

Review: What protection do children in Jersey have from online harms?

Submission to the Children, Education and Home Affairs Scrutiny Panel

About the Office of the Children's Commissioner for Jersey

1. Established by the Commissioner for Children and Young People (Jersey) Law 2019, the Children's Commissioner for Jersey is the independent holder of the public office responsible for promoting and protecting the rights of all children and young people in Jersey who are:
 - Under the age of 18;
 - Under the age of 25, if they have a disability, have been care experienced or have been sentenced, or held in custody, under the Young Offenders Law;
 - Placed off-island for their care or treatment.

Introduction

2. As the Children's Commissioner for Jersey, I welcome the opportunity to submit this evidence to the Children, Education and Home Affairs Scrutiny Panel's review of online harms. This submission focusses on children's rights in the digital world. The United Nations Convention on the Rights of the Child (UNCRC) provides a clear framework for understanding children's rights in this context, and General Comment No. 25 (2021)¹ on children's rights in relation to the digital environment outlines how states should ensure these rights are upheld.
3. Digital technology plays an essential role in the lives of children, offering opportunities for education, social engagement, and participation. However, children also face risks, including exposure to harmful content, online exploitation, and threats to their privacy and well-being. A balanced approach is required—one that maximizes the benefits of the digital world while ensuring children's protection and safety.
4. This submission will provide some more detail on both the benefits and risks of the online world to children alongside the associated rights considerations, all of which are important in considering how to adequately and appropriately protect children in the digital world.

Children's Rights in the Digital World

5. In terms of children's rights in the digital world, the core treaty which applies is the United Nations Convention on the Rights of the Child (the UNCRC). The UNCRC was ratified by Jersey in 2014 and guarantees a range of rights for children that apply equally in the digital environment, these include:

¹ [General comment No. 25 \(2021\) on children's rights in relation to the digital environment | OHCHR](#) - The Committee produces General Comments to explain the rights contained in the CRC and its Optional Protocols and provide guidance with respect to particular issues. General Comments are key standards that help States improve both the way they write their reports and the way they implement the treaties.

- Article 2: Non-discrimination - All children, regardless of background, must have equal access to digital opportunities and protection from online harms.
 - Article 12: Right to be heard - Children must have a say in decisions affecting their online experiences.
 - Article 13: Freedom of expression - Children have the right to seek, receive, and share information online.
 - Article 16: Right to privacy - Children's personal data must be protected.
 - Article 17: Access to information - Children should benefit from appropriate and reliable online content.
 - Article 19: Protection from harm - States must protect children from all forms of violence, including online abuse and exploitation.
 - Article 31: Right to play and leisure - Children should be able to engage in positive and age-appropriate digital experiences.
6. The Committee on the Rights of the Child (the Committee) published its General Comment No. 25 in 2021. This clarifies that children's rights apply fully in the digital environment and that states have obligations to ensure children are protected, empowered, and able to enjoy their rights online.
 7. Under the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography², which Jersey has also ratified, states are required to ensure that they take measures to prevent online sexual abuse and exploitation of children.
 8. In addition to the UNCRC, the European Convention on Human Rights³ (ECHR) also has relevance in this arena, for example:
 - Article 8 (Right to Respect for Private and Family Life): This applies to children's digital rights, such as their right to privacy in digital communications and online activities. This includes protecting children from breaches of privacy, online harassment, and unauthorized use of their personal data.
 - Article 10 (Freedom of Expression): This article grants children the right to access and share information online, but it must be balanced against protections against harmful content, such as online hate speech or abusive materials.
 - Article 14 (Prohibition of Discrimination): This article applies to children's protection from online discrimination, such as cyberbullying based on gender, race, or other factors.

The Benefits of the Digital World for Children

9. When designed and used appropriately, digital technology can advance children's rights and well-being.

² [Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography | OHCHR](#)

³ [European Convention on Human Rights](#)

The right to information and education (Articles 13 and 28)

10. Children have the right to freely access information, and the internet allows children to explore a wide range of topics, develop their identities, and engage in public discourse.
11. Work by numerous bodies including, Digital Futures for Children, also highlights that digital tools and platforms provide children with unprecedented access to educational resources, information, and knowledge. The use of technology in the classroom, online learning platforms, and digital libraries helps children to engage with diverse materials and educational content that may not be readily available in their local environment. This is particularly impactful for children in underserved regions, those with disabilities, or those facing social barriers to traditional education.

The Right to Participation (Article 12)

12. Children increasingly have the opportunity to participate in global and local conversations, express their opinions, and engage in activism through digital platforms. Social media, blogs, and online forums allow children to advocate for their rights, challenge societal issues, and participate in discussions about the future of their communities. Digital technology can enhance their UNCRC Article 12 rights by empowering children to use their voices in ways that would have been difficult in the pre-digital era.
13. For children in disadvantaged areas or those with disabilities in particular, research has shown that digital technology can help reduce the barriers they face to social participation.⁴
14. General Comment No. 25 emphasizes that digital spaces should foster children's right to participation while preventing discrimination and exclusion.

Freedom of Expression and Information Access

15. Children have the right to freely access information and express their views (UNCRC Article 13). The internet allows children to explore a wide range of topics, develop their identities, and engage in public discourse. Social media and digital content platforms provide children with opportunities to express themselves, share opinions, and connect with others on issues that matter to them.⁵

The Right to Privacy (Article 16)

16. Digital platforms have the potential to provide children with control over their personal data and online identity. Through privacy settings, content management tools, and encrypted messaging services, children can assert their privacy rights and have some level of control over what information they share. Privacy must be built into the design of digital platforms, and children must be empowered to manage their online presence. The right to privacy is also addressed in the section below.

Right to play and leisure (Article 31)

17. Under Article 31 of the UNCRC children have the right to *“to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts”*. General Comment No. 25 emphasizes that children's right to play and leisure should extend to the digital environment. It

⁴ Council of Europe (2019) [Two Clicks Forward and One Step Back: Report on children with disabilities in the digital environment](#)

⁵ [Social media platforms benefits for young people | Internet Matters](#)

acknowledges that digital platforms offer new forms of play, creativity, and social interaction, and therefore children's right to participate in these activities is essential. The comment stresses that digital play should be designed to be enjoyable, educational, and supportive of children's development.

18. The Comment also highlights the importance of maintaining a balance between online and offline activities. While digital play can offer valuable opportunities, it should not replace physical play, outdoor activities, and face-to-face social interactions. A healthy balance is necessary to ensure that children enjoy the full benefits of both digital and non-digital forms of play and leisure.

Online Harms and Risks to Children's Rights

19. Despite these opportunities, children face significant risks in the digital world, which must be addressed to protect their rights under the UNCRC.

The Right to Protection from Harm (Article 19)

20. One of the most significant risks children face in the digital world is exposure to harmful content, cyberbullying, online exploitation, and grooming. The 5Rights Foundation, the NSPCC and other advocates have highlighted that the online environment often exposes children to content that violates their rights to safety and protection. This includes:

Online Exploitation, Grooming and Sexual Abuse

21. The NSPCC in the UK has documented an increase in online grooming cases, emphasizing the need for stronger child protection measures. Over 9,000 child sexual abuse offences involved an online element in 2022/23 and 6,949 sexual grooming offences were recorded by police in the United Kingdom. The research also found that Snapchat and Meta-owned platforms were the platforms most commonly associated with offences of sexual communication with a child.⁶
22. They also highlight that in 2023, 275,652 webpages were identified as containing child sexual abuse imagery. Of the 275,652 webpages, 92% (254,071) were assessed as containing 'self-generated' imagery⁷ (images taken by the child themselves, frequently under duress or as part of grooming).
23. In a 2023 evidence review⁸ the NSPCC highlighted that gender and age remain important factors linked to vulnerability of risk to online sexual risk and harm. For example, girls are found to face every category of online sexual risk more frequently than boys; older adolescents are more likely to report experiences of online sexual abuse. However prepubescent and younger children are more likely to be depicted in child sexual abuse material.

Exposure to Harmful Content

24. Children may encounter inappropriate content, including self-harm promotion, and misinformation, graphic violence, adult content, and harmful social pressures (e.g.,

⁶ NSPCC (2024) [Online harm and abuse: statistics briefing](#)

⁷ The terminology 'self-generated' is considered inadequate and potentially misleading – see Page 12 of [Online harm and abuse: statistics briefing](#)

⁸ NSPCC (2023) [Online risks to children: Evidence Review Executive Summary](#)

body image ideals). Evidence from the NSPCC⁹ shows that children are more likely to be exposed to harmful content risks than most types of online sexual risks. They also highlight that the evidence consistently shows that at least one in twelve children have experienced harmful content online such as online pornography, content that encourages suicide, self-harm and eating disorders, cyberbullying and hate crime.

Cyberbullying and online abuse

25. Using data from the '10 to 15-year-olds' Crime Survey for England and Wales' (CSEW), the UK's Office for National Statistics (ONS) has estimated that 1,544,000 children aged 10 to 15 years (34.9%) experienced an in-person bullying behaviour and 847,000 children (19.1%) experienced an online bullying behaviour, in the year ending March 2023. These figures had remained relatively unchanged since 2019/2020.
26. Over half of children told their parent or guardian about the bullying they experienced in the previous year. However, 18.1% who experienced an online bullying behaviour and 14.7% who experienced an in-person bullying behaviour did not tell anyone.¹⁰
27. The OCCJ draws on data which shows the prevalence of both in-person or 'traditional' bullying and online bullying or 'cyber bullying' because research shows that there is a significant overlap between the two. Some research¹¹ has identified that children who are victims of traditional bullying at school are more likely to be cyberbullied; and conversely, children who perpetrate traditional bullying will more often cyberbully others.
28. Bullying can have severe consequences for children and young people's mental health and well-being. Although research on the impacts of cyberbullying is more limited there are some signs that cyberbullying may be as harmful to a young person's wellbeing as in person bullying.¹²

Online scams

29. Research released by the UK Safer Internet Centre (UKSIC)¹³ highlights that exposure to scams is a regular part of life online for young people, with 79% of 8 to 17-year-olds coming across scams online at least once a month, almost half (45%) at least once a week, and 20% seeing scams online every day. The research highlights that the online scams that children most often encounter are fake giveaways, phishing scams, fake websites, online shopping scams, including fake ticket sales, as well as scams in online games.
30. The research also found that almost half of 8 to 17-year-olds (46%) have been scammed online and 9%, including 8-year-olds, have lost money to an online scam before.

⁹ NSPCC (2023) [Online risks to children: Evidence Review Executive Summary](#)

¹⁰ Office for National Statistics (2024) [Bullying and online experiences among children in England and Wales - Office for National Statistics](#)

¹¹ Anti Bullying Alliance [Focus on Cyberbullying 2.pdf](#)

¹² *ibid*

¹³ UK Safer Internet Centre (UKSIC) (2025) [Safer-Internet-Day-2025-Executive-Summary-report.pdf](#)

Privacy violations and data exploitation

31. Children's privacy is often compromised in the digital space, as platforms collect vast amounts of personal data and children often do not fully understand the implications of sharing personal information online, leaving them vulnerable to exploitation. This data is used for targeted advertising, content personalization, and sometimes sold to third parties.
32. The UK Information Commissioner's Office (ICO)¹⁴ has highlighted how children's data is particularly vulnerable to misuse, as they may not fully comprehend the long-term consequences of sharing personal information online.

Considerations for enhancing children's rights in the digital world

33. The OCCJ urges the Government of Jersey to ensure that it is fulfilling its obligations to respect, protect and fulfil children's rights in the digital environment under all relevant human rights treaties. The OCCJ further encourages the Government of Jersey to draw on General Comment No.25 which provides a useful framework of action for states to uphold their obligations to ensure children are protected, empowered, and able to enjoy their rights online.
34. We respectfully suggest that the Panel may also find General Comment No. 25 of use in guiding its own work on this review, and beyond when holding Government to account.
35. The following reflects a number of areas that we wish to highlight, that are covered by General Comment No.25, but have also emerged in research in other jurisdictions, as being of particular importance in creating a safer online experience for children:

Strengthening the regulatory framework on online platforms

36. A robust legal framework that prevents online harm while respecting children's rights to privacy and expression is necessary to support children to enjoy their rights in the digital world.
37. Legislation should seek to ensure that platforms uphold children's rights, including safety by design and robust data protection. This must be done in an age-appropriate way with digital products and services tailored to the developmental stages of children, with specific safeguards to mitigate risks for younger users. This will also require the development of a regulatory system that will adequately and effectively hold platforms and service providers to account.
38. Legislation should also seek to address any existing gaps to ensure offences conducted in the online world or assisted by technology are covered, for example in relation to online sexual abuse and exploitation.¹⁵
39. It will also require ensuring that existing data protection legislation remains fit for purpose and is agile and responsive to new developments. For example, we must also be mindful of the growing impact of emerging technologies like artificial intelligence (AI) and machine learning, which can present both opportunities and

¹⁴Information Commissioner's Office (ICO) (2024)[Children's Data Lives report](#)

¹⁵ Unicef (2022) [Legislating for the digital age: Global guide on improving legislative frameworks to protect children from online sexual exploitation and abuse](#).

risks for children. Careful consideration needs to be given to how these technologies interact with children's rights, particularly in areas such as automated decision-making, online content filtering, and the use of children's data in AI-driven services.

Strengthening digital literacy

40. Digital literacy is in essence a set of skills, knowledge, and understanding that children and young people must develop to fully participate in a digital environment while being safe. Even though children are seemingly skilled at using digital tools, this does not mean that they are digitally literate. It is important to recognise that they still need support and guidance for developing their critical evaluation skills.
41. Strengthening digital literacy education can be done for children by incorporating age-appropriate online safety and digital literacy programs into the school curriculum to prepare and support their safe and effective participation in the online world.
42. Digital literacy is also important for parents and carers. Work by the UK Safer Internet Centre in 2023¹⁶ has highlighted that many parents feel ill-equipped to manage their children's online activities, with 36% of parents stating they're not certain where to turn should they need support or access to resources when it comes to online safety. Providing training and support for parents and caregivers, thus increasing their own digital literacy, to support children in navigating online risks is also critically important.

Improve Support for Children Affected by Online Harm

43. Children should have access to reporting mechanisms when they have experienced online abuse, exploitation or violation of their privacy. This includes the ability to seek redress through complaints mechanisms, legal avenues, and support services. Remedies should be child-friendly and accessible, ensuring that children can easily report harm and have their cases addressed promptly.
44. Where children have been harmed online, they should also have access to appropriate support services that are tailored to their needs. They should be supported to recover from online harm and be empowered to engage in digital spaces safely.

Ensure Children's Voices Are Heard

45. The right of children to participate in decisions affecting them (as outlined in Article 12 of the UNCRC) should be applied in the digital environment. This right is fundamental and ensures that children can freely express their views in matters that concern them, with due weight given to their opinions according to their age and maturity.
46. Children's participation in digital spaces must be recognized and supported. This includes ensuring children have opportunities to express their views on matters related to their use of digital technologies, including how digital platforms affect their lives, education, and well-being.

¹⁶ [Young people keen to educate parents on online safety – as more than a third of carers are not clear on where to go for support - UK Safer Internet Centre](#)

47. The Committee stresses that children should be actively involved in policymaking and decisions related to their digital rights. This includes engaging children in discussions about the rules, regulations, and the design of digital technologies and platforms. Their views should be considered when creating policies on online safety, privacy protections, and digital education.

Align digital policies and practices with the best interests of children

48. The best interests of the child (Article 3) is a foundational principle in the UNCRC, which obligates governments to prioritize children's well-being and development in all actions, policies, and decisions affecting them. The Digital Futures for Children report, '*The Best Interests of the Child in the Digital Environment*'¹⁷ provides a helpful framework for considering how the principle of the best interests of the child should be applied in the context of digital technologies. Importantly it highlights that:
- The concept extends beyond immediate welfare, focusing on the child's holistic development and the full realization of their rights, both presently and in the future.
 - It should not be misused – it should prioritise the full spectrum of children's rights rather than being more aligned with economic or commercial interests. The best interests of the child must always be balanced against their broader rights. These include freedom of expression, privacy, and participation. Policies should not place one right above others but rather ensure all rights are protected in a way that benefits the child in the digital environment.

Office of the Children's Commissioner for Jersey

March 2025

¹⁷ Digital Futures for Children (2024) [The best interests of the child in the digital environment](#)