



Belong To Submission to Coimisiún na Meán on Developing Ireland’s First Binding Online Safety Code for Video-Sharing Platform Services

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Introduction

Belong To, LGBTQ+ Youth Ireland is a national organisation supporting lesbian, gay, bisexual, transgender, and queer (LGBTQ+) young people. Since 2003, Belong To has worked with LGBTQ+ youth to create a world where they are equal, safe and thriving in the diversity of their identities and experiences.

The organisation advocates and campaigns with and on behalf of LGBTQ+ young people and offers specialised LGBTQ+ youth services in Dublin (including crisis counselling with Pieta) and supports a network of LGBTQ+ youth groups across Ireland. Belong To also supports educators and other professionals working with LGBTQ+ youth with training, capacity building and policy development.

We strongly welcome the opportunity to contribute to the meaningful work of Coimisiún na Meán on developing Ireland's first binding Online Safety Code for video-sharing platform services. As detailed in the following sections, LGBTQ+ youth occupy a relatively unique position in relation to online safety. While LGBTQ+ young people are particularly vulnerable to online harms, including anti-LGBTQ+ hate speech and cyberbullying, online spaces are also an important source of information, support and community for LGBTQ+ youth.

Along with addressing questions raised in the Call for Inputs, our submission also raises the need for a comprehensive approach to three key areas:

- Addressing online hate speech and content that incites violence;
- The need for protections including parental controls and age verification; and
- The balance of LGBTQ+ young people's position as rights-holders.

Belong To looks forward to continued engagement with Coimisiún na Meán on the development of this code, and the future work of the Commission in relation to youth participation, complaints handling, and accountability mechanisms for online platforms.

Belong To's Online Safety Work

Online safety is a key strategic priority for Belong To. In relation to policy, Belong To is a member of the Children's Rights Alliance Online Safety Advisory Group, and engaged extensively in the development of the Online Safety Media Regulation Act. The importance of digital literacy, and empowering young people with the information needed to navigate online spaces safely, were key elements of our submission to the National Council on Curriculum and Assessment (NCCA) as part of the review of the Social Personal and Health Education (SPHE) curriculum for Junior Cycle students.¹ We were pleased to see a number of recommendations relating to online safety, digital literacy and the rights of young people online included in the final curriculum.

Belong To has also been proactive in developing relationships with social media platforms, and VSPS platforms. Funded by the Google.org 2019 Impact Challenge on Safety, Belong To has run the annual 'It's Our Social Media' campaign since 2022. 'It's Our Social Media' is a digital media campaign combatting online hate speech experienced by LGBTQ+ youth, while empowering young people to take back social media, protect themselves online, and to hold social media companies accountable as we work to make spaces safe for users. The campaign features a range of digital assets, including a short-form animation and a hero video of young LGBTQ+ people sharing their thoughts on social media and how we can create safe spaces for LGBTQ+ youth online. We have two key campaign slogans; #FeedTheGood and #BlockTheBad, both of which helped us prompt users to join in the conversation online and take action.

Another key component of this campaign was our microsite, itsoursocialmedia.com, which acted as an online hub that housed resources on how to stay safe online, digital self-care tips and much more. The microsite also featured an online poll to gather users' thoughts on online safety. The campaign ran across Facebook, Instagram, Twitter, Snapchat, and TikTok, generating over 11 million impressions, 3.3 million video views and 35,700 link clicks in 2022.

¹ Belong To (2022) 'Draft Specification for Junior Cycle SPHE – NCCA Consultation'. [Available here](#).

Research Background: LGBTQ+ Youth and Social Media

Online Harms and LGBTQ+ Youth

Internationally, LGBTQ+ youth are found to be more likely to experience bullying or harassment online than their non-LGBTQ+ peers, and less likely to feel safe while using social media.² Research shows that anti-LGBTQ+ online hate leads to LGBTQ+ youth feeling inferior and shameful about their identity, therefore developing an internalised sense of blame for the hateful content they witnessed.³ In response, LGBTQ+ young people were found to have developed the long-term coping strategies of isolating themselves socially, or repressing the visibility of their LGBTQ+ identity in public and community spaces.

Earlier this year, Belong To released findings relating to the experiences of LGBTQ+ young people living in Ireland and their social media use.⁴ A shocking 87% of LGBTQ+ youth had seen or experienced anti-LGBTQ+ hate and harassment on social media in the past year. 65% of LGBTQ+ young people surveyed had reported this content to a social media platform. Among young people who reported this content, only 21% saw action from the relevant social media platform; anti-LGBTQ+ content was removed in 12% of cases, 4% saw the offending user temporarily suspended, and 5% of reports resulted in the offending account being banned. The remaining 79% of LGBTQ+ young people were either informed that no violation of community guidelines was found or received no response from the platform.

Published in 2016, the *LGBT Ireland Report* found that 23% of LGBTQ+ participants reported having hurtful things written about them on social media. This was proportionately higher among trans people, at 34%, and among LGBTQ+ participants aged 14-25, at 32%.

An increase in the far-right movement globally has mapped a wide-scale increase in anti-LGBTQ+ hate, harassment and discrimination, both online and offline. Social

² GLSEN (2013) *Out Online: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth on the Internet*. GLSEN: New York. [Available here](#).

³ Keighley, R. (2022) 'Hate Hurts: Exploring the Impact of Online Hate on LGBTQ+ Young People', *Women & Criminal Justice*, 32:1-2, 29-48. [Available here](#).

⁴ Pizmony-Levy, O. (2022) *The 2022 Irish School Climate Survey*. Research Report. Global Observatory of LGBTQ+ Education and Advocacy. Dublin and New York: Belong To and Teachers College, Columbia University. [Available here](#).

media algorithms have served to facilitate and promote this proliferation of hateful content and disinformation.

As documented by organisations such as Hate Aide, social media platforms have allowed for the convergence of far-right, right-wing, radical right, religious extremist, anti-LGBTQ+ and Covid-sceptic actors, fuelled by an algorithmic business model that understands the mass engagement with and dissemination of this content as profitable.⁵ This has increasingly resulted in real-world, hate-motivated violence, particularly against LGBTQ+ people.⁶

The European Digital Media Observatory (EDMO), an international organisation that seeks to analyse disinformation, reported in May of this year that “mis- and disinformation targeting the LGBTQ+ community is one of the most present and consistent in the European Union”.⁷ Research conducted in 2021 found that LGBTQ+ people experience 50% more online hate and harassment than any other minority group.⁸ In Ireland, as relates to the LGBTQ+ community, this has primarily manifested as disruptive ‘protests’ opposing the availability of books which represent LGBTQ+ experiences and identities in public libraries.⁹

Benefits of Online Spaces for the LGBTQ+ Community

Despite the above outlined harms, it is important to highlight the importance of social media and online spaces for LGBTQ+ young people, and to ensure their continued access to content that is informative, entertaining and inclusive.

International research shows that LGBTQ+ young people use social media at much higher rates than non-LGBTQ+ youth, often to seek community and to look for the safe spaces and information they may not have access to in real life.¹⁰ In an Irish context,

⁵ Hate Aid (2023) ‘Small changes – big effect: how hate on the internet can be reduced’. [Available here](#).

⁶ Squirrel, T. and Davey, J. (2023) *A Year of Hate: Understanding Threats and Harassment Targeting Drag Shows and the LGBTQ+ Community*. Institute of Strategic Dialogue: London. [Available here](#).

⁷ Panizio, E. and Canetta, T. (2023) ‘Rights in the time of conspiracies and fake news: disinformation against LGBTQ+ in the EU’. European Digital Media Observatory: Italy. [Available here](#).

⁸ ADL Centre for Technology & Society (2021) *Online Hate and Harassment: The American Experience*. ADL: New York. [Available here](#).

⁹ Fitzgerald, C. (2023) ‘Explainer: Why is the far-right targeting Ireland's libraries?’, *The Journal.ie*. [Available here](#).

¹⁰ Steinke, J. Root-Bowman, M. Estabrook, S. Levine, D. Kantor, L. (2017) ‘Meeting the Needs of Sexual and Gender Minority Youth: Formative Research on Potential Digital Health Interventions’, *Journal of Adolescent Health* 60(5). [Available here](#).

this source of community and support is particularly important for LGBTQ+ youth, 56% of whom live in home environments that are not supportive of their LGBTQ+ identity.¹¹

As part of the *LGBT Ireland Report*, participants were asked about their experiences of coming out, and finding support and information relating to this.¹² The internet, social media and traditional media were identified as the most significant practical elements in helping participants to come out. Social media was named as useful in finding out about LGBTQ+ identities, getting advice on approaches to coming out, and exploring one's own identity. Relating to this Call for Inputs in particular, several participants named accessing others' experiences of identifying as LGBTQ+ and coming out through YouTube videos as an important source of hope, inspiration and advice. One participant shared:

“Hearing people’s stories and experiences on YouTube was invaluable to me. YouTube was also extremely helpful to see people living their lives happily while out of the closet. (Gay male, 19)”

¹¹ Belong To (2021) *LGBTI+ Life in Lockdown: One Year Later*. Dublin: Belong To. [Available here](#).

¹² Higgins A. et al. (2016) *The LGBTIreland Report: national study of the mental health and wellbeing of lesbian, gay, bisexual, transgender and intersex people in Ireland*. Dublin: GLEN and Belong To. [Available here](#).

Responses to Questions Posed in the Call for Inputs

Question 1: Main priorities, objectives and online harms

What do you think our main priorities and objectives should be in the first binding Online Safety Code for VSPS?

The main priority in the first binding Online Safety Code for VSPS should be the protection of children and young people online.

In terms of objectives, the following are required:

- A robust response to hate speech and extreme material, as aligned with the incoming Criminal Justice (Incitement to Violence or Hatred and Hate Offences Bill);
- Addressing the issue of algorithmic promotion of hateful and extreme content; and
- Clear requirements for social media platforms relating to reporting, the platform's response, and community guidelines.

The four areas set out in Article 28b of the Audio- Visual Media Services Regulation need to be addressed by the Online Safety Code, namely:

1. Content that might impair the physical, mental or moral development of minors. This includes content that may be inappropriate for children, such as pornography.
2. Content that incites violence or hatred against a group of persons or a member of a group based on any of the grounds referred to in Article 21 of the European Charter of Fundamental Rights. These grounds include sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.
3. Content the dissemination of which constitutes a criminal offence under EU law.
4. Certain commercial communications that would not be permitted on broadcast or video-on-demand services. Commercial communications include advertising, sponsorship and product placement.

The categories of harm set out in the Broadcasting Act 2009, as amended by the Online Safety and Media Regulation Act 2022, also should be addressed by the Online Safety Code:

- a) Harmful online content relating to 42 criminal offences under Irish law listed in Schedule 3 of the 2009 Act as amended;
- b) online content by which a person bullies or humiliates another person;
- c) online content by which a person promotes or encourages behaviour that characterises a feeding or eating disorder;
- d) online content by which a person promotes or encourages self-harm or suicide; and
- e) online content by which a person makes available knowledge of methods of self-harm or suicide.

What are the main online harms you would like to see it address and why?

The issue of hateful anti-LGBTQ+ content, and misinformation relating to the LGBTQ+ community and LGBTQ+ identities, is the main concern for Belong To in relation to the new Online Safety Code.

The European Digital Media Observatory (EDMO), an international organisation that seeks to analyse disinformation, reported in May of this year that “mis- and disinformation targeting the LGBTQ+ community is one of the most present and consistent in the European Union”.¹³ Research conducted in 2021 found that LGBTQ+ people experience 50% more online hate and harassment than any other minority group.¹⁴

Earlier this year, Belong To released findings relating to the experiences of LGBTQ+ young people living in Ireland and their social media use.¹⁵ A shocking 87% of LGBTQ+ youth had seen or experienced anti-LGBTQ+ hate and harassment on social media in the past year. 65% of LGBTQ+ young people surveyed had reported this

¹³ Panizio, E. and Canetta, T. (2023) ‘Rights in the time of conspiracies and fake news: disinformation against LGBTQ+ in the EU’. European Digital Media Observatory: Italy. [Available here](#).

¹⁴ ADL Centre for Technology & Society (2021) Online Hate and Harassment: The American Experience. ADL: New York. [Available here](#).

¹⁵ Pizmony-Levy, O. (2022) *The 2022 Irish School Climate Survey*. Research Report. Global Observatory of LGBTQ+ Education and Advocacy. Dublin and New York: Belong To and Teachers College, Columbia University. [Available here](#).

content to a social media platform. Among young people who reported this content, only 21% saw action from the relevant social media platform; anti-LGBTQ+ content was removed in 12% of cases, 4% saw the offending user temporarily suspended, and 5% of reports resulted in the offending account being banned. The remaining 79% of LGBTQ+ young people were either informed that no violation of community guidelines was found, or received no response from the platform.

Research shows that anti-LGBTQ+ online hate leads to LGBTQ+ youth feeling inferior and shameful about their identity; therefore developing an internalised sense of blame for the hateful content they witnessed.¹⁶ In response, LGBTQ+ young people were found to have developed the long-term coping strategies of isolating themselves socially, or repressing the visibility of their LGBTQ+ identity in public and community spaces.

The proliferation of conspiracy thinking, misinformation and disinformation relating to a range of communities and topics, including LGBTQ+ people, has increasingly resulted in real-world violence against LGBTQ+ individuals, spaces and events.¹⁷ In Ireland, this has also manifested as disruptive ‘protests’ in public libraries, opposing the availability of books which represent LGBTQ+ experiences and identities.¹⁸

Question 2: Stringent mitigation, evaluation and classification

What types of online harms do you think should attract the most stringent risk mitigation measures by VSPS?

Online harms which amount to criminal behaviour should attract the most stringent risk mitigation measures by VSPS.

How could we evaluate the impact of different types of harms e.g. severity, speed at which harm may be caused?

For a more detailed response to this question, we direct to the comprehensive submission compiled by the Children’s Rights Alliance.

¹⁶ Keighley, R. (2022) ‘Hate Hurts: Exploring the Impact of Online Hate on LGBTQ+ Young People’, *Women & Criminal Justice*, 32:1-2, 29-48. [Available here.](#)

¹⁷ Squirrell, T. and Davey, J. (2023) *A Year of Hate: Understanding Threats and Harassment Targeting Drag Shows and the LGBTQ+ Community*. Institute of Strategic Dialogue: London. [Available here.](#)

¹⁸ Fitzgerald, C. (2023) ‘Explainer: Why is the far-right targeting Ireland’s libraries?’, *The Journal.ie*. [Available here.](#)

Regarding severity, evaluation of different types of harms should keep in mind existing and incoming criminal laws relating to harm and abuse. In particular, this relates to child sexual abuse materials, intimate images and material that incites hatred.

Is there a way of classifying harmful content that you consider it would be useful for us to use?

The Council of Europe has recommended that ‘states should co-operate with a view to promoting standardisation of content classification and advisory labels among countries and across stakeholder groups to define what is appropriate and what is inappropriate for children’.¹⁹

In their submission, the Children’s Rights Alliance has provided a detailed break-down of three classification systems that could be considered, namely CO:RE 4Cs Classification; the Australian Classification System; and the UK Classification System.

Question 3: Reports, academic studies and relevant independent research

Do you have reports, academic studies or other relevant independent research that would support your views? If you do, please share them with us with links to relevant reports, studies or research.

Publications related to best practice in online safety cited in this submission include:

- 5Rights Foundation, Tick to Agree Age appropriate presentation of published terms September 202, 10-22. [Available here.](#)
- Council of Europe (2018) Guidelines to respect, protect and fulfil the rights of the child in the digital environment. Recommendation CM/Rec(2018)7 of the Committee of Ministers, 29, para 121. [Available here.](#)
- Hate Aid (2023) ‘Small changes – big effect: how hate on the internet can be reduced’. [Available here.](#)
- Information Commissioner’s Office, ‘Age Appropriate Design: A Code of Practice for Online Services’ 21. [Available here.](#)

¹⁹ Council of Europe, Guidelines to respect, protect and fulfil the rights of the child in the digital environment (2018) Recommendation CM/Rec(2018)7 of the Committee of Ministers, 29, para 121. [Available here.](#)

- UN Committee on the Rights of the Child (2021) General Comment no 25 on children's rights in relation to the digital environment, CRC/C/GC/25, para 73. [Available here.](#)

Publications related to LGBTQ+ youth and online harms more broadly cited in this submission include:

- ADL Centre for Technology & Society (2021) *Online Hate and Harassment: The American Experience*. ADL: New York. [Available here.](#)
- Bacchi, U. (2020) 'TikTok apologises for censoring LGBTQ+ content'. Reuters. [Available here.](#)
- Belong To (2022) 'Draft Specification for Junior Cycle SPHE – NCCA Consultation'. Dublin: Belong To. [Available here.](#)
- Belong To (2021) *LGBTI+ Life in Lockdown: One Year Later*. Dublin: Belong To. [Available here.](#)
- Fitzgerald, C. (2023) 'Explainer: Why is the far-right targeting Ireland's libraries?', *The Journal.ie*. [Available here.](#)
- GLSEN (2013) *Out Online: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth on the Internet*. GLSEN: New York. [Available here.](#)
- Higgins A. et al. (2016) *The LGBTIreland Report: national study of the mental health and wellbeing of lesbian, gay, bisexual, transgender and intersex people in Ireland*. Dublin: GLEN and Belong To. [Available here.](#)
- Keighley, R. (2022) 'Hate Hurts: Exploring the Impact of Online Hate on LGBTQ+ Young People', *Women & Criminal Justice*, 32:1-2, 29-48. [Available here.](#)
- Panizio, E. and Canetta, T. (2023) 'Rights in the time of conspiracies and fake news: disinformation against LGBTQ+ in the EU'. European Digital Media Observatory: Italy. [Available here.](#)
- Pizmony-Levy, O. (2022) *The 2022 Irish School Climate Survey*. Research Report. Global Observatory of LGBTQ+ Education and Advocacy. Dublin and New York: Belong To and Teachers College, Columbia University. [Available here.](#)
- Squirrel, T. and Davey, J. (2023) *A Year of Hate: Understanding Threats and Harassment Targeting Drag Shows and the LGBTQ+ Community*. Institute of Strategic Dialogue: London. [Available here.](#)

- Steinke, J. Root-Bowman, M. Estabrook, S. Levine, D. Kantor, L. (2017) 'Meeting the Needs of Sexual and Gender Minority Youth: Formative Research on Potential Digital Health Interventions', *Journal of Adolescent Health* 60(5). [Available here](#).

Question 4: Code detail and non-binding guidance

What approach do you think we should take to the level of detail in the Code?

The Online Safety Code should take the form of a detailed prescriptive Code. As noted in the Call for Submissions, this would allow the Code to “specify details in the measures we expect VSPS providers to take to address online harms”.

Both protective and preventative measures should be included in the Code, namely prohibiting all forms of violence, exploitation and abuse; and including child-friendly mechanisms for consultation and participation, digital literacy supports for parents and carers, and effective remedies respectively.²⁰

Question 7: Content connected to video content

To what extent, if at all, should the Code require VSPS providers to take measures to address content connected to video content?

Consideration should be given to the Code requiring VSPS providers to take measures to address content connected to video content, such as captions and comments.

Earlier this year, Belong To released findings relating to the experiences of LGBTQ+ young people living in Ireland and their social media use.²¹ A shocking 87% of LGBTQ+ youth had seen or experienced anti-LGBTQ+ hate and harassment on social media in the past year. 65% of LGBTQ+ young people surveyed had reported this content to a social media platform. Among young people who reported this content, only 21% saw action from the relevant social media platform; anti-LGBTQ+ content

²⁰ UN Committee on the Rights of the Child, General Comment no 25 (2021) on children’s rights in relation to the digital environment, CRC/C/GC/25, para 73. [Available here](#).

²¹ Pizmony-Levy, O. (2022) *The 2022 Irish School Climate Survey*. Research Report. Global Observatory of LGBTQ+ Education and Advocacy. Dublin and New York: Belong To and Teachers College, Columbia University. Available at: https://www.belongto.org/wp-content/uploads/2022/11/2022-School-Climate-Survey_Full-Report.pdf

was removed in 12% of cases, 4% saw the offending user temporarily suspended, and 5% of reports resulted in the offending account being band. The remaining 79% of LGBTQ+ young people were either informed that no violation of community guidelines was found, or received no response from the platform.

In this research, community guidelines arose as a significant issue for young people attempting to report anti-LGBTQ+ content. It is vital that community guidelines are considered as part of this potential requirement, to ensure that, for example, harmful content posted as a comment in response to content that does not breach the code is treated as seriously as harmful video content. This is particularly important in relation to anti-LGBTQ+ bullying, and the fact that, in 2016, 34% of trans individuals, and 32% of LGBTQ+ people aged 14-25 living in Ireland reported having had hurtful things written about them on social media.²²

Question 9: Flagging mechanism, transparency and user-friendly design

How should we ask VSPS providers to introduce and design a flagging mechanism in the Code?

While a user flagging mechanism is important, it should not be a primary means relied upon to address harmful content, for two reasons. First, through the Code, VSPS and other social media site should be bound by a duty of care towards their users, meaning that the onus should be on social media platforms to address this harmful content before it reaches a critical mass of users.

Secondly, as stated previously, the process by which social media platforms respond to user reports has been found to be inconsistent. Research by Belong To shows that, of LGBTQ+ young people who reported anti-LGBTQ+ hate and harassment to social media platforms, only 21% saw action from the relevant platform; anti-LGBTQ+ content was removed in 12% of cases, 4% saw the offending user temporarily suspended, and 5% of reports resulted in the offending account being band. The

²² Higgins A. et al. (2016) *The LGBTIreland Report: national study of the mental health and wellbeing of lesbian, gay, bisexual, transgender and intersex people in Ireland*. Dublin: GLEN and Belong To. [Available here](#).

remaining 79% of LGBTQ+ young people were either informed that no violation of community guidelines was found, or received no response from the platform.²³

How can we ensure that VSPS providers introduce the mechanism in a user-friendly and transparent way?

Consideration should be given to consultation with children and young people when establishing what could be considered “user-friendly and transparent” in relation to flagging mechanisms.

Users should be able to track the progress of their report, and be provided with information as to a point of contact should the report take longer than a period of time specified by the Code to be addressed.

How should we ask VSP Providers to report the decisions they’ve made on content after it has been flagged?

Where content is deemed to have not breached community guidelines, VSP Providers should be required to provide clear reasoning for this upon request by the user. Users should be provided with a means of appealing such decisions to the VSP Provider.

To what extent should we align the Code with similar provisions on flagging in the DSA?

The DSA (Article 16) will require platforms to put in place a notification mechanism for illegal content and require them to process the notifications in a timely, diligent, non-arbitrary and objective manner. This should be integrated into the Code being developed.

Requiring users to determine whether they are flagging content under the DSA or the Code would place a significant burden on the user and could act as a deterrent to children and young people flagging illegal and harmful online content and, as such, would not be considered a user-friendly approach to integrating the DSA.

²³ Pizmony-Levy, O. (2022) *The 2022 Irish School Climate Survey*. Research Report. Global Observatory of LGBTQ+ Education and Advocacy. Dublin and New York: Belong To and Teachers College, Columbia University. [Available here](#).

Question 10:

What requirements should the Code include about age verification and age assurance?

For a more detailed response to this question, we direct to the comprehensive submission compiled by the Children's Rights Alliance.

Relating to age verification, there are a number of additional considerations to be taken in the case of LGBTQ+ young people. As stated previously, international research shows that LGBTQ+ young people use social media to seek community, and to look for the safe spaces and information they may not have access to in real life.²⁴ In an Irish context, this source of community and support is particularly important for LGBTQ+ youth, 56% of whom live in home environments that are not supportive of their LGBTQ+ identity.²⁵

As a result, consideration of the above should be given to age verification measures which require the input and/or consent of a parent, carer or guardian, balanced against rights enshrined under the UN Convention on the Rights of the Child to freedom of expression (article 13); freedom of thought, conscience and religion (article 14); freedom of association (article 15); and access to appropriate information (article 17).

Additionally, age verification measures should be cognisant of trans, non-binary and gender non-conforming young people, whose usernames and gender may not reflect that which is stated on official documentation.

Question 11: Content rating

What requirements should the Code have in relation to content rating?

For a more detailed response to this question, we direct to the comprehensive submission compiled by the Children's Rights Alliance.

Relating to LGBTQ+ youth, it is important that the Code require social media platforms follow best-practice guidelines in content rating, that are informed by LGBTQ+ identities and experiences. Experts in the area of online disinformation and

²⁴ Steinke, J. Root-Bowman, M. Estabrook, S. Levine, D. Kantor, L. (2017) 'Meeting the Needs of Sexual and Gender Minority Youth: Formative Research on Potential Digital Health Interventions', *Journal of Adolescent Health* 60(5). [Available here](#).

²⁵ Belong To (2021) *LGBTI+ Life in Lockdown: One Year Later*. Dublin: Belong To. [Available here](#).

misinformation have warned about the deliberate conflation of age-appropriate information relating to LGBTQ+ people and identities, and accusations of “grooming” and “sexualising” children.²⁶ As such, it is vital that content-rating processes, particularly in a case where it is determined algorithmically, do not automatically deem LGBTQ+-related content to be inappropriate for children and young people.

Question 12: Parental control features

What requirements should the Code have in relation to parental control features?

For a more detailed response to this question, we direct to the comprehensive submission compiled by the Children’s Rights Alliance.

Similarly to age verification, relating to parental controls, there are a number of additional considerations to be taken in the case of LGBTQ+ young people. As stated previously, international research shows that LGBTQ+ young people use social media to seek community, and to look for the safe spaces and information they may not have access to in real life.²⁷ In an Irish context, this source of community and support is particularly important for LGBTQ+ youth, 56% of whom live in home environments that are not supportive of their LGBTQ+ identity.²⁸

As a result, consideration of the above should be given to parental control measures which require the input and/or consent of a parent, carer or guardian for a young person to create a social media account, and/or access certain forms of content, balanced against rights enshrined under the UN Convention on the Rights of the Child to freedom of expression (article 13); freedom of thought, conscience and religion (article 14); freedom of association (article 15); and access to appropriate information (article 17).

²⁶ Fitzgerald, C. (2023) ‘Explainer: Why is the far-right targeting Ireland’s libraries?’, *The Journal.ie*. [Available here](#).

²⁷ Steinke, J. Root-Bowman, M. Estabrook, S. Levine, D. Kantor, L. (2017) ‘Meeting the Needs of Sexual and Gender Minority Youth: Formative Research on Potential Digital Health Interventions’, *Journal of Adolescent Health* 60(5). [Available here](#).

²⁸ Belong To (2021) *LGBTI+ Life in Lockdown: One Year Later*. Dublin: Belong To. [Available here](#).

Question 13: Media literacy measures and tools

What requirements should the Code contain to ensure that VSPS provide for effective media literacy measures and tools?

For a more detailed response to this question, we direct to the comprehensive submission compiled by the Children's Rights Alliance.

In 2022, the Reuters *Digital News Report* found that online sources have remained the number one source of news information among the Irish public, a position retained since 2015.²⁹ In 2022, 83% of the Irish public sourced news from online platforms including social media, compared to 63% accessing news from TV and 27% accessing news from print media. 51% of the Irish public sourced news from social media, with the leading platform being Facebook (33%), followed by WhatsApp (20%) and YouTube (20%).

As stated previously, the European Digital Media Observatory (EDMO), an international organisation that seeks to analyse disinformation, reported in May of this year that “mis- and disinformation targeting the LGBTQ+ community is one of the most present and consistent in the European Union”.³⁰ As such, the media literacy measures and tools should be designed in consultation with the LGBTQ+ sector, so as to ensure that they are robust and comprehensive in addressing disinformation relating to the LGBTQ+ community. The approach to designing these measures and tools should also be guided by research and best-practice in countering disinformation relating to the LGBTQ+ community, and other marginalised groups.

Question 14: Terms and conditions

How should we ask VSPS providers to address online harms in their terms and conditions in the Code, including the harms addressed under Article 28b?

Terms and conditions should be written in plain, accessible language that can be easily understood by children and young people. Youth consultation in developing these terms and conditions would be a meaningful consideration in achieving this goal.

²⁹ Reuters (2022) *Ireland: Digital News Report*. [Available here](#).

³⁰ Panizio, E. and Canetta, T. (2023) ‘Rights in the time of conspiracies and fake news: disinformation against LGBTQ+ in the EU’. European Digital Media Observatory: Italy. [Available here](#).

As detailed by the 5Rights Foundation, it is vital that terms and conditions:

- use simple language.
- aid comprehension.
- be concise.
- be presented in multiple formats for different age ranges.
- be prominent and easy to find.
- be presented at the right moments in a user journey.
- consider the diverse needs of young people.
- not assume adult involvement.
- cater for children with accessibility needs.
- ensure that consent must be obtained and sought, not assumed.
- ensure users are given meaningful choices.³¹

Question 15: Content moderation

How should we ask VSPS providers to address content moderation in the Code?

Effective content moderation ensures that the burden is not primarily placed on users to address harmful content through flagging mechanisms.³²

As outlined in relation to content rating, it is important that the Code require social media platforms follow best-practice guidelines in content detection and moderation, that are informed by LGBTQ+ identities and experiences. Over the past number of years, media outlets have reported that the VSPS, TikTok, has censored or suppressed LGBTQ+ content, creators and hashtags, despite this content not being in breach of community guidelines.³³ As such, it is vital that automated content detection and moderation processes do not automatically deem certain LGBTQ+-related terms or phrases to be in potential breach of community guidelines.

³¹ 5Rights Foundation, Tick to Agree Age appropriate presentation of published terms September 2021, 10-22. [Available here](#).

³² 5Rights Foundation, Tick to Agree Age appropriate presentation of published terms September 2021, 34. [Available here](#).

³³ Bacchi, U. (2020) 'TikTok apologises for censoring LGBT+ content'. Reuters. [Available here](#).

Question 16: Complaint-handling, resolution and reporting

What requirements should the Code include about procedures for complaint-handling and resolution, including out-of-court redress or alternative-dispute resolution processes?

In its 2021 General Comment on children’s rights in relation to the digital environment, the UN Committee on the Rights of the Child set out a number of recommendations relating to complaint handling and resolution.³⁴ It recommended that judicial and non-judicial remedial mechanisms be made available for children in relation to digital rights violations, and that these mechanisms be “widely known and readily available to all children”. Additionally, the Committee recommended that complaint handling be “swift”, and that these mechanisms be “free of charge, safe, confidential, responsive, child-friendly and available in accessible formats”.

How frequently should VSPS providers be obliged to report to the Commission on their complaint handling systems and what should those reports contain?

For the above conditions to be met, it is vital that the complaint handling mechanisms of VSPS providers are quick and effective, are to be addressed by the platform within a maximum time-period, are transparent for users, and are bound by annual reporting requirements to Coimisiún na Meán.

Question 18: Risk assessments and safety by design

What approach do you think the Code should take to risk assessments and safety by design?

The Online Safety Code should integrate key principles of the Council of Europe’s ‘Guidelines to Respect, Protect and Fulfil the Rights of the Child in the Digital Environment’.³⁵ Namely, these key principles include the requirement that safety by design, privacy by design, and privacy by default, taking into account the best interests of the child. Additionally, VSPS platforms should be required to regularly conduct child-

³⁴ UN Committee on the Rights of the Child, General Comment no 25 (2021) on children’s rights in relation to the digital environment, CRC/C/GC/25, para 44-46. [Available here.](#)

³⁵ Council of Europe, ‘Recommendation CM/Rec(2018)7 of the Committee of Ministers to Member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment’ (COE 2018) 10. [Available here.](#)

rights impact assessments, and bound by reporting requirements detailing mitigation measures required to address these risks, and the progress of these mitigation measures.

Question 23: Transition periods and timeframes

Should the Code have a transition period or transition periods for specific issues?

The Online Safety Code should come into force as soon as possible, without delay.

As outlined in earlier sections, anti-LGBTQ+ content is common on social media platforms. In 2022, 87% of LGBTQ+ youth reported seeing or experiencing anti-LGBTQ+ hate and harassment on social media in the past year.³⁶ The European Digital Media Observatory (EDMO) reported in May of this year that “mis- and disinformation targeting the LGBTQ+ community is one of the most present and consistent in the European Union”.³⁷ Research conducted in 2021 found that LGBTQ+ people experience 50% more online hate and harassment than any other minority group.³⁸

Belong To supports the recommendation of the Children’s Rights Alliance that the transition period should be as short as possible, taking the example of the UK Children’s Code, which provided for a one-year transition period.³⁹

³⁶ Pizmony-Levy, O. (2022) *The 2022 Irish School Climate Survey*. Research Report. Global Observatory of LGBTQ+ Education and Advocacy. Dublin and New York: Belong To and Teachers College, Columbia University. [Available here](#).

³⁷ Panizio, E. and Canetta, T. (2023) ‘Rights in the time of conspiracies and fake news: disinformation against LGBTQ+ in the EU’. European Digital Media Observatory: Italy. [Available here](#).

³⁸ ADL Centre for Technology & Society (2021) *Online Hate and Harassment: The American Experience*. ADL: New York. [Available here](#).

³⁹ Information Commissioner’s Office, ‘Age Appropriate Design: A Code of Practice for Online Services’ 21. [Available here](#).