

## CENSORING, CENSURING OR EMPOWERING?

### *Young people and digital agency*

LELIA GREEN

*Edith Cowan University*

*270 Joondalup Drive, Joondalup, WA 6027, Australia*

**Abstract.** The protection of young people from troubling and disturbing online content is rightly a high policy priority in Western nations. However, ‘the child’ is increasingly being defined as anyone below the age of majority: 18 in most nations. The significant age and maturity differences between primary school children and teenagers are recognised in most cinema classification schemes but less nuanced in terms of regulated online content. While there is considerable evidence that younger children benefit from vigilant support regarding what they access online, the legal and policy focus upon the regulated protection of teenagers risks constraining opportunities as well as risks, and may impact upon their online behaviour in ways that lead to unintended consequences. This paper is framed in terms of recent debates around the Australian Law Reform Commission’s (ALRC’s) *National Classification Scheme Review* (which considered content), and the Australian Government’s Department of Broadband, Communications and the Digital Economy’s *Convergence Review* (Department of Broadband, Communications and the Digital Economy, 2011) (which considered the regulatory implications of converged media). It elaborates some of the issues arising from acknowledging that older children are agents who see themselves as having choices about what they do online.

Recent research in Australia has underlined the importance of vigilant protection of young people from age-inappropriate content online. In one study investigating a random, stratified sample of 400 Australian children, aged 9-16 inclusive, plus the parent most involved with their internet use, it was demonstrated that younger children were much less likely to access potentially-troubling content but much more likely to register concern if they did so (Green et al, 2011, pp. 58-9). As Livingstone et al comment of their 25,142-child *EU Kids Online* study “it is noteworthy that in the Europe-wide study, those who encounter most risk online (often, teenagers, boys) are not necessarily those most bothered or upset by the experience (often, younger children, girls)” (Livingstone et al, 2011a, p. 58).

This paper explores one aspect of this issue in terms of young people’s access to sexual images online. This risk is focused upon because children’s access to sexual images is the subject of policy and regulation in many countries. The main aim of

policy is often to make sexual images and adult content invisible to people under 18. The discussion argues that this issue demonstrates other aspects of invisibility in two ways. Firstly, it makes invisible the agency of some young people who believe themselves mature enough to access sexual images online, and who do so; and secondly it makes invisible the very considerable difference in maturity and outlook between children across the age span from birth to the end of their seventeenth year. Teenagers, some of whom are legally permitted to engage in sexual activity, and some of whom are sexually active even though they have not yet reached the legal age of consent, are thus treated the same as children who have no interest in such matters. Older children who may seek out sexual images for a range of reasons, some of which are educational, thus face censored media or adult censure. Their agency in this matter is likely to be invisible.

At the same time, there are a number of online experiences which do bother children, yet which appear to have been largely invisible to regulatory and other authorities. These policy-making bodies tend to concentrate on risks with a sexual content. Children's negative online experiences often centre upon their digital interactions with other young people, yet the public debate tends to be around children's online experiences with adults and adult content. This paper addresses these topics through a critical analysis of research in Australia with Australian children aged 9-16, *AU Kids Online*. The AU kids Online study was carried out in parallel with a 25-nation European study, *EU Kids Online II*, funded by the European Commission's Safer Internet Program (2009-11). Australian policy responses to risks run by children are framed in terms of two major reviews in that country: the *National Classification Scheme Review*, sponsored by the Australian Law Reform Commission and the *Convergence Review*, sponsored by the Department of Broadband, Communications and the Digital Economy. There is supplementary discussion around how to recognise children's agency while also helping keep them safe online.

### **Australian Children's Experiences of Viewing Sexual Images Online**

In Australia, in terms of the risky experience of seeing sexual images online, 11% of 9-10 year olds had done this and almost all of these (10% of 9-10 year olds) had been bothered by the experience, i.e. 91% of the sample that had seen the images. Only one 9-10 year old indicated they had seen sexual images online and had not been bothered by the experience. In the 15-16 age range, 56% of respondents reported accessing sexual images online and 12% said they had been bothered by this, i.e. more than three-quarters (78%) of 15-16 year olds who had accessed sexual images online were unfazed by what they had seen. Arguably, a policy focus should concentrate on minimising harm rather than ruling out risk and this suggests that more work needs to be done to understand the critical nature of age-appropriate content and the processes through which children learn to cope with challenging material online. As Livingstone et al comment, in the full findings report of their European research:

Older children should be the focus of safety measures, therefore, because their risk of harm is higher in terms of incidence; younger children should be the focus of safety measures because the potential severity – their subjective perception of harm – tends to

be greater, and because they are less well equipped to manage risks themselves. (Livingstone et al, 2011b, p. 132)

With regards to older children, their position is made more complex as a result of their status in western society on the boundary between (responsible) adult and (innocent) child. This complexity is evident in the gaps between prohibition and practice around sexual activity. For example, in 2001, as part of a longitudinal project entitled *The Australian Study of Health and Relationships*, 19,307 Australians aged 16-59 agreed to take part in a telephone interview about their sexual attitudes and practices. There was a significant difference in the overall proportion of men who reported having heterosexual vaginal intercourse before the age of 16, compared with women, with the figures being 21.5% (men) compared with 13.4% (women). (Rissel et al, 2003, p. 135) The data presented suggests that these figures under-represent the current situation while over-representing contemporary gender differences. When the 16-19 year old survey sample is considered, the proportion of men saying they had vaginal intercourse before they were 16 rises to 26.9% while the proportion of women saying this is 24.8%. Apart from a small reversal in men aged 30-39 (23.21%), and 20-29 (22.56%), in each age-group and both genders, over the five age-group cohorts interviewed, a larger proportion of respondents reports starting sexual activity earlier while the difference between the proportions of men and women reporting under-age sexual activity decreases (Rissel et al, 2003, p. 135). This implies that an increasing proportion of young people is experimenting with sexual activity below the Australian age of consent, 16.

There are reasons to be cautious about this data on the age of first sexual activity. Many respondents refused to be interviewed and it is reasonable to expect that those who were interviewed were particularly sexually aware, or sexually confident. Further, there is evidence of significant regional variation within Australia. For example, Queensland Health commissioned an in-depth study of the data for their state. This showed that 37.5% of male respondents aged 16-19, and 31.2% of female respondents, reported that their first experience of vaginal intercourse occurred before the age of 16. (Queensland Health 2003, p. 18) Even given these reasons to be cautious, it is probable that over a quarter of Australian 16 year olds are sexually active before they reach the age of consent, and that a declining (with age), but nonetheless significant, proportion of Australians in every generation were similarly sexually active before the age of 16.

*The Australian Study of Health and Relationships* and similar projects have not so much served to normalise adolescent sexual behaviour as to fuel concern over the media and marketing industries' sexualisation of children, resulting in a 2008 Senate Enquiry into this area (Australian Senate 2008). The Child Safety Commissioner for the Australian state of Victoria presented a submission (State Government of Victoria, 2008) which, among other matters, argued that changes proposed by the Australian Association of National Advertisers to the *Advertising to Children Code* demonstrated the necessity for a mandatory code of advertising conduct. The AANA submission stated "that advertising or marketing communications to children must not include sexual imagery in contravention of prevailing community standards", but was deemed inappropriate by the Commissioner as a result of defining children as 14 or under. "It can be strongly argued that sexualised imagery of 15 years olds would be in breach of community standards, but paradoxically this would not breach AANA regulations."

(State Government of Victoria, 2008, p. 12). The agency of 15-17 year olds in this debate is not fully acknowledged or clearly visible.

It might be expected that disagreements over recognising the agency of older children would have prompted public debate about the status of teenagers, with regards to younger children on the one hand and adults on the other, but no public debate is visible. It is as if any nuanced response to the issue of sexually-aware teenagers is inappropriate.

Over the past two years the Australian government has instituted a number of reviews into policy around media and regulation. Two of these have particular relevance here: the Australian Law Reform Commission's (ALRC) *National Classification Scheme Review* (which considered content) and the Australian Government's Department of Broadband, Communications and the Digital Economy's (DBCDE) *Convergence Review* (which considered the regulatory implications of converged media). Neither examines the issue of sexually-aware teenagers although the *National Classification Review Scheme Report* recommends continuing the differentiation (with some changes in regulation) between pre-teens, early teens and older adolescents in terms of the classification of movies and television programs.

Both the reviews considered here tend to follow an iterative progress with a discussion paper, eliciting responses, and a final report. Sometimes, as with the *Convergence Review* there is an interim report, to which responses may be made, followed by a final report. Much of the paper that follows draws upon the author's submissions to these reviews, both of which included consideration of children's online activities and references to the 2011 *AU Kids Online* study.

As a matter of interest, there is some cultural specificity in these debates. Unlike equivalent debates in some other jurisdictions, such as the United States, the United Kingdom and Singapore, there is little discussion around the corruption of children's values or the encouragement of deviant behaviours. For example, the final report of the *National Classification Scheme Review*, 404 pages long, refers to a 1968 landmark decision of "The High Court of Australia [which] upheld the use of a 'community standards' test—referring to offence to the 'modesty of the average man'—rather than adopting the common law test of obscenity, based on the 'tendency to deprave and corrupt'" (Australian Law Reform Commission 2012, p. 48). Apart from acknowledging that the British Board of Film Classification does use this term, in that it has "the authority to refuse a classification to films or other media deemed 'obscene', defined as material whose 'effect is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it,'" (Australian Law Reform Commission 2012, p. 385), there is no further use of the words 'corrupt' or 'corruption'. The word 'deviant' is used once in the report, in a direct quote from Singapore legislation which bans "content that glorifies deviant sexual behavior" (Australian Law Reform Commission 2012, p. 391). Instead, as indicated, acceptability or not is deemed by reference to 'community standards', although the community envisaged is entirely composed of adults.

### **The National Classification Scheme Review**

The *National Classification Scheme Review* was instituted on 24 March 2011 by the Attorney-General of Australia. The need for the Review was seen as being influenced by (1.4):

- the rapid pace of technological change in media available to, and consumed by, the Australian community
- the needs of the community in this evolving technological environment
- the need to improve classification information available to the community and enhance public understanding of the content that is regulated
- the desirability of a strong content and distribution industry in Australia, and minimising the regulatory burden
- the impact of media on children and the increased exposure of children to a wider variety of media including television, music and advertising as well as films and computer games
- the size of the industries that generate potentially classifiable content and potential for growth ... (Australian Law Reform Commission, 2011 'Introduction')

The *National Classification Scheme Review* was explicitly framed against a discussion around media regulation in a convergent age, as countenanced in the *Convergence Review*, which was at that time underway as part of the responsibilities of the DBCDE. The *Convergence Review* was conceived as the over-arching investigation and reported at the end of March 2012, having taken the recommendations of the *National Classification Scheme Review* into account. At the date of submission of this paper, the *Convergence Review Final Report* had not been made public. The discussion in this paper concerning the *Convergence Review* particularly relates to its 'Interim Report' (Department of Broadband, Communications and the Digital Economy 2011 'Interim Report') and "the impact of media on children and the increased exposure of children to a wider variety of media including television, music and advertising as well as films and computer games" (cited above). First, however, the *National Classification Scheme Review*.

It should be noted that there are a number of exemptions proposed from the future National Classification Scheme, including Proposal 6.3 "The definition of exempt content should capture the traditional exemptions, such as for news and current affairs programs" (Australian Law Reform Commission, 2011, p. 8). The public interest served by exempting news and current affairs programming from a classification scheme is balanced against the desirability of protecting children from exposure to any content they might find distressing, and the exemption upheld. Similarly, the recognition that "Australians should be able to read, hear, see and participate in media of their choice" (ALRC, 2011, p. 4) and that the regulatory framework should acknowledge "the size of the industries that generate potentially classifiable content and potential for growth" and "the desirability of a strong content and distribution industry in Australia, and minimising the regulatory burden" (both cited above) indicate that adults have a right to access 'adult content'. Given that such content is available in magazines, DVDs and videogames; and in films and on television; as well as online and in adults' photos and

memorabilia, parents and caregivers have to be vigilant if the aim is to prevent access to such material.

Children can be disturbed by a range of materials not generally captured by classification systems (such as images of people being unkind to animals), but there are a number of indications from the *AU Kids Online* research that the experiences that most trouble children are negative exchanges with peers, and engagement with user-generated content not typically submitted for classification and review. While Australian respondents to the *AU Kids Online* survey were more likely to say they were bothered by online experiences than comparative children in any country in the 25-nation *EU Kids Online* research (30% of Australian children said this, compared with an average 12% of European children, Author et al, 2011, p. 61), almost all of the things that bothered them involved other children and young people. Thus if the Australian data were treated as country 26 of the European study, and considering the six areas of risks investigated, AU children would be:

- second most likely to be bothered by misuse of personal data (particularly when “somebody used my password to access my information or to pretend to be me”);
- third most likely to say they have been bullied online;
- fourth most likely to say they have been bothered by seeing sexual images online (this would likely be captured by a Classification Scheme);
- sixth most likely to have been bothered by unsettling user-generated content (which may also be susceptible to classification);
- averagely likely to have been bothered by receiving sexual images or messages via online ‘sexting’, and
- less than averagely likely to have been bothered after meeting a stranger whom they first met online.

In focusing upon the public and policy attention being paid to under-18s access to sexual images, there is no desire to make invisible the children that have been bothered by such material. Instead, the aim is to make visible the matters which bother more children, more of the time, which have received little attention.

It is clearly of concern that Australian children’s responses indicate they are more likely to be bothered by what they have encountered online in the past twelve months than is the case with the average child responding to the same questions posed by the *EU Kids Online* team in Europe. It is possible that this finding was affected by the smaller sample size (400 Australian children compared with 1000 for each of the 25 European nations), which impacts upon the confidence we can have in the data; and the comparatively late date of the fieldwork, which occurred about six months after most of the European data had been collected. One possible difference arising from this delay is that Australian children were far more likely than the children in Europe (46% compared with 12% on average; Green et al, 2011, p. 66) to say that at some point in the past year they had accessed the internet using a smart handheld device, such as an iPad. It might be that the more portable the internet access technology, and the more possible it is to use in the company of peers and away from the oversight of parents, the more likely children are to take risks. The specific dynamics of children’s online access using smart handheld devices are an early priority for future research.

Even so, the notion that a child has been bothered (defined as something which “made you feel uncomfortable, upset, or feel that you shouldn’t have seen it” Green et al, 2011, p. 8), need not seamlessly equate with ‘harm’. On the contrary, the term bothered was used, rather than ‘upset’ or ‘disgusted’, in order to capture a range of responses from “I got over it straight away” (short duration) and “not at all upset” (low intensity) at one end of the scale, to “for a couple of months or more” (long duration) and “very upset” (high intensity). For all that there is an understandable emphasis here, and in other reports, upon the proportion of children who said they were bothered by something they encountered online, the numbers are generally too low and the statistical cell sizes too small, to draw valid inferences at the country level. Further, even in Australia which had the highest proportion of children who said they’d been bothered, 70% had not experienced anything online in the past year that they found discomfoting. Given the small numbers of children registering exposure to risk, cross-national comparisons are required to establish whether and to what extent children feeling bothered is equated with identifiable harm, and with other risk factors in their lives such as being thrill-seekers, taking alcohol and other drugs and being in trouble with the law. (This data was solicited via a series of psychometric and social experience questions as part of the *EU Kids Online* questionnaire.)

In the absence of proof that feeling bothered leads to harm, it is fair to suggest that activities that have the capacity to bother a child represent a potential risk to the child. Risk-taking needs to be considered, however, as an activity that offers potential benefits. Apart from the fact that responsible risk-taking has been associated with the development of resilience (Grotberg, 1995, ‘Introduction’), it has also been associated with creativity and being innovative:

Responsible risk-taking has been associated with the desirable characteristics of innovative behaviour. The UK’s National Endowment for Science, Technology and the Arts (NESTA) has published a research report arguing that “five generic skills [...] underpin innovative behaviour and form a set of attributes clearly linked to the innovation process” (Chell, 2009, p. 4). These attributes are: creativity, confidence, energy, risk-propensity and leadership. ‘Risk-propensity’ is defined as being “a combination of risk tolerance and the ability to take calculated risks” (Chell, 2009, p. 4). (Green, 2010, p. 229)

According to the *EU Kids Online* research, and *AU Kids Online*, “opportunities and risks go hand in hand” (Livingstone & Helsper, 2010). One indication of this is the ‘ladder of opportunities’ (Livingstone & Helsper, 2007) which represents the data collected concerning children’s skills, competencies, activities and interactions online. The *AU Kids Online* data indicates that two-thirds of Australian children (66%) are operating “beyond a basic level of activity and are involved in active and creative internet uses, viz: ‘Playing, downloading and sharing’ and ‘Advanced and creative [use]’ (Author et al, 2011, p. 59). This ranking aligns Australia with countries like Norway where children also start using the internet at a comparatively early age (younger than 8, for the 9-16 year olds surveyed) and engage in a number of activities online. Although *EU Kids Online* has indicated that less internet use is associated with reduced risk, the balance to be sought is maximising benefit while minimising harm. Dealing with risk and developing resilience are valuable life experiences. One way to help achieve these positive outcomes is by good family communication and a

progressive exposure to risk, and this is the strategy adopted by most Australian parents as outlined by the *Media and communication in Australian families* report (Australian Communications and Media Authority, 2007). In this case, parents reported varying their regulation strategies and supervision practices as their child matures (ACMA, 2007, pp. 117-120).

It is clear that the *National Classification Scheme Review* constitutes a timely contribution to the policy debate and that it remains important to assess commercially-produced online materials to help parents and others to keep children safe. In younger age groups, strategies for keeping children safe seem usefully achieved through 'restrictive mediation' (Lobe et al, 2009, pp. 174-5, also referencing Valkenburg, 2004, pp. 54-5), setting down strong rules around what can be accessed and when, as well as talking to children about why, and sharing online experiences with them. With older children, however, safety and resilience seem more associated with active mediation strategies including co-viewing and negotiation. Australian parents would rank second out of the 26 nations associated with *EU Kids Online* in terms of "actively mediating their children's safety online" (Green et al, 2011, p. 42) and this is positively supported by a robust *National Classification Scheme* environment.

### **The Convergence Review**

The Convergence Review was announced on 14 December 2010 by Senator the Hon Stephen Conroy, Australian Minister for Broadband, Communications and the Digital Economy. It is a "landmark review of the regulation of media and communications in Australia" (Department of Broadband, Communications and the Digital Economy, 2011, 'What is?') and is expected to recommend replacing more than two decades of separate legislation around newspapers, broadcasting, the internet and media ownership and regulation. Draft terms of reference were released with the announcement of the review, and were open for public comment until 28 January 2011 (Department of Broadband, Communications and the Digital Economy, 2011 'Draft ToR'). On 2 March, 2011, the final terms of reference were confirmed and published.

The three person Convergence Review Committee was finalised on 21 April 2011. It included expertise from the worlds of: computing (Glen Boreham, the chair, had been Managing Director of IBM in Australia and New Zealand); film and television (Malcom Long had been a past Executive Director of the National Film Television and Radio School and a member of the principal regulators, the Australian Communications and Media Authority and its predecessor the Australian Broadcasting Authority as well as holding senior managerial positions in the ABC, SBS and ABC Radio); and print and new media journalism (Louise McElvogue started out as a print journalist working in Europe and the US before moving into new media where she was responsible for developing and realising a range of award-winning interactive services including 4oD – Channel 4 on demand).

A week after the committee membership was finalised, on 28 April, it issued a 'framing paper' (Department of Broadband, Communications and the Digital Economy, 2011, 'Framing paper') and sought feedback on this, following up with consultations

with key stakeholders as part of the preparation of an *Emerging issues* report. The 'Emerging issues' paper was released on 6 July 2011 and also included a 'guiding principles' section which set out the fundamentals that the committee argued should drive their work. As a result of discussion and feedback the eight principles put forward in the *Framing paper* were expanded to become the ten revised principles in the *Emerging issues* paper. These principles are:

1. Citizens and organisations should be able to communicate freely, and where regulation is required, it should be the minimum needed to achieve a clear public purpose.
2. Australians should have access to *and opportunities for participation in* a diverse mix of services, voices, views and information.
3. The communications and media market should be innovative and competitive, *while balancing* outcomes in the interest of the Australian public.
4. Australians should have access to Australian content that reflects and contributes to the development of national and cultural identity.
5. Local and Australian content should be sourced from a dynamic domestic content production industry.
6. Australians should have access to news and information of relevance to their local communities, *including locally-generated content*.
7. Communications and media services available to Australians should reflect community standards and the views and expectations of the Australian public.
8. Australians should have access to the broadest possible range of content across platforms, services *and devices*.
9. Service providers should provide the maximum transparency for consumers *regarding their services* and how they are delivered.
10. The government should seek to maximise the overall public benefit derived from the use of spectrum assigned for the delivery of media content and communications services. (Department of Broadband, Communications and the Digital Economy, 2011, 'Emerging issues', pp. 8-10)

Five 'detailed discussion papers' were also produced by the committee and released for public comment on 19 September 2011 (Department of Broadband, Communications and the Digital Economy, 2011 'Discussion papers'). They arose out of the areas canvassed in the *Emerging issues* paper and covered *Media diversity, competition and market structure; Layering, licensing and regulation; Spectrum allocation and management; Australian and local content, and Community standards*. Responses to the *Emerging issues* paper and the five detailed discussion papers were invited prior to 28 October 2011, following which an 'Interim report' was released on 15 December 2011, with submissions invited up until 10 February 2012. That month was also the time frame for delivery of the final reports for the *National Classification Scheme Review* (Australian Law Reform Commission, 2011) and the *Independent Media Inquiry* (Department of Broadband, Communications and the Digital Economy, 2011). The latter was instituted in the wake of the UK News Ltd scandals, to examine "the pressures facing newspapers, online publications and their newsrooms, as well as the operation of the Australian Press Council" (Department of Broadband, Communications and the Digital Economy, 2011, 'Independent Media Inquiry'). The

final report of the Convergence Review, due to be presented to the Government at the end of March 2012, is to address the outcomes of the *National Classification Scheme Review* and the *Independent Media Inquiry* as well as include feedback on the Interim report.

In terms of children's and young people's digital agency, the major area of interest in the *Convergence Review* centred upon principle 7: "Communications and media services available to Australians should reflect community standards and the views and expectations of the Australian public." The Interim Report offered a range of recommendations around "the need to ensure that any new regulatory framework does not [...] inadvertently capture the communications activities of individuals" (Department of Broadband, Communications and the Digital Economy, 2011, 'Interim report', p. 4). However, it did not specifically address children's agency, even though children and young people constitute one of the more active cohorts of content creators providing Australian and local content for diverse audiences (Green et al, 2011, pp. 8, 59). Subsequent statements to the effect that "all content providers will still be subject to some requirements, such as those protecting children from harmful content" (Department of Broadband, Communications and the Digital Economy, 2011, 'Interim report', p. 5), and the "need to protect children from exposure to age inappropriate content" (Department of Broadband, Communications and the Digital Economy, 2011, 'Interim report', p. 16), were taken by some commentators to suggest that, in the future, all Australian-based websites would require regulation (Keane, 2011).

Protecting children is more complicated than might at first seem since, in some lights, the dangers from which children need protecting include themselves and each other. It has been regularly noted by researchers in the field that what troubles adults about children's online activities is not necessarily that which troubles children, and vice versa (Green 2010). Adults are most concerned about strange danger, pornography and access to websites that discuss self-harm, anorexia, suicide and drug use (Livingstone & Haddon, 2009, p. 27). Children are more likely to say they are concerned about cyber bullying, identity theft and spam (Livingstone & Haddon, 2009, p. 59). In overall terms, Wolak et al (2008, p. 111) suggest that policy makers should pay particular attention "to higher risk youths, including those with histories of sexual abuse, sexual orientation concerns, and patterns of off- and online risk taking." They see risky behaviour leading to online harm as generally reflecting risky behaviour offline, and vulnerability to harm in a range of situations.

The notion of 'protecting children from harmful content' might be presented as an intervention to protect children from experiences which could provoke prolonged negative impacts. However, children may themselves be the authors of what might be deemed 'inappropriate' materials, such as slash fan fiction (Tosenberger, 2008). Further, they are likely to take pride in their agency and creativity (Green & Guinery, 2004).

Contrariwise, some media that children are encouraged to watch may distress them, even where it offers a clear educational benefit. This can be the case with coverage of natural disasters, including media about Australian wildfires and floods, and with news and current affairs more generally. Were it possible to protect all children from all risk posed by all media content by blocking access to the potentially troublesome material, this would not necessarily be desirable. Duerager and

Livingstone (2012), in a report issued for Safer Internet Day 2012, and based on the *EU Kids Online* research (n=25,142 children) argue that parents' and caregivers' engagement with their children around media materials is the child's best protection against online risk. Proactive recognition of children's agency suggests that the focus should be on encouraging children to engage with positive content, and guiding them to develop creative skills and a self-protective approach to their own online interactions. This provides benefits both in regulated situations and in those situations when the child might be unsupervised and accessing online material, for example via an unsupervised smart handheld device.

Any preference to encourage digital agency needs to be combined with a commitment to educate around the area of media literacy and individual responsibility, alongside the promotion of coping strategies and resilience. Parents particularly are involved in this: 87% of Australian children access the internet from their homes. 45% can go online in their bedrooms and 31% have access to technological resources which can browse online while they are 'out and about' (Green et al, 2011, p. 14). One priority area for awareness-raising is around the online activities of younger children, aged 9-10. Only two-thirds of Australian parents monitor their children's activities in this age group (Green et al, 2011, p. 45), possibly because they feel they are not yet exposed to risk. While these children are less likely to encounter risks online, they are more likely to be bothered if they do so. This is also the age range where children are most likely to recognise that parents have more online skills than they do, and younger children are consequently willing to be guided by their parents in terms of rules around online activities. Although Australian parents are comparatively involved in promoting online safety through active mediation of their children's online activities (Green et al, 2011, p. 42), they are willing to do more: 55% indicate this (Green et al, 2011, p. 51).

Leaving aside discussions over parents and children, there are a range of recommendations emerging from the *EU Kids Online* study that relate to governments and industry in a converged media environment, and addressing a wide range of development contexts, in line with post-Soviet Europe and including Turkey as a participant in the *EU Kids Online* network. In addition to comments focused upon Awareness-raising; Children; Parents; Educators and Child welfare, Livingstone et al (2011c, pp. 44-45) have specific recommendations for Industry, Government and Civic society: all of which have a bearing upon the discussion as a means of ensuring better recognition of children's and young people's agency while keeping minors safe online. These recommendations are:

#### GOVERNMENT:

- For children who lack convenient broadband access, governments should ensure that digital exclusion does not compound social exclusion.
- It is important that while all should benefit from public information resources, special efforts are made to ensure these reach the disadvantaged or information-poor.
- Especially in countries where children do not 'progress' far up the ladder of opportunities, initiatives to support effective access, broad-ranging use and digital literacy are vital.

- If industry self-regulation is to meet the needs of children and families, it requires a firm steer from government to ensure that it is inclusive, effective and accountable.
- If schools, youth and child welfare services are to raise awareness, provide information and guidance and effectively support children and parents, they require strong encouragement, resources and recognition, especially in some countries.
- In many countries, there is already evidence that stakeholder efforts are bearing fruit; the imperative now is to maintain and extend such efforts to address future challenges. (Livingstone et al, 2011c, p. 44)

#### INDUSTRY:

- To reduce user confusion and impractical skill burdens, privacy settings, parental controls, safety tools and reporting mechanisms should be age-appropriate if for children and far more usable (whether for children or parents) than at present and/or enabled by default.
- To increase user trust, the management of safety, identity and privacy underpinning services used by children should be transparent, accountable and independently evaluated; while ‘safety (or privacy) by design’ may obviate the need for user-friendly tools, it makes the need for transparency and redress even more pressing.
- As children gain internet access (and, it seems, increased access to sexual/inappropriate content) via more diverse and personal platforms, ensuring consistent and easy-to-use safety mechanisms on all devices is vital.
- Especially in ‘new use, new risk’ countries, children are exposed to pornography or other inappropriate content and contact by accident (e.g. popups, inadequate online search processes or weak safety measures) – protection for children needs strengthening. (Livingstone et al, 2011c, p. 44)

#### CIVIL SOCIETY:

- Much more great (diverse, stimulating, high quality) online content of all kinds is needed, especially for young children and in small language communities; while children’s books, films and television programmes are publicly celebrated and supported, far less attention is given to online provision for children who are, too often, left to find content for themselves.
- Promoting children’s online opportunities, including their right to communicate and their need to take some risks is important to counter simplistic calls for restricting children’s internet use. The ambition must be, instead, to maximise benefits (as defined by children as well as adults) while reducing harm (which is not necessarily the same as reducing risk).
- A critical lens should be sustained when examining public anxieties, media reporting, industry accountability or new technological developments to ensure that these do not undermine children’s interests. Further, critical analysis of regulatory and technological developments should not assume that all users are adults, that parents can and will always meet the ‘special needs’ of children, or

that children's interests are somehow antithetical to the public interest. (Livingstone et al, 2011c, p. 45)

These recommendations indicate that helping keep children safe while recognising their developing sense of digital agency is a whole-of-community endeavor. When major reviews choose to embrace media-driven comments such as "all content providers will still be subject to some requirements, such as those protecting children from harmful content" (Department of Broadband, Communications and the Digital Economy, 2011, 'Interim report', p. 5), there must be concern that the evidence-base developed from face-to-face research with over 25,500 children (including the Australian sample with the 25 nations included in *EU Kids Online*) has not been accorded sufficient importance. It can only be hoped that another opportunity to recognise and encourage children's agency, while promoting safe internet use, has not been lost.

## Conclusions

This paper has addressed a number of recent reviews in Australia that attempt, among other agendas, to improve the protection of children from disturbing and troubling content online. It has addressed this issue by discussing Australian-based research with 400 children aged 9-16 and with the parent most involved in their internet use. Although the indications are that 70% of Australian children have gone online in the past year without having any experiences that bother them, the focus of debate and potential policy intervention continues to look at protecting children from online harm through the mechanisms of preventing them from accessing risky materials. This might be seen as censoring their internet activities, or censoring them when they break the rules. Such strategies fail to give full recognition to the fact that not all children are the same, and what might pose significant risk of harm to one child will build resilience in another.

The risks that children are most actively protected against tend to be the risks that most concern policy-makers, regulators and law-makers rather than the risks that children perceive themselves. The risks perceived by policy-makers often have a sexual content, whereas Australian children are more likely to identify digital interactions with other young people as being more problematic. Such problem activities affecting children can include, for example, personal data misuse, bullying and user-generated content. Significant energy is expended in protecting children from risks associated with sexual images yet little attention is paid to risks associated with the child's peers. There is a possibility that wider, and potentially more harmful, risks are overlooked given the emphasis upon sexual images. Further, while an older child might feel confident in their resilience around accessing such images they might appreciate in dealing with risky online interactions with their peers.

Children's agency is important, yet it is often invisible and lacking from public debate. Instead, the focus is on preventing children from encountering certain materials, either through censoring them or censoring the child. This creates a situation where personal agency and skills associated with young people's resilience and empowerment

are invisible. There is much more attention paid to public discussions around regulation than there is to developing media literacy and educating children and their care-givers around appropriate online interactions, both with potentially troubling content, and with each other.

As nations grapple with the challenges posed by convergent media environments, they must also recognise the complexity inherent in discussing ways of supporting children's digital agency and online activities while minimising the experience of harm. It is worth remembering that risk is not the same as harm, and the evidence demonstrates that more opportunities online also expose young people to more risk. It is also important that remember that the negotiation and experience of risk can itself prove beneficial through building resilience and helping to provide protection from future harm. In this context there is insufficient attention paid to the various levels of maturity included in the concept of 'the child', from birth through to 18. While this is often recognised in film classifications, for example, it is less a feature of debates around internet content. More attention should be paid to awareness-raising and the education of parents and care-givers as to age-appropriate interventions with their children. The aim should be to acknowledge children's agency and individual difference while helping them develop as autonomous and empowered digital self-regulators as they mature from child, through adolescent to adult. In particular, this paper acknowledges that older children are agents who see themselves as having choices about what they do online, while younger children are more in need of protection and generally more accepting of protective measures. In the debates outlined here, the younger child's visibility has tended to obscure and make invisible the older child's agency.

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