The Digital Regulation Cooperation Forum (DRCF) Workplan 2025-26: 5Rights response

5Rights Foundation
Call for input response
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5Rights supports the work of the Digital Regulation Cooperation Forum (DRCF) whose co-ordination is vital to ensuring children's rights are respected online. Ensuring members of the group adopt a harmonised, clear and coherent approach is critical for regulatory alignment and necessary due to the interconnected nature of digital services and products.

The draft workplan serves as a good foundation for the forum's activity but could be strengthened to better address children's safety and protections by identifying and focusing on key gaps across regulatory regimes that pose immediate risks to children. The forum should also look towards the global stage; both to align its regulatory approach with regulators in other jurisdictions and to embed the UK's position as a world leader in digital regulation.

Below we have set out five areas for the DRCF to strengthen its workplan to address these key points.

1. Ensure regulatory compliance meets the highest standards for children

As the DRCF comprises a number of cross-cutting digital regulatory regimes, it is essential regulators require regulated services to meet the highest possible standards of compliance. This is important to ensure that the work of one regulator does not undercut the work of another, which risks creating a 'race to the bottom' for compliance and weakening existing protections for children across all regimes.

For example, both Ofcom's Children's Safety Code of Practice[1] and the ICO's Age Appropriate Design Code[2] (AADC or Children's Code) address default privacy settings and geolocation, but there are differences in how a service is considered compliant in each regulatory regime. The AADC requires geolocation settings to be 'off' by default and reverted to 'off' after each session while Ofcom's Code requires settings to be 'off'

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[1] Ofcom's draft Illegal Harms Code of Practice, which sets out measures for default settings applied to by children and is replicated in its Children's Safety Code of Practice, proposes 7A on geolocation. Ofcom states in Vol. 4, 18.3(d) that "the ICO's Children's Code highlights the importance of children being aware that their location is being shared, through their requirements that geolocation sharing options be switched off by default and that child users are made aware if their location is being tracked."

[2] The Information Commissioner's Office (2021) Age Appropriate Design Code, Standard 10: Geolocation

by default, but it is unclear whether these settings will need to be reverted to 'off' after a child ends the session.[3] It is essential that there is no diminution in compliance.

The DRCF must provide clarity that services will be required to comply with the regulatory measure that requires the highest standard of protection for children.

2. Address key gaps across regulatory regimes

The DRCF must address the gaps in the digital regulatory landscape where there is little regulation or clarity.

For example, the AI and EdTech sector are two examples of industries where there is currently little to no regulation – despite the evidence of risk that these technologies pose to children's safety.[4][5][6][7] Whilst we acknowledge the DRCF's instruction is to ensure regulation can unlock innovation and supercharge economic growth, it is equally important that the forum identifies and addresses where there are immediate and material risks of harm particularly to children who are most vulnerable.

3. Align with international partners and lead at the global level

The digital world does not respect borders, so protecting consumers and keeping children safe requires a global cooperation on areas where there is synergy. The DRCF must use the workplan as an opportunity to replicate or take inspiration from key objectives already active in other jurisdictions.

For example, in 2023 the European Commission adopted its Communication on a comprehensive approach to mental health[8] – a new initiative to help governments and industries to take swift action on challenges associated with mental health. Objectives of the Communication include to improve child protection in the digital world; indicative of the wider European strategy for a better internet for kids (BIK+).[9] The DRCF could similarly align its workplan to prioritise child protection and well-being – this is in line with the Secretary of State for Science, Innovation and Technology's desire to "keep children and vulnerable people safe when they are online",[10] and the Government's

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[3] See also: 5Rights Foundation (2024) *ICO's Children's Code Strategy 2024-25: 5Rights response*, pp. 3-4

[4] 5Rights Foundation (2024) *5Rights challenges Meta's inaction on AI-generated CSAM*

[5] See: The Guardian (2024) *Mother says AI chatbot led her son to kill himself in lawsuit against its maker*

[6] See: Livingstone, S., Pothong, K., Atabey, A., Hooper, L. & Day, E. (2024) *The Googlization of the Classroom: Is the UK effective in protecting children's data and rights?* Computers and Education Open, Vol. 7, DOI: https://doi.org/10.1016/j.caeo.2024.100195

[7] Human Rights Watch (2022) *"How Dare They Peep into My Private Life?" Children's Rights Violations by Governments that Endorsed Online Learning During the Covid-19 Pandemic*. See also: Hillman, V. (2022) *New study confirms that many EdTech companies exploit children's data and there is nothing to stop them*

[8] European Commission (2024) *EU comprehensive approach to mental health*

[9] European Commission (2022) *A European strategy for a better internet for kids (BIK+)*

[10] Peter Kyle (16 October 2024) *Topical Questions*, Vol. 754, Col. 822

commitment to halving violence against women and girls and improving children's mental health.[11]

By bridging the work of multiple regulators in the UK the DRCF can play a crucial leadership role on the world stage and help spear head global digital initiatives. This includes the Global Digital Compact,[12] which commits states to, among other things, "strengthen legal and policy frameworks to protect the rights of the child in the digital space, in line with international human rights law, including the Convention on the Rights of the Child."[13] The DRCF should lead by example and translate these commitments into its regulatory work and this workplan, building on the UK's status as a global leader in regulation for children's safety.

4. Fund and commission high-quality independent research to aid effective enforcement

We note the DRCF workplan places emphasis on joint research by regulators on AI, emerging technologies and digital assets. This is welcome, but we would add that independent research will also be required in the regulation of emerging technologies to ensure all experiences and perspectives are considered beyond current political agenda. The DRCF must consider how to support independent researchers, academics, civil society and others to produce the necessary research and evidence to create more rounded enforcement and better understanding. This could be by working closely with academics or civil society to commission work or making the case to Government that resources are required to do this.

5. Implement frameworks and standards that encourage investment in best practice

The DRCF must work to promote and demonstrate best practice to support compliance.

This could be done by implementing frameworks and standards that address underfunded areas across the forum's remit. These procurement codes could look towards and draw directly from existing publications. For example, a procurement code on age assurance (age verification and/or age estimation) technologies could draw from the Institute of Electrical and Electronics Engineers Standards Association (IEEE SA) 2089.1-2024 Standard for Online Age Verification,[14] which was drafted by technical and child safety experts.

> **About 5Rights Foundation**

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[11] Labour Party (2024) *Change: Labour Party Manifesto,* pp. 67-68; 103-104

[12] United Nations Office of the Secretary-General's Envoy on Technology (2024) *Global Digital Compact*

[13] Global Digital Compact, Objective 3, 23(c)

[14] 5Rights Foundation (2024) IEEE 2089.1-2024 – IEEE Standard for Online Age Verification

5Rights develops new policy, creates innovative frameworks, develops technical standards, publishes research, challenges received narratives and ensures that children's rights and needs are recognised and prioritised in the digital world. While 5Rights works exclusively on behalf of and with children and young people under 18, our solutions and strategies are relevant to many other communities.

Our focus is on implementable change and our work is cited and used widely around the world. We work with governments, inter-governmental institutions, professional associations, academics, businesses, and children, so that digital products and services can impact positively on the lived experiences of young people.

5Rights is a registered charity. Charity number: 1178581.