Social media Regulation for children : Is Ghana Ready?

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1.0 Introduction

Unlike in the past, when one woke up in the morning to stretch in an attempt to hear the melodious sounds of birds chirping outside one's window, in recent times we instinctively reach out for our smartphones instead. It has become second nature to scroll through our social media feeds, catching up on the latest news, trends, and updates from friends and influencers.

Social media has become an integral part of everyday life. For many, it would be hard to imagine life without it. Social media platforms such as Facebook, Instagram, Twitter, LinkedIn, Snapchat, TikTok, and the new sensation "Threads" offer many opportunities to both the young and the old. These platforms, coupled with other forms of social media, including blogs, microblogs, wikis, podcasts, widgets, and other digital technologies have transformed the way we communicate, share information, and express our opinions.

Beyond communication, individuals and businesses leverage on social media platforms to create brand awareness, generate leads to promote their products and services, and target potential customers and so much more. For children and many young people, social media has become an avenue to learn, socialize, innovate, connect with family and friends and have fun.

However, beneath the surface of this seemingly innocuous routine lies a web of concerns such as the spread of fake news, cyberbullying, online harassment, privacy breaches, particularly for vulnerable groups such as children and these threats or risks when not properly managed can negatively impact on the well-being of children.

Staksrud and Livingstone (2009) explains online risks as generally heterogeneous set of intended and unintended experiences that increase the likelihood of harm to the internet user. These include encountering pornographic, self-harming, violent, racist, or hateful content online, inappropriate or potentially harmful contact via grooming or harassment, and more recently, problematic peer behavior such as bullying and privacy invasions.

2.0 A Classification of Online Risks to Children

	Commercial	Aggressive	Sexual	Values
Content **- child as recipient**	Advertising, spam, sponsorship	Violent/ hateful content	Pornographic or unwelcome sexual content	Racism, biased or misleading info/ advice (e.g. drugs)
Contact **- child as participant**	Tracking/ harvesting personal info	Being bullied, stalked or harassed	Meeting strangers, being groomed	Self-harm, unwelcome persuasion
Conduct **- child as actor**	Gambling, hacking, illegal downloads	Bullying or harassing another	Creating and uploading porn material	Providing advice e.g. suicide/ pro- anorexic chat

Source: EU Kids Online (Hasebrink et al, 2008; Staksrud and Livingstone 2009)

As social media platforms continue to grow in size and influence, the debate over whether or not to regulate social media has intensified. In recent times, this topic has gained prominence in Ghana's Parliament where Members of Parliament highlighted the need for relevant stakeholders including law makers to put in place measures to ensure the safety of children online.

In a statement on the floor of Parliament on Friday, February 17, 2023, the Deputy Majority Leader, Alexander Afenyo-Markin stated that *"the present and future of our children are in grave peril if efforts and measures are not scaled up to protect children from the dangerous hazards of early social media use and* consumption."

Weighing the pros and cons, stakeholders and relevant bodies have also called for the need to regulate the use of social media among children in Ghana. But, would this be the the surest way forward to ensure online safety while safeguarding the rights of children? And how prepared are we as a nation to regulate the activities of children online?

3.0 An Overview of the Problem in Ghana

Social media usage has gained prominence across the world. According to Forbes, it is estimated that as at May, 2023, 4.9 billion people used social media and this number is expected to increase to approximately 5.85 billion users by 2027 (Forbes, 2023). In Africa, the number of social media users was forecast to continuously increase between 2023 and 2028 by a total of 258.7 million (+60.58 percent).(Statista, 2023).

This situation is no different in Ghana. Data available indicates that Ghana has around 8.8 million social media users, a number expected to increase in the coming years with WhatsApp, Facebook, Instagram, Snapchat, and Twitter being the leading social media platforms in the country (Statista, 2023).

A deep dive into the aforementioned data reveals that social media usage has typically skewed toward the younger demographic. Worldwide, 84% of people aged 18 to 29, which represents 84%, use at least one social media site (Forbes, 2023).

A report released by UNICEF in 2021 revealed that globally, 1 in 5 girls and 1 in 13 boys become victims of sexual abuse or exploitation through electronic media before their 18th birthday. In the report, it is stated that *"the scale, complexity, and danger of online-facilitated child sexual abuse and exploitation are escalating, with technology enabling new modes of child abuse to emerge, such as the live streaming of sexual assaults of children and sexual extortion of children, often to coerce a child to take part in the production of child sexual abuse material under threat."* (United Nations Children's Fund, 2021)

In an earlier report released by UNICEF and the Ministry of Communications in 2017, titled "Risks and Opportunities Related to Child Online Practices," which interviewed some two thousand children between the ages of 9 and 17 and up to one thousand parents or caregivers across the country's various regions, a disturbing result was also highlighted. Although the report revealed that seven (7) out of ten (10) young people use the internet for learning, a troubling four (4) out of ten (10) children or adolescents have contacted strangers they have never met in person. Also, two (2) out of ten (10) children or adolescents have met people face-to-face that they first met on the internet (UNICEF and Ministry of Communications, 2017).

Similarly, a 2023 ranking by the Child Online Safety Index (COSI) saw Ghana rank 79th among 100 countries in issues related to child online protection.

Although considerable gains have been made in protecting children online, all of the above data points to one thing: children are not entirely safe online. As such, there may be a need to put measures in place to protect or rescue children online. Issues related to child online protection must be given serious consideration by major stakeholders in the country as they impact the country's future.

4.0 Policy Environment

Globally, the International Telecommunication Union established the Child Online Protection Initiative as a means to promote awareness of child safety in the online world and to develop practical tools to assist parents, governments, policymakers, and educators. The ITU's global set of standards also includes measures put in place to protect children from violence, abuse, and exploitation within the online space while promoting the benefits of the use of the internet for children.(GACA, 2021).

In Ghana, protection of children on the internet is one of the mandates of the Cyber Security Authority, which was established under Section 2 of the Cybersecurity Act, 2020 (Act 1038), to regulate cybersecurity activities and lead Ghana's cybersecurity development, among other related functions.

The Act, under Section 97, defines a child to mean "*a person below the age of eighteen years"* and defines "cybercrime" as *"the use of cyberspace, information technology, or electronic facilities to commit a crime."*

Under Sections 62–67 of the same Act, it criminalizes abuse of children online. The prohibitions include the production, viewing, and distribution of materials featuring the sexual abuse of children. Other prohibitions concern online grooming of children, cyberstalking a child, and sextortion, which occurs when someone threatens to distribute a person's confidential and sensitive material if the person does not furnish them with images of a sexual nature, sexual favors, or money. Upon conviction, a person can face many years in jail (Cyber Security Act, 2020)

Beyond the Cybersecurity Act (2020), there is no comprehensive Online Child Protection Policy for adoption and implementation in Ghana.

5.0 How other Governments Are Regulating Social Media for Children: Global perspective

Across the world, children as young as 13 have exhibited tendencies toward self-harm or violence and faced mental health issues after being subjected to cyberbullies and hackers (Prothero, 2023). As a result, Governments around the world have in recent years begun considering what regulatory response is required to mitigate the negative effects of social media on children.

Utah State is leading the way in the United States in terms of passing legislation to limit children's online activity. The law, which became effective in March 2020, was enacted in response to concerns over growing youth addiction to social media and to security issues such as exploitation and the collection of children's personal data.

Bills recently signed into law in Utah and Arkansas require social media companies to verify all users' ages and obtain parental consent for children before they can set up accounts. The Utah law also compels social media firms to restrict children from using their platforms between 10:30 p.m. and 6:30 a.m., give parental access to minors' accounts, and limit the data that can be gathered on minors.

Additional legislation in a couple of states takes different approaches to social media restrictions for kids. North Carolina lawmakers are considering a bill that would shore up data privacy protections for children who use social media, and lawmakers in Massachusetts have proposed taxing social media companies to help pay for mental health services and programs for children. In Florida, a bill that directs the state's education department to develop an online safety curriculum is awaiting the governor's signature.

Aside the aforementioned, countries like Germany, Russia, and China have put some measures in place to regulate social media activities.

6.0 How other Governments Are Regulating Social Media for Children: African Context

In Africa, Governments have been slow to adapt child protection laws, policies, and systems to respond to emerging digital threats and as a result, millions of African children are unsafe online. According to the African Child Policy Forum (ACPF), Africa is fast becoming the new frontier for online child sexual exploitation and legislation and child protection measures are failing to keep up. Interestingly, few African nations, like South Africa and Rwanda, have laws that make it illegal to commit sexual offenses online, and those that do typically do not properly police them.

The Cybercrimes Act, 19 of 2020 ("the Act") regulates cybercrimes in South Africa. Part 2 of the Act contains the majority of the crimes that concern minors. According to the Act, activities such as child pornography, exposure to harmful content, cyberbullying, and cyberextortion are prohibited.

In South Africa, the Film and Publication Amendment Act (often known as "the FPAA") regulates to some extent the content that content producers publish. This includes a prohibition on revenge pornographic material as well as placing an obligation on social media platforms to pull down any harmful content that is published on their platforms. Although in general, individuals members are not required to submit their content to the Film and Publication Board (**FPB**) for review, the FPB has the legal backing to prosecute anyone who is reported to have published harmful content. What this means is that, content creators still have an obligation to abide by the FPAA, failing which one can be prosecuted. For example, Twitter has a feature that requires content creators who frequently post violent or sexual content to flag their work as sensitive. This feature makes the content of the post invisible unless the audience clicks an icon to read it. Although some content creators on Twitter who post content without limitation do not use this tool, it is a helpful technique to prevent harmful content from reaching young children.

Additionally, the amendments to the Children's Act, 38 of 2005 by the South African government specifically recognize children's right to privacy and protection of personal information, as set out in existing legislation such as the Protection of Personal Information

Act, 4 of 2013. This amendment demonstrates the intention of lawmakers to protect children, especially when using the internet since social media platforms process the personal information of children.

Similarly, the Rwandan government in 2019 developed the Rwanda Child Online Protection Policy (the COP Policy) as a means to mitigate against those risks and harms children encounter while online and to deliver a framework that meets children's needs and fulfills their rights while enabling them to safely and confidently navigate the digital environment. The objective of the policy, among other things, is to ensure: Establish a governance framework to drive and guide COP delivery and enforcement; Educate all stakeholders in COP principles, including safety, security, data protection, and children's rights; Adopt technical mechanisms that safeguard children and support productive and autonomous use of digital technologies by children; Establish a governance framework to drive and guide COP delivery, enforcement, etc.

7.0 Conclusion and Recommendations

In conclusion, Ghana is at a crossroad in its digital journey. Undoubtedly, social media and other associated digital technologies provide opportunities for social and economic transformations that benefit all sections of the Ghanaian society. Its ability to transform and liberate the potential of children cannot be overemphasized. Regulating social media for children would help mitigate against those risks and harms constantly faced by children and, more importantly, help use the internet and its platforms to meet the needs of children and fulfill their rights while enabling them to safely navigate the digital environment.

However, the road to regulation is not without challenges. Some experts have argued that stringent regulations could stifle innovation among children and curtail the vibrant online discourse that Ghanaians currently enjoy. Moreover, ensuring that regulations are not weaponized to suppress dissent or control narratives is a delicate task that requires constant vigilance. As such, realizing this dream of making the internet a safer place for children requires a strict look at some recommendations outlined below.

First, a spectrum of stakeholders, each of whom must act in the best interests of the child, including government and public agencies; information and communications technology companies; communities and civil society organizations; parents, teachers, and children

themselves, must accept and exercise a shared responsibility. The government must partner with key stakeholders such as Child Online Africa, NCCE, Penplusbytes, Plan International and others to do more advocacy on the safer and better use of the internet in all the regions of the country.

Also, parents and caregivers should make it a responsibility to supervise their children on the internet. This way, children will be safer and live in an environment free of abuse.

Additionally, a number of countries around the world have taken steps towards social media regulation for children. Some have implemented stringent laws that hold platforms and content creators accountable for the content shared on their sites, imposing hefty fines for non-compliance. Others have focused on media and information literacy programs to educate users about responsible online behavior. Ghana can draw inspiration from these initiatives, tailoring them to its unique socio-cultural context.

Let us remember that the world is watching, and how Ghana responds to the emerging challenges of social media regulation, particularly for children, could serve as a benchmark for other nations seeking to tread a similar path of making the online environment safer for children.

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