Protecting Children Online?
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Chapter 1

1. Throughout the book, I use the terms “child” and “children” to refer to those under 18 years of age, in accordance with the UN Convention on the Rights of the Child (UNCRC); what constitutes “a legal minor” may differ in various legal frameworks. Hence when using the term “children” I refer to teens as well. I specify “teens” only when I want to emphasize that the relevant piece of information refers specifically to those who are 13 years of age and above.

2. This case did not involve only cyberbullying (see chapter 4 for more information).

3. See also Anti-bullying Showcase 2013 at Facebook HQ (2013).


5. See also the work of NSPCC, a UK-based NGO that relies on a survey to ask children whether they are aware of reporting and blocking tools on the most popular platforms (NetAware, 2017).

6. For a discussion on connotations of multi-stakeholderism, see Raymond & DeNardis (2016).

7. See appendix A for more information on the interviews.

8. No platform discussed in this book allows for “true anonymity” but rather “pseudo-anonymity” (Kling, Lee, Teich, & Frankel, 1999). True anonymity would mean that one’s actions online cannot be traced to the person who executed them, and true anonymity can be achieved using encryption services such as Tor or I2P. Otherwise, one’s actions can be traced to their IP address; moreover, one typically needs to use either an email address or a phone number to sign up for a platform. Pseudo-anonymity would refer to cases where one can use a social network under a name that is not their real name (e.g., “Fancy Clouds”). Facebook, for instance, asks users to register with the names they hold in the “real life” (even though this provision can be violated), while allowing users to access its service via Tor in an attempt to ensure that users who may

Notes
be living under oppressive government regimes can avoid government tracking. Instagram allows for pseudo-anonymity. So-called anonymous services such as Whisper and Secret allow users to share content that is not associated with either a real name or a pseudo-name. Nonetheless, users still need to provide an email address or a mobile phone number to register or sign up, and hence, the company can trace their online activity. For a discussion on anonymity and regulation, see Levmore (2010).

9. For more on trolling, see Phillips (2015).

10. The Todd and Parsons cases included sextortion and child pornography. I discuss the problems that stem from describing them as “cyberbullying” cases in chapter 4.

Chapter 2

1. The concepts of “media panic” and “moral panic” are laden with some theoretical and epistemological issues. For more information on this point, see Buckingham & Strandgaard Jensen, 2012.

2. For a comprehensive discussion on online risk see Staksrud (2013a).

3. EU Kids Online is a network of more than 150 researchers in 33 countries in Europe. The network conducted a rigorously designed survey of internet and digital use habits of European internet-using children (ages 9–16, totaling 25,000 children) in 2010. The results were compared to the findings of its sister project, Net Children Go Mobile, in 2014. See Net Children Go Mobile (n.d.).

4. American Academy of Pediatrics (AAP) used to advise that children under two years of age should not be allowed screen time due to a lack of sufficient evidence about effects of such exposure/engagement. However, as of 2015, AAP is reconsidering these guidelines, too (Brown, Shifrin, & Hill, 2015).

5. I thank Dr. Patricia Aufderheide for this insight.


7. See more on this point in Patchin, 2014.

8. Some have found that this is the case for girls, ages 13–14; see Livingstone, Mascheroni, et al., (2014).

9. While definitions of what constitutes a minor vary from country to country, UNCRC defines a child as anyone under the age of 18. It is worthwhile noting that the US had signed but not ratified the convention and hence it is not bound by its provisions, see Humanium (n.d.).

10. “Private sector actors” includes social media companies.

11. See Staksrud (2013a), chapter 7, “From Authority to Advisory.”
12. While online intermediaries are not content providers or creators, many social media companies provide educational materials (e.g., against bullying) or link to other content such as games on their platforms (e.g., Zynga’s Farmville on Facebook).

Chapter 3

1. See the section later in this chapter titled “Children’s Online Privacy Protection Act (COPPA).”

2. See chapter 5 for the historical context behind the DMCA.

3. Some authors observed that the companies would, in such situations, need to make decisions about torts that are “notoriously ambiguous such as negligence and intentional infliction of emotional distress (IIED)” (Chang, 2010, p. 522).


5. See also Bamberger & Mulligan (2015) for a discussion on this point.

Chapter 4

1. Reveal her breasts.

2. The abbreviation involves a swear word and signifies that she did not care.

3. See chapter 3 for further details on liability exemptions for social media companies and cases where harassment and defamation provisions or specific local laws may apply.


Chapter 5

1. When referring to the corporate policies and enforcement mechanisms of the companies I analyze in chapter 6, I will use the terms “private regulation,” “individualized self-regulation” or “self-organization.” See Latzer et al. (2013).

2. For a comprehensive analysis of these documents, see Lievens (2010, pp. 88–142) and Staksrud (2013a, chapter 6, “Regulation as Legitimate Protection”).

3. It is legitimate to ask is: How can parents/caregivers be expected to know everything (and should they) given the increasing number of issues that demand their attention in the context of contemporary life and ever-changing technology?

4. Command and Control regulation, in more formal terms, can be defined as: “state promulgation of legal rules prohibiting specified conduct underpinned by coercive sanctions (either civil or criminal in nature) if the prohibition is violated” (McLaughlin, 2013, p. 78, cf. Morgan and Yeung, 2007, p. 80).
5. The primary concern motivating this piece of legislation was children’s exposure to pornographic material. The implementation of the law’s filtering component led to overblocking of legitimate sites (for instance, sites with valuable health information that did not contain “obscene” material). The law was subsequently questioned in court on grounds of violating the First Amendment and strengthening the digital divide—affluent people could have access to any site, because they could afford the internet access from home; however, people with limited means who relied on internet access in public libraries could not (Menuey, 2009).

6. Consider, however, that this working group was convened “pursuant to the Protecting Children in the 21st Century Act,” which is a piece of legislation that Alice Marwick described as a “2007 version of DOPA,” the Deleting Online Predators Act of 2006, and therefore much criticized (see Marwick, 2008).

7. For more on “escalation” in the context of NGOs, see chapter 7.


10. These are, by no means, the only classifications, see Latzer et al. (2013, p. 377), who explain that, accounting for different types of government involvement, some authors have identified the following, among others: “enforced self-regulation” (Braithwaite, 1982); “mandated self-regulation” (Gunningham & Rees, 1997); and “regulated self-regulation” (Schulz & Held, 2004).

11. Some authors summarize that co-regulation implies when “self-regulation is combined with statutory regulation” (De Haan et al., 2013, p. 111; Lievens, 2010, p. 169). Other authors suggest that independent evaluations could be taken as a token of co-regulation, and what the EU in its documents refers to as “self-regulation” overlaps with the concept of co-regulation precisely because of independent evaluations (McLaughlin, 2013). But as research strongly indicates, independent evaluations are nonetheless rare when it comes to cyberbullying specifically.

12. See also Marsden (2011). At the time of writing, referring to social networking sites, the author observed that there was “no cross-sectoral SRO (self-regulatory organization)” and that “the regulation of these systems takes place at corporate and user level, in the same way” (p. 74).

13. For more on “analytical categories for evaluation of self and co-regulation.” see Latzer et al. (2007).

14. Ask.fm commissioned a law firm, Mishcon de Reya, to do such an evaluation after the Hannah Smith suicide, but I could not find the results of this evaluation in
the form of a publicly available report (Rudd, 2013b; Saul, 2013). Via its digital citizenship grant, Facebook funded research that prompted recommendations aimed at social media companies. To my best knowledge, however, such studies did not set out to provide an evaluation of the effectiveness of Facebook’s anti-bullying mechanisms. See the report in Schneider, Smith, & O’Donnel (2013b).

15. Note also that this evaluation did not include any testing.

Chapter 6

1. “Roasting,” a practice sometimes placed under the umbrella of “cyberbullying,” is an event in which one individual is subjected to what can be either ill-intentioned or good-natured jokes at their expense, and is typically intended to amuse a wider audience (Espinoza, 2016).

2. Given that the oldest companies in the sample originated in the early to mid-2000s, arguably all social media companies are young. Yet, I refer to older companies in this sample that typically had a significant user base and that tended to be perceived in the community of e-safety experts as having significant financial resources to invest in e-safety (see Marsden, 2011, p. 81) as “the more established companies,” e.g., Facebook, YouTube, or Twitter.

3. Patchin is a professor of Criminal Justice at the University of Wisconsin-Eau Claire, and the co-director of the Cyberbullying Research Center. The interview took place on Skype on August 31, 2016.

4. Instagram blocked tags that are frequently associated with promoting eating disorders (“pro-ED”), which meant that if one was to search for them on the platform, such searches would not return any results; but “banned tags can still be used in posts” (Chancellor et al., 2016, p. 1), which implied that filtering took place at the level of search results only and that the content itself was not filtered out. For an explanation of how such filtering on Instagram can fail to deliver due to users’ ability to leverage “lexical variations” to circumvent restrictions, see Chancellor et al. (2016).

5. CEOP’s counterpart in the US is the Center for Missing and Exploited Children (NCMEC), a non-profit organization established by the US Congress in 1984.

6. Facebook’s Advisory Board, which I discuss in chapter 7, comprises experts from organizations providing e-safety advice for the company.

7. I edited this quote to conceal not only a personal identity but also the company in question.

8. Upon checking in 2016, I was not provided with an option to report a post on my timeline—I could only report a post in my newsfeed.

9. See also boyd (2014) and Marwick & boyd (2014) as I discussed in chapter 2.
10. Although older, it is questionable whether the company could be characterized as more established. “While Tumblr’s users have increased at a steady pace since its acquisition by Yahoo,” it “did not meet its $100 million revenue target for 2015” (Great Speculations, 2016).

11. In the summer of 2016, after the company was sold to its third owner, Noosphere, and the design of the platform appeared to have been altered, information about filtering was no longer available. At that time, the platform offered the option to report “bullying and harassment.” After clicking on the appropriate button, the flow offered an option to further describe the post by choosing one of the following reasons: “this post is cruel or hurtful,” or “this post is threatening or aggressive,” or “this image is offensive.” The confirmation of the report followed with a message that the company would do its best to review it in 24 hours.

Chapter 7

1. The latter was organized around the Department of Commerce’s National Telecommunications & Information Administration (NTIA).

2. Members of The Internet Crimes Against Children Task Force for example, would organize such training.

3. See Matias et al., 2015 for the description of how one organization focusing on harassment of women worked with Twitter and p. 19 in this report for statistics on how many reports escalated by the NGO the company took action on.

4. Safer Internet Centers are part of a European Commission initiative that established a center in every participating European country. The centers contain helplines (to help with content harmful to children), hotlines (to help with illegal content in relation to child protection), and awareness centers (aimed at educational practices regarding online risks). See Digital Single Market (2015).


6. The NGO is sometimes referred to as ConnectSafely and sometimes ConnectSafely.org.

7. Anne Collier no longer represented ConnectSafely.org at the time of this book’s completion.

8. The blog post had been written before Facebook added an NGO from India and an NGO from Italy to the Board.

9. The content of the links has changed since (Google, 2015a; 2015b).

10. For a discussion on vulnerable children and the context around reporting and using helplines see Hunter, Boyle, & Warden (2004); Fukkink & Hermanns (2009); Andersson & Osvaldsson (2011); Livingstone, Olafsson, O’Neill, & Donoso (2012).
11. For a discussion on connotations of multi-stakeholderism, see Raymond & DeNardis, 2016.

12. The transcripts of which are not publicly available—making them publicly available was seen as potentially inhibiting the ability of some stakeholders to discuss the issues frankly and freely.

Chapter 8

1. The cases that garner high-profile news coverage can force politicians to act, or perhaps they constitute too good of an opportunity not to act.

2. For a discussion on ethics regarding fictitious profiles see Staksrud (2015).

3. For a debate on commodification of youth culture (outside of the context of digital citizenship) see Wasko (2008).

Chapter 9

1. This is not to say that there are no cases where the term “helpless victim” accurately describes a situation or an individual—and such cases, of course, require taking a stand against the individuals engaging in bullying or harassment and ensure that it stops. The reference here is to point out that social positioning is often at play—and this might require a more nuanced approach in addressing the issue.

2. Inspired by COPPA, the EC proposed the age of 13 at first, but then changed it to 16, apparently inexplicably.

Appendix B

1. The results were based on a survey of 1,725 children, ages 11–18, from 12 schools across the UK. It is not clear if the sample was representative (NSPCC, 2016; News O2, 2016).

2. “You affirm that you are either more than 16 years of age, or an emancipated minor, or possess legal parental or guardian consent, and are fully able and competent to enter into the terms, conditions, obligations, affirmations, representations, and warranties set forth in these Terms of Service, and to abide by and comply with these Terms of Service. In any case, you affirm that you are at least 16 years old as the WhatsApp Service is not intended for children under 16. If you are under 16 years of age, you are not permitted to use the WhatsApp Service” (WhatsApp, 2016c).

3. Note that according to USA Today, 40% of Kik users are US teens, which is a different interpretation of numbers provided by the Guardian (Hughes, 2016).