

Citizenship in a Digital Era

Introduction

Within individual countries, even those where the vast majority of the population share long established political, cultural and legal traditions, today it can nonetheless still be difficult to detect a consensus or settled view about key aspects of policy in relation to the internet.

At international level the situation is even more challenging. Governments of similar persuasions or outlooks nevertheless might pursue strikingly different approaches. Some favour light touch or no regulation, others support self-regulation. Yet a third camp believes traditional forms of state-led and detailed regulation continue to offer the best hope of achieving a range of desirable objectives.

There is therefore a prevailing sense in which policy is quite fluid or unstable. Debates about which direction to go are often beset by competing ideological and economic interests as well as flatly opposing views of the technical feasibility of pursuing one course of action as opposed to another.

It feels like quite a lot of important things are still being worked out as we go along. After all there are no textbooks which anyone can take off a shelf in a virtual or real world library to guide policy makers and other stakeholders through the unprecedentedly complex conundrums which the emergence of the internet constantly throws up. To coin a phrase we are truly “all in it together”.

Against that background eNACSO publishes this paper as a contribution to a debate currently taking place across the world. It is a debate in which every social, economic, political and technical interest has a stake and a valuable point of view.

The principal focus of the paper is how the concept of citizenship in the digital era impacts upon and affects the position of children and young people. The paper draws heavily on the output of workshops on this topic which directly involved young people.

While children’s and young people’s rights and responsibilities are in many ways co-terminus with those of adults there are or can be important differences. These differences in turn are usually grounded in the fact of children’s or young people’s immaturity with its consequential lack of knowledge and worldly experience which typically that implies.

It is this difference, this lack of equality, which creates obligations that extend towards children and young people but do not have the same relevance or meaning for the generality of adults. This difference creates rights, duties and expectations in relation to third parties, in the present case very obviously with regard to companies that offer online services with which children and young people engage. But also parents, carers and the

education system find themselves caught up, if not exactly with wholly new obligations, then most certainly with old ones cast in a new light or placed in a new context. How far these obligations, rights, duties and expectations extend, and to whom, is at the heart of the discussion which eNACSO wishes to engender.

Background

Citizenship implies rights and responsibilities, duties and obligations shared by and between people living within a given jurisdiction.

In much of the developed world and elsewhere the modern idea of citizenship was, inter alia, linked to the emergence of the nation-state and the notion of a social contract between the governed and the Government.

The precise combination and extent of these rights and obligations varies from state to state but over time a core set of ideas have been enshrined in several international treaties, conventions and other instruments.

The United Nation's Universal Declaration of Human Rights and the European Convention on Human Rights are two of the best known examples. These set out a framework for relationships between citizens and the modern state and those institutions or interest which make up the fabric of 21st century societies everywhere. These instruments also confer rights on individuals who might live in a country but not be citizens of it in the narrow or historic legal sense.

The Declaration and the Convention thus describe a range of civil, political, economic and social rights and expectations covering, for example, free speech, freedom of movement, the right to information, freedom to choose and practice your religion, the idea of accountable Government, respect for the rule of law, the right to vote, freedom of association, provision of and access to health care, education and welfare services.

States can be held to account under international treaties. A range of international tribunals exist which can adjudicate on disputes between states, can bring individuals to trial for certain classes of crimes or even intervene or make declarations which seek to uphold the rights of citizens against their own Governments.

Over time the body of acknowledged rights has expanded suggesting there is a degree of dynamism attaching to the concept of citizenship and that it is a product of the evolution of our societies. This trend has echoed around the world. Social and political movements of many different kinds are framing their struggles in the language of rights and recognition.

Globalisation and the arrival of the internet are raising increasingly sharp questions about the legitimacy, completeness or effectiveness of a perspective rooted solely in the notion of the nation state. Moreover through increased migration we now have multiple diasporas who can maintain a complex series of relationships between their homeland and their host societies. These patterns of cultural multiplicity and identity have raised questions about the porosity of political boundaries and cultural borders.

However, in the main and for the foreseeable future, the principal locus for determining issues of citizenship and citizen's rights, including children's rights, will remain the nation state and its governing or law making institutions.

Yet when the debate comes to children and young people, clarity of rights and obligations becomes of paramount importance. Major differences between countries can produce, in this case, serious imbalances in terms of the measures that are in place to define and ensure children's rights and children's safety.

The principal international treaty governing the rights of children is the UN Convention on the Rights of the Child. This was adopted in 1989, before the worldwide web had been invented and therefore before the huge explosion in internet usage which began in the mid 1990s. Although the Convention expresses a set of overarching values which remain relevant in any and all environments, it is legitimate to debate whether or to what extent some of the thinking and practices which underpin parts of it might with profit be updated or refined.

eNACSO intends to establish a dialogue with the UN Committee on the Rights of the Child and the NGO Group in Geneva to see how this discussion might best be taken forward. The participation and support of EU institutions and Member States in this endeavour will be essential if we are to reach a new and better understanding of the role, the power and importance of the Convention in the digital age.

Old wine in new bottles?

The internet and many of the devices which can connect to it are major channels through which children and young people live out or conduct important parts of their lives. They communicate with friends, maintain or build relationships, learn and have fun. What many people often refer to as the virtual world is part and parcel of children's and young people's everyday real world.

Some new words or terms may need to be used to discuss or describe the online space but that is only because the places themselves are a little different. The fundamental nature of the human interactions taking place within them are as old as the hills. This has been reflected many times in judicial findings. It is also commonsense.

In our respective roles we need to make a distinction between "technical knowledge" and other forms of knowledge or leadership. Strengthening education on democratic values, citizen rights and our respective obligations to each other does not depend on you knowing what an IP address is.

Parents and teachers can be better empowered in their guiding role in relation to children if it is made clear that nobody needs that kind of technical knowledge to be a good educator when it comes to establishing communal and democratic values in the minds of young people or in encouraging them to follow sound guiding principles in their dealings with other people, whether in the virtual world or the real world.

In any event in lots of contexts, maybe not all, it can be completely meaningless or at any rate unhelpful to try to make distinctions between the offline and the online worlds. Events or incidents in a child's or young person's life at school or the youth club will be discussed, replayed and developed when they go online. Events or incidents which take place online will equally be discussed, replayed and developed in the playground or at the youth club.

This has important implications for public policy. It argues *against* the idea that there is a separate discipline or a special project called "digital citizenship" and also calls into question the idea of "netiquette", although such terms or concepts can have their uses in particular or limited circumstances.

"Disinhibitions"

On a range of web sites and with services such as Facebook, with text messaging on mobiles, online games and web cams, conditions or situations can exist which rarely if ever arise in the physical world. The technology can, by creating the illusion of anonymity or remoteness, act as a "disinhibitor". This has tempted many people, including many children and young people, to think about doing things on the internet which they would never for a moment consider doing in the real world because of their fear of being caught or identified.

It is important to convey to children and young people precisely how illusory the supposed anonymity of the internet can be. It is exceptionally difficult to do many things online without leaving a trace.

In a similar vein, and this can be a difficult thing to convey to idealistic younger people who are joyfully unaware of the possibility of treachery or betrayal in human relationships, if they post pictures of themselves or others, or put up information about themselves or others in what they believe is a private space on the internet, should a relationship or friendship subsequently rupture such pictures or information could rapidly find their way into very public parts of cyberspace where they could cause untold damage or cause great embarrassment and stress. These things can even happen by accident, which is another reason why children and young people need to be carefully counselled about the hazards of posting personal material on any part of the internet.

In whatever environment we are in what matters is how we behave towards and deal with each other. As parents, as adults, we need to teach children and young people about the importance of honesty, of respecting differences, to be wary of strangers, of not saying hurtful or mean things, of not disclosing certain types of information about ourselves, our friends and families either at all in public or in many other situations also.

Democratic engagement

In the area of civic and political engagement the internet undoubtedly has extended the range of ways in which citizens can participate in politics and in the democratic life of the country. It has created new possibilities in terms of holding Governments and politicians to account and for participating in policy making.

Thus teaching children and young people about how modern societies work, about 21st century citizenship and what it means to live in a democracy, *as well as learning from children and young people about these things*, is not about creating entirely new disciplines or ideas about democratic values, but it most certainly does involve opening up children's and young people's eyes to new ways of extending and enriching our lives as voters and or as citizens.

We are not yet at a point where politics and Government are *only* played out on the internet, perhaps such a day will never arrive, but there is no doubt at all that large parts of the political and democratic processes are happening online so not to be aware of them or be confident about how to participate could reduce the range of opportunities open to an individual to influence political outcomes.

Private corporations

The internet is a gigantic technical achievement. In the main it is run by private corporations who provide access to it or sell services on it for a profit. In our view these corporations have specific responsibilities to try to make sure the environment they have created is managed in a way which is appropriate to the full range of users who avail themselves of it, not just some, not just the majority.

A great deal of the discussion about companies' and individuals' rights and responsibilities on the internet is framed by an unspoken assumption that all users are literate and numerate adults of average intelligence, a reasonable level of education, with standard hearing and eyesight, the power of speech and with full use of their hands, or at least sufficient to manipulate a mouse, a keyboard, both, or a touchscreen. This is far from being the case.

The children and young people who participated in the workshops eNACSO arranged as part of the process of writing this paper were not aware of any strong corporate presence or responsiveness when it came to them reporting "bad stuff" or "bad behaviour", even when all they were doing, in their own eyes, was seeking to enforce appropriate standards of behaviour online where these were the same as the Terms and Conditions of the web site in question. Their attempts at reporting worrying incidents typically failed to evoke a timely response or indeed any response at all. This seemed to steer the young people towards a belief that stronger regulation might be required to ensure that companies behaved in more appropriate ways in future.

All of human life is here

Increasingly internet usage has come to mirror the wider demographics of society. As a consequence there is a very broad range of abilities, capacities and levels of comprehension represented among the billions of internet users worldwide. This has, or at any rate ought to have, profound implications for how we think about what the internet is or might be.

As the internet becomes ever more tightly integrated into the fabric of modern social, economic and political life it is imperative that we develop a framework of law and practice which properly honours and respects the civil and human rights of all internet users.

UN CRC

Children and young people are a case in point. The UN Convention on the Rights of the Child is the cornerstone of policy in this field among almost all the nations of the world. The Convention establishes that children and young people are rights holders. Adults, starting from family members through to those making up the international community and the

internet industry, are legally required to take action to protect and promote these rights. It is a shared responsibility. Children and young people need to be involved, heard and protected at the same time.

Parents, teachers, policy makers and professionals

Thus policy makers in modern societies need to develop a new understanding of citizenship that embraces and encompasses virtual social spaces every bit as much as it does traditional real world spaces. Teachers and other professionals who work with children and young people need to have a sound understanding of how children and young people engage with the technology otherwise they will not have a good enough grasp of a key aspect of children's and young people's lives sufficient to enable them to be able to carry out their professional responsibilities adequately. The same is likely to be true for parents also.

Selling to children

Commercial companies that sell or provide goods or services online which are governed by specific legal provision tied to the age of the would be purchaser should be able to demonstrate that they are able to do without putting any child or young person in harm's way. Companies that collect personal information from internet users need to be mindful of their obligations to persons who lack the capacity to consent to rendering that data without first obtaining prior parental consent. Advertisers should know the demographics of the sites on which they place their ads or allow them to be shown so as to ensure they are not exposing children or young people to commercial promotions which would be denied them in any other environment.

Complex tapestry

This is a complex and still changing tapestry. A proper respect for free speech and democratic values has to go hand in hand with an acceptance of the central role of the internet in the modern world.

The internet is now firmly in the consumer and family space. Over the years, we have evolved a range of practical measures to segregate adult environments from children's without doing violence to the integrity of either. We need to find new and better ways of doing this in the online world. This may lead to minor inconveniences or delays to adults gaining access to parts of the internet which contain materials not suitable for minors but inconvenience should not be confused with censorship, let alone denial.

Everything on the internet does not have to be equally accessible to everyone, irrespective of their age. Moreover to lay all of the responsibility for policing children's and young people use of the internet at parents' or schools' doorsteps is an evasion of responsibility

which is no longer consistent with the technical complexity of the environment which the internet has become. If a company provides a service or sells a product online which either the law or their policy says is subject to an age limit, they should have the wherewithal to enforce it, or they should withdraw it until they do.

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