or the police force, or social workers, or carers, that they are specifically getting any kind of training or support in relation to dealing with harms that children may face in the online world. It is part of when we talk about what needs to happen or what we think should happen, we believe very strongly that education for adults, including parents and carers and professionals, in digital literacy is a key part of what should happen because without that ... I think we need those people to be involved. We need them to be aware of what the online harms are. We also need them to be aware of what they can do if they suspect that this is happening to a child.

Deputy C.D. Curtis:

Yes, so you think education for adults is a key part, but at the moment you do not know how effective that is?

The Children's Commissioner:

At the moment I am not sure what is being delivered and I am also not sure of how effective that is.

Deputy C.D. Curtis:

Yes. Is that something that you think you would have time to be looking at among the other priorities?

The Children's Commissioner:

Yes, again this area is not really a strategic priority for us and with limited resources it is very difficult to see how we would have either the time or the resources to engage meaningfully in looking at the quality, the quantity, the relevance of training across all different professional groups. I do think it is something that perhaps the panel might raise. Also I think that the professional and the professional bodies themselves are best placed to answer it.

Deputy C.D. Curtis:

Okay. The Minister for Children and Families has recently confirmed in the States Assembly that the Government is giving consideration to a strategy to address online harms to children. Can you advise us how you would expect children and young people to be involved with shaping that strategy?

The Children's Commissioner:

This is a strategy that will, of course, have a very direct impact on children and therefore I would believe that it is absolutely critical that children are involved. This is the expression of Article 12 under the U.N.C.R.C. which is broad in its scope and goes beyond simply gathering the views of children but to actually considering them and giving them due weight in conversation and also explaining to children where and why their views had an impact or not. That obviously is weighted with age and maturity, but it is an obligation on the state. I would suggest that there are a number of organisations that are already exploring children's views on online safety and I would very strongly recommend the panel look at some of these. For instance, just for example, the U.N.I.C.E.F. (United Nations International Children's Emergency Fund) Innocenti Centre, which is the research centre of U.N.I.C.E.F., is doing some really interesting work around children across a number of nations. It is an international piece about their perspectives on what the best interest of the child principle means when it comes to the digital world, and how both their rights and their interests, both the potential and the potential harms of the digital world, should be balanced for them. The Children's Commissioner in England has also done work in this area and produced a report called *I've Seen Horrible Things*. What this highlights is the type of harmful content that children are seeing and what they see as harmful content, which I think is a critical part. But it also explored who children see as responsible for addressing this. Again, that is not a single answer. That is parents, adults, carers, Governments, that is who they see as responsible for it in producing what a good online world looks like for them. I think some of these methods could be carried forward into Jersey to ensure that you have a broad range of views and also that we ask the right questions, that we do not go with really ... you know, really blunt questions is not the way to find this out. So, you know, simply asking children, have you seen inappropriate sexual content without an understanding of what children determine to be inappropriate sexual content, the answers to those questions do not make a lot of sense. I think anything that we ask children, how we collect their views, needs to understand their understanding of online harm. I think that is potentially the place where we need to start.

Deputy C.D. Curtis:

That is really interesting about children's perception of what they are hearing and also about that real difficulty between what is good online and what is not good at all. That is really interesting. Okay, thank you.

The Connétable of Grouville:

Yes, thank you, Chair. Good morning, Commissioner. I am going to be principally asking questions about the scale and nature of risk in Jersey. The panel has heard that one of the ways that Governments collect data about online behaviour and e-safety is through the children and young people survey. What are your thoughts about the range and availability of Jersey-specific data relating to the online behaviour of children and young people?

The Children's Commissioner:

Yes, well, you know, as I say, this is not an area that we have been very proactively working in. Having a very deep look at the data is not something we have done, but what I would say is that in preparing our submission to the panel, we could find very little local data at the time and therefore that is why it relies primarily on U.K. (United Kingdom) based data.

[9:45]

With regards specifically to the - if I may be so bold as to pre-empt a question - children and young people survey, I think there are a number of concerning issues that are highlighted in that survey that provide some indication as to what children's life online is like in Jersey. A high proportion, almost 40 per cent of children spend more than 5 hours a day on a screen. There appears to be a correlation between the proportion reporting being bullied in the last year and screen time. So there seems to be a correlation between that. More particularly, I think we can see very clearly where the rapid increase of engagement in online and digital worlds increases from the survey. It increases very substantially between Year 8 and Year 12, or even going back it rises from Year 6 to Year 10, and then it increases quite dramatically then once children enter into Year 8. Eighty per cent of Year 12 girls have at least one social media account in their own name and 70 per cent of Year 12 boys have at least one social media account in their own name. I think when you look at it, again going down, a quarter of Year 8 have social media accounts in their own name. I think that is something that we should be concerned about. When you combine that with the figures from the survey that show the proportion of all children who have lied or misled their parents in relation to their online activity, who are bypassing all the safety provisions on social media websites and also have talked to strangers via these websites, I think that presents a worrying picture for children, for parents, for Government and for society at large it should present a worrying picture. Specifically though

teenage girls seem to be at a particular risk with, you know, almost 4 in 10 having received messages online that either scared them or threatened them. That is a very concerning piece. One of the interesting results from the English Commissioner's report is that it tells us that the safer and more supported children feel in real life the safer they also feel online. I think one of the most concerning things from the children and young people survey is the number who said that they would not report to anybody attempts at either sexual or criminal exploitation. When you look at it overall, less than half of Year 8, 10 and 12 year-olds would tell anybody if there was attempts to take advantage of them sexually online, less than half. With criminal exploitation, over 15 per cent of boys say they would not tell anybody. I think that is a worrying trend, the lack of reporting. Potentially, the lack of knowledge of who to report to, who to talk to, and then all of the other pieces that go along with having an online life or existence that perhaps adults, parents, are not necessarily aware of. So I think it is a very complex problem to deal with, but the lack of reporting of potential sexual and criminal exploitation online, I think, is quite a worrying picture.

The Connétable of Grouville:

Indeed, indeed. Referencing the children and young people survey, how else do you think could Government collect data and get information from young people, bearing in mind what you have just said about this area of their lives?

The Children's Commissioner:

Again, not having looked at this in any depth, I will attempt to give you a reasonable answer to that. I think surveys are really useful, they are a really good starting point, they are indicating and they are giving signposts here to some of the issues. As Children's Commissioner, I would say I think there is nothing that can replace good face-to-face conversation, consultation by the right people asking the right questions. That requires the creation of a level of trust and confidence among children that what they say will be heard and will not have negative repercussions for them, will be understood in the way in which they articulate it and will actually lead to impact. I think that those kind of conversations are invaluable in providing information in how children both understand and experience the digital world. For me, it reverts back to that point of what we determine to be an online harm, what we know to be online harm is not necessarily the same as what children and young people identify as online harm.

The Connétable of Grouville:

Again, back to the survey. Was there any of the statistics in that survey or report that related to online harm and e-safety that actually surprised you or caused you concern? Or were you expecting the figures?

The Children's Commissioner:

I think the statistics that I just referred to would cause me concern. I think some of the more surprising things about it are not necessarily the highlights. I was surprised to see such a high number of children under the age of digital consent with social media accounts in their own names. The amount of screen time on a daily basis, I think is ... considering that most children spend - most but not all of course - 7 hours a day in school with no phones available to them, 5 hours of time out of school seems to be a lot. I think that was quite surprising as well. But I think the ones that are of particular concern are the ones that I referred to earlier.

The Connétable of Grouville:

Thank you very much. Are you aware of any research that indicates whether any particular groups of children are most vulnerable to online harms? If so, could you inform us of your concerns?

The Children's Commissioner:

Yes, there is research that was conducted by internetmatters.org. Now it was done in 2019 but they explored the potential online risks for different groups of children and none of these actually really are surprising and I think we could probably all name them anyway. Children in care, young carers, children with special education needs, children with communication difficulties, children with mental health difficulties and children with physical disabilities all rank among those who are most vulnerable and online. If I may just quote from it and it says: "Safe online use or digital literacy is a basic life skill but a sizable minority of teenagers simply do not have it. The result is a widening gap between the majority of young people who are becoming increasingly digitally adept and a vulnerable minority whose online life puts them at risk of harm. Their behaviour in the digital world is influenced by vulnerabilities already present offline and compounded by risks and harms that they encounter online." It also says, which I think is a very pertinent point in relation to digital literacy, some of the most vulnerable young people are missing out on online safety education. The vulnerable pupils may be absent from school for medical reasons or through many placement changes if they are in care. I can only imagine that that extends then quite substantially to children who have special educational needs who may be in and out of school for various reasons. So relying exclusively on digital safety education in schools is not going to meet the needs of many vulnerable groups.

The Connétable of Grouville:

In relation to these vulnerable groups, is there any way in which these children could be assisted in that respect?

The Children's Commissioner:

Yes, I think that report actually identifies a range of specific actions required to keep children safe online. I really would strongly recommend that you take a look at this to inform the review. I think,

again, this is where we enter into the same conversation about we need to make sure that the adults surrounding those children, the professionals surrounding those children, are aware of the increased vulnerabilities, how to identify them, how to address them, and that is where the more holistic piece really needs to be strong and come into play.

The Connétable of Grouville:

We are talking about a report that clearly was pre-COVID, has there been any more up-to-date output from this organisation?

The Children's Commissioner:

Not that I am currently aware of. There may well be but, again, not that I am currently aware of. But substantially, COVID was something that I did want to mention, which is ... I had intended to come to it under a different question but I am not sure that we, even as of yet, 4 or 5 years later, fully understand the long term impact that COVID has had on children's digital lives.

The Connétable of Grouville:

Social behaviour, yes.

The Children's Commissioner:

Yes. But also during COVID, we as adults, as Governments, as society across the world, promoted the digital online world as the way to maintain relationships, the way to form relationships, the way to stay in touch with your family, with your friends, the way to engage in activities, et cetera. For adults, the reversal of that was difficult. I simply think we do not even yet know what or how the reversal and the expected reversal of that for children has actually affected them.

The Connétable of Grouville:

Yes, a very good point, Commissioner. More specifically about a local court case which identified that that over 40 children had been targeted by a drug syndicate through social media. What could or should Jersey learn from cases like that which show that online exploitation can happen here?

The Children's Commissioner:

I think the first thing that I really want to say to that is it was incredibly sad to see so many children and young people caught up and exploited in that case. I think the principal lesson for us from that is that Jersey is not immune from this kind of exploitation. We absolutely cannot be complacent but that this activity happens in the Island and our children will be targeted. There will be attempts at exploitation and we need to be extremely aware of that. I am sure there is lots of learning to be taken from that. I think that that is really a question ... in terms of identifying key lessons from that, I actually think that the best people to answer that question are C.Y.P.E.S. (Children, Young People,

Education and Skills), the police force and customs, because they co-ordinated that response, they dealt with those children. I think their learning is critical to it in how to identify it, how to treat it, how to make sure that the exploitation is recognised as opposed to the criminality, and that child exploitation is a crime. These children are victims and therefore need to be treated as such. I think that came through very well in this particular case.

[10:00]

But I think also that there is lots of learning to come from the U.K. as well, where they have done much more work around identifying child exploitation, identifying online grooming, be it sexual or criminal, and have done a lot more work over a number of years in relation to that. Again, I think it is worth looking at some of that. But I think for Jersey-specific learning, I really do think that, you know, C.Y.P.E.S., customs and the police force are the people to identify the key lessons as they were the closest to it.

The Connétable of Grouville:

Would you say that these particular individuals, these 40 children, would be probably the most prone to be non-responsive, non-reporting, because they have been groomed not to do so?

The Children's Commissioner:

Well, I think a core part of any grooming activity is you do not report.

The Connétable of Grouville:

Non-reporting, yes.

The Children's Commissioner:

You know, we are either your friends or we are your threat. It is a core component of exploitation.

The Connétable of Grouville:

Absolutely. Thank you. Thank you, Chair.

Deputy H.M. Miles:

I have some specific questions about legislation. You said in your written submission with regard to children in the digital world that a balanced approach is required, so maximising the benefits of the digital world while ensuring protection and safety. In your professional opinion as Children's Commissioner, how important is the role of legislation as part of any framework to provide that balance?

The Children's Commissioner:

In my opinion, legislation is and has a critical role to play in any framework, or somebody mentioned the word "strategy" earlier on to address online harms. I think it needs to set out the standards of behaviour, activities and practices that, as a society, we believe are acceptable, as well as providing a very clear means for holding those who do not adhere to them to account and hold them robustly to account. But I think legislation is only one part of any framework or strategy and can only be one part. I know in our written submission, we highlighted a number of other pieces that we felt very strongly needed to be part of that as well to enhance and protect children's rights. We have mentioned a few of these already. We need to strengthen digital literacy for children and also for their parents and carers. We need to ensure that children who have experienced online harm have access to, and easy access to, reporting and support mechanisms. It is important that all policy and practice measures to address online harms and online safety align with the best interest of the child, and most crucially that that involves children's views and voices. So, while I think legislation is a key part of it, I do not think it is the sole part of it.

Deputy H.M. Miles:

Thank you. What is your assessment of Jersey's decision not to request the inclusion of the permissive extent clause in the U.K.'s Online Safety Act?

The Children's Commissioner:

Before answering this, can I just make clear as well that this, of course, was a decision that was made before I took up post here. So I am relying on previous information as well as our current experience. The first thing to say is that I understand that a number of new offences are going to be created that reflect the V.A.W.G. (Violence against Women and Girls) recommendations. Some of those are going to strengthen the legal framework and some of them are very similar to what is under the U.K. Online Act. We welcome that because they will give an additional level of protection. So just so there is something in that. For me what is less clear is how the intended protections for platform users, including children, that have been introduced under the U.K. Online Safety Act, such as the requirement on platforms to prevent children from accessing harmful material, age-inappropriate content, to provide clear and really accessible ways to report, which I think is critically important, are actually going to be addressed in Jersey. Sorry, they are more general comments, Helen, I know that but with specific regard to the P.E.C. (permissive extent clause), I believe at the time that the Government was considering whether or not to agree to the P.E.C., they undertook a review of the Jersey Legal Framework against what was the proposed Online Safety Bill. I personally would be interested to understand exactly what that review found, because I think it is important that we really understand and know the basis for the decision for not taking the P.E.C. Also, what the level of online protections for children in Jersey that the Government felt were already in existence and what the options were considered in terms of addressing any gaps in that. There

is mention since then by various Ministers of ... and it is on the public record, by the development of bespoke legislation, but personally for us it remains unclear as to what the scope or nature of what that legislation would cover.

Deputy H.M. Miles:

I know you said that that predates you, but do you know whether the Office of the Children's Commissioner was consulted as part of that review?

The Children's Commissioner:

To the best of my knowledge, no, we were not consulted.

Deputy H.M. Miles:

Would you expect to be consulted?

The Children's Commissioner:

Yes, I think this is an issue that is core to children's rights and therefore, yes, we would expect to be consulted.

Deputy H.M. Miles:

I think you have been very clear in the advice that you would have given.

The Children's Commissioner:

Yes.

Deputy H.M. Miles:

Okay. In 2017, the Independent Care Inquiry highlighted that Jersey had historically lagged behind other jurisdictions in updating child protection laws. One of the lessons to be learned was that the welfare and interests of children are paramount in all other considerations. I think you touched on that when you were talking about the P.E.C. and the Online Safety Act. Do you have a view of whether the Government takes appropriate action to update legislation in areas that significantly impact children and child safety, such as online harms?

The Children's Commissioner:

Well, in addressing the online harms piece, I suppose, again, not having done in-depth work in the area, it is difficult to actually provide a very informed view on that. Again, going back in relation to talking about legislative change and the P.E.C., is that it is unclear what the gaps, identified gaps, in the legislative or policy framework are. Without knowing very clearly what the Government is trying to address and how, then it is very difficult to answer those questions. I think what I would

say specifically in relation to this, however, is that this is a very fast moving area and I do not believe that the Government of Jersey can afford to wait any longer to really show an understanding of the challenges that it is facing in keeping children safe online, in implementing necessary tools and initiatives, and in being clear about what the gaps and what the provisions are that it wishes to address.

Deputy H.M. Miles:

What areas would you recommend that they focus on in particular, as a start?

The Children's Commissioner:

Again, without knowing what it is they are planning to do, that is a very difficult question to answer. I think simply at the moment for us, it would be very useful to know what the review back at the time, in 2022, showed, what the basis for not accepting the P.E.C. was, and what the options were being considered to provide children with an appropriate level of harm that is akin, or certainly not less, than children in the U.K. What that plan is, what those gaps are, what that rationale is. I think from that you can then start to identify, well, these should be your priority actions and initiatives, whether that is legislation, regulation, whether that is education. But from that I think you can then start to identify your priorities.

Deputy H.M. Miles:

Has the Office of the Children's Commissioner requested the review that was undertaken? Have you requested information?

The Children's Commissioner:

I have not requested it of late, no.

Deputy H.M. Miles:

Okay, thank you.

Deputy C.D. Curtis:

All right, I have a question now and there will be a few more questions around the protective framework. So, Commissioner, you have provided details in your written submission about the various responsibilities for Jersey as a state party under U.N.C.R.C. articles and optional protocols. Please can you describe how these obligations should be assessed so that is like it does not just become a tick box?

The Children's Commissioner:

I think the first step in doing that and in the Government doing that is that they should have a very good understanding of their duties under each of the articles drawing on advice from the U.N. Committee on the Rights of the Child. There are many general comments published which spell out the duties and obligations of the States and how they can be implemented. I think also to take due account of the concluding observations of the Government when they review the country's progress. Online harms, is not an area in which there have been specific Jersey recommendations, but there have previously been recommendations to the U.K. that I think should be looked at. I think one of the best tools that the Government has available to it at the moment, and should absolutely be applied in this context, is the Child Rights Impact Assessment tools. I think they are essential for looking at digital policies, I think they are essential for looking at digital platforms and services, and they can promote and prioritise the safety and well-being of children. Again, U.N. general comment number 25 absolutely emphasises that the States should require C.R.I.A.s (Child Rights Impact Assessment) to assess both potential benefits and risks to children's rights. In this, some of the issues to be considered would be around the impact on their privacy, impact on their freedom of expression, their protection from harm, and to think about all of those things before implementing either legislation, policy or any kind of initiative. Those should be considered and I think the Government has that tool already. But I think this is a really good forum also, in the Scrutiny Panels and in the Assembly more broadly, you know, to also utilise C.R.I.A.s to assess whether children's rights are being adequately considered by Government when proposals do come forward about this area. I think it is really important that that gets done and gets done well.

Deputy C.D. Curtis:

Yes. Also attempting to make sure these standards are kept to, you have talked about Government's role and the Assembly, and you will have a role in that. Do you think there is room for any other evaluators? Would that be necessary?

The Children's Commissioner:

Again, I think on this issue a lot of people have different perspectives. I mean, Government will have its own perspective. We will have ours from a child rights perspective. I am not entirely sure, Catherine, what you mean by evaluators?

Deputy C.D. Curtis:

Well, I suppose checking up on how well things are being done in relation to the U.N.C.R.C. articles on the rights of the child.

The Children's Commissioner:

Well, I think we have a monitoring role in that, which obviously we maintain. We are consulted on any ... in fact, we have to be consulted on any draft legislation that may directly or indirectly affect

children. I think that is critically our role. I think also, however, we also report to the U.N. Committee on the Rights of the Child.

[10:15]

We would be highlighting this in periodic reports. But, also, our links with our colleagues internationally will also give us some insight into what is happening across not just the U.K., but much more broadly across Europe in relation to these issues as well. Whether or not you need an additional rights body looking at it, I do not think so from the child rights' perspective.

Deputy C.D. Curtis:

So there is a good pulling together of information there?

The Children's Commissioner:

There is a good pulling together of information.

Deputy C.D. Curtis:

If I can just ask a question on something that has just come up recently, which is one Minister has expressed an interest in banning social media accounts completely for children, there is conflict between some of these articles that I see so children's rights to access to information as against protecting children from harm. This would be quite a difficult issue, would it not, in considering children's rights?

The Children's Commissioner:

I think it would be very difficult because the balance to be struck from a rights' perspective is not to simply block access, it is not to block access to a digital experience. It is to make that digital experience safe and to look at the various actors within that that have responsibility. I am not convinced that a ban on social media at this point ... firstly, I am not at all sure how technically it would be done, and that is just ... it may be quite possible, that is fully ignorance on my part as to technically and technologically how that would be done. Given children's capacity to bypass, and we know we have seen it from the children and young people survey, all kinds of controls and safety measures and access, etc cetera, I think it will be very difficult to either monitor or police. I know that that is a route that the Australian Government has gone and but I think we are yet waiting to see exactly how that is going to be implemented, policed, controlled, because I think that is not yet clear. I think the other issue that we will have and we will always have for a minority is that children will simply be given access by adults. So I am not sure of how effective a ban on social media platforms would be for children and how one would separate that out completely for access for adults.

Deputy C.D. Curtis:

Thank you.

Deputy H.M. Miles:

One of the viewpoints that we have heard is, and you are talking about adults there, the role and responsibility of parents to stop their children from accessing inappropriate content online, either through parental controls or cutting of access altogether. But we have also heard from parents that they need help to do this. So what is your assessment of that approach? Do you think that there should be more support for parents and whose responsibility do you think that should be? Education or more broadly?

The Children's Commissioner:

I think educating parents is, again, as essential as educating children. I have said before, I am the parent of 2 grown-up children, been through the teenage years with COVID. My children are far more digitally adept and savvy than I am. I have done training on digital literacy and needless to say I was absolutely horrified to find out the myriad ways in which children can hide social content, hide online activity with 2 clicks of a mouse. So everything they are saying ... I do not mean to imply that this is every child, I genuinely do not, but it is quite possible for many, many children to say: "This is what I am looking at, here is my device." But unless parents know how to look behind what is on the screen, it is very difficult for them to actually know what their child is looking at or experiencing. So I think digital literacy for parents is frightening, but absolutely essential in addressing online harms. I think one of the key skills in this that none of us, I think, were born with is how to actually talk to your child, how to talk to children about their online world, about their online life. I am not sure that that necessarily rests with education or certainly not solely rests with education. I think that is a much broader initiative that needs to be looked at as to where parents are, how they want to receive this, who is best placed to deliver it, what kind of training is actually needed. But this is about - and I think we need to stress this - digital literacy. It is not about being digitally adept. Many, many children are profoundly digitally adept, but that does not mean that they are digitally literate.

Deputy H.M. Miles:

Okay, greater understanding?

The Children's Commissioner:

Yes, as to what happens behind what is on the screen.

Deputy H.M. Miles:

The age of consent for sharing data online is 13 and then are various social media platforms have got different minimum age thresholds. Do you think that that current age threshold is suitable?

The Children's Commissioner:

I think there is a ... in some ways I think that the age of digital literacy is ... or the age of digital consent, beg your pardon, is very much related to the age that is tied into data protection and information. There has been work undertaken by Click Safe on behalf of the European Union on the minimum age requirements for social media, and it is largely that those platforms tie into what a jurisdiction's minimum age of data protection, data sharing is. It is not an assessment of children's ability at all. It is not an educational assessment at all. It is just related to another piece of legislation which is data protection. Even where laws have been introduced in countries to say 13, that is it, 16, that is it, they have not proven to be particularly effective because the platforms simply find legal ways around them. That is what happens, they find legal ways around them. So the age is quite, I think ... in some ways, it is linked to something that is not necessarily the best measure for online safety, I think that is the answer. I think as with all age limits, it is very difficult to pick one because it always appears arbitrary. You know, it always does appear arbitrary and yet at the same time I think we do need to consider, you know, a legal age because if not then everything is just open to everybody.

Deputy C.D. Curtis:

We have only got a few minutes left actually and unfortunately we have to be out of the room.

The Children's Commissioner:

Yes, that is fine.

The Connétable of Grouville:

We are getting kicked out.

Deputy C.D. Curtis:

I will just skip to the question which is, is there anything that the panel has not covered in its questions today? Is there anything you feel would be important to mention regarding online harms?

The Children's Commissioner:

I think there is 2 things that I would just like to comment on very briefly in addition to what we have already said. Maybe revert just very quickly to 2 or possibly 3 questions, and I will keep it short. The first is in relation to A.I. (artificial intelligence).

The Connétable of Grouville:

That was one of the questions, we missed that one, okay.

The Children's Commissioner:

Absolutely, we are not experts in A.I. I do not know an expert in A.I. I wish I did know an expert in A.I.

The Connétable of Grouville:

Ask Alexa.

The Children's Commissioner:

Ask Alexa. I think, however, that from our very limited knowledge in relation to A.I., I think that what we would want to say about it is that like all online platforms or applications, it has the potential to absolutely do enormous good for children and their rights, and do enormous harm. Can do both. I would just like to refer to just a very recent statement by Antonio Guterres, who is the U.N. Secretary General, who talks about guardrails. Now, I am not going to give you a technical explanation of what a guardrail is because I do not know one, but talks about guardrails. Guardrails are a bit like the protections on social media platforms. What they are designed to do is secure greater privacy and security, and eliminate and curb access to kind of toxic or harmful material based on the user. So they identify, if you like, the user and everything is guarded in. It means that vulnerable groups do not get access to everything that is out there, but to a much narrower guarded selection. Guterres argues, and this I think would be our argument, that these guardrails need to be developed and that they are best embedded in a human rights accountable and transparent framework. We do know that some platforms like Snap are already starting to build these in, unfortunately on foot of some very distressing cases. But they are trying to look at these now to curb the potential damage for children. I would say that I think the important point about A.I. guardrails, however, is that it is not just about the platforms, it is about policy and it is about legislation. You now have organisations, Government organisations, Governments, developing their own ethical policies on A.I. use, and how it is used, what it is used for, what it collects, what it shares. I think that that is something that could, at least in some way, be considered for a whole range of organisations on Jersey that interface with children. The other question, if I may, is the pathways for online abuse. As far as our understanding is concerned at the moment, online bullying, if it is reported to the Government of Jersey website, signposts people to victim support, which then signposts or provides a link to Childnet U.K. for reporting concerns or risks about children and young people. But I think it is really clear, and I think for us it is imperative, that as a part of protecting children's online life and specifically ... not specifically but to include cyberbullying, is that we need whatever else is brought up, we need really clear, simple, accessible pathways for reporting and we need mechanisms agreed with the platforms for quicker takedown. That, I think, is one of the things that children would really like to see, is that

if something comes up that is about them and it is harmful that there is a rapid way to get that removed. Unless there is anything other major that you would like to ...

Deputy C.D. Curtis:

No. Okay, well that is really useful, thank you.

The Children's Commissioner:

Thank you very much.

Deputy C.D. Curtis:

We have still a couple of questions, if we could send them on to you?

The Children's Commissioner:

That would be absolutely fine, we will respond in writing, yes.

Deputy C.D. Curtis:

Okay, thank you.

The Children's Commissioner:

That is great. Thank you very much for the opportunity to come and talk to you.

[10:29]