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Navigating Parental Duties in a TikTok World, the UK and Nigeria Regulations and the Online Safety Bill

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Abstract

According to Ofcom, half of children used TikTok in 2021 and it is the third most used platform behind YouTube and WhatsApp. TikTok is a social media app with one billion monthly active users (Cervi et al., 2022; Dellatto, 2021). installed on devices, 3.5 billion times, available in 154 countries and accessible in thirty-nine languages. TikTok is offered to children of 13 years old (Independent Digital News and Media, 2022; Hoegh, 2022). TikTok was founded in 2018 with a mission to inspire creativity and bring joy (TikTok, 2023). However, its screentime consumption for children has experienced revolutionary change. One in five UK internet users are children according to the UK department for science Innovation and Technology, (2021) most of whom are on TikTok. Children are exposed to over one billion videos on TikTok every day This paper seeks to comparatively investigate the cultural differences, approaches, and challenges to parenting, responsible social media use by children in the United Kingdom and Nigeria (Attrill et al., 2016). To ascertain, whether the existing legal framework is sufficient in enforcing safeguarding measures required of TikTok and other social media platforms.

Introduction

In recent months, the app has experienced bans mostly from government devices, including in the US, the UK, Scotland, and Wales and Nigeria lifted a 1-year ban on twitter (Philip, 2023; BBC, 2023; Clausius, 2022). The European Parliament: Commission, and Council's ban is on staff mobile phones and on all devices enrolled in parliament mobile management application (Reuters, 2023). Countries, including Canada, (The Guardian, 2023) India, Taiwan, Australia, Denmark, France, Latvia, New Zealand, and Norway for similar reasons and Pakistan. Afghanistan with its Taliban leadership banned the app it on the grounds of protecting young people from being misled (CBBC, 2020; Chan, 2023; African News, 2023).

Research findings from this study aim to ascertain whether the current self-regulatory procedures for social media platforms are sufficient, whether nations need to strengthen their regulatory agencies such as Ofcom and NITDA in UK and Nigeria respectively, ascertain whether empirical findings from the roles and duties parents play in ensuring child safety online will effectively support the formulation of a formidable policy framework and consequently influence desirable legislation.

Literature Review

Africans and particularly Nigerians have strong beliefs in community contribution in terms of culture and values that influence upbringing of children one of which is associated with the concept of strapping children on their mothers back this ideology is predicated on the belief that the community under the leadership of the elders raises the child and not the parents alone. There is a moral obligation on everyone to participate in the proper upbringing of children in the community.

Social Media apps such as TikTok appears widen the gap between child and the community, the elders, and the immediate society. The effect of this is that some children are gradually drifting beyond the reach of their parents needless to mention the elders. A child on a social media app such as TikTok Twitter Facebook Instagram or YouTube, with parents are familiar and others unfamiliar with these apps with sometimes very costly consequences. According to the United Nation, Children are spending more time online than ever before This notion may appear contradictory since the child is seen daily and may live next to the elders and withing the same community with the elders but disconnected by a mobile device.

The impact of social media is therefore significant. In Africa, the ideology of character respect dignity and honour being the most important values, transferred from one generation to another is becoming untransferable, unsustainable, and fast changing (Pachter Dumont-Matheiu, 2004 citing Harkness et al., 1999).

It is worthy of mention that society itself is dynamic and therefore must change the worry however is the nature of the change experienced. The societal change anticipated to be welcomed and embraced is change that is positive, constructive, and not destructive (Johannes et al., 2022).

Recent Development in Nigeria: ‘Trinity Guy’ and the 10 Years Old Girl

Nigeria known for entertainment and creativity by users of the TikTok app and silent on possible harm and child safety issues. But proactive scholars will suggest that such silence maybe dangerously loud, and indeed this was the case, a famous TikTok user known as ‘Trinity Guy’ with followers who appears to the entertained by his reality real-time deadly pranks which was taken to the extreme when he began interrogating a 10 years old female child in a highly inappropriate sexual fashion in the Yoruba Language, which TikTok may find hard to quickly understand (Ogunmorayo, 2023).

Content created and uploaded, such as ‘Trinity Guy and the 10 years old girl’ sexually assaults a child offline and attempts to do the same to other children of 13 years when the video is uploaded online and accessible across the world to Yoruba content viewers who understand the language. It was not surprising when the Nigeria police intervened, although the user had come out to do another video which appears to suggest he considers his actions wrong, but this is one of many contents that may be affecting children all over the world, making the call for safeguarding of children a just one although appearing as moral panic.



Figure 1. Screenshots of the TikTok App. Above is the page containing the video screen shot of the ‘trinity guy’ defiling a 10-year-old with words and threat.

The Concept of Moral Panics

Existing research recognizes the ‘moral panics’ and suggests that it is just a feeling of concern from member of the society that a threat exists, but on a closer look, it reveals little or no threat of considerable harm (Goode et al., 1994). This concept as suggested by Stanley Cohen (in Goode et al., 1994) indicates an exaggeration of occurrences or event such as the way and manner the police conduct certain arrest relating to behavior or the nature of the crime and how the media reports it. The issue may not be as serious as they have been made to appear in the report, while there is some iota of truth in this the times have changed, and it does appear that moral panics may be more applicable to people and not choses is action (Lobel, 2014).

In the 21st century an individual may take a position on an issue, rather than debate the issue the moral panic is over the individual, some very highly placed world personalities are usually victims of the ‘moral panics notion (Koleson, 2020). The bans on TikTok from other Nations suggest validity in issues raised about the app. TikTok may well be an incorporated person capable of suing and being sued via Byte dance its parent company (Paul, 2022), moral panic in most cases may occur, but it does appear and may be argued by scholars there is Justification for one (Koleson, 2020).

Some parents have taken to joining these social media apps such as TikTok and Instagram in a bid to keep up with their parental duties online, with having to deal with work and careers as well their personal wellbeing, others may have decided to be cautious in monitoring their children on social media for fear of losing the trust they may have, some others appear to have established a regulatory regime from the onset as a condition for the child to be on social media in the fact place, while culture may not even allow some parents to agree social media use for their children.

More researchers subscribed to the view of Parental Navigation by Amaran (2023) and the challenges highlighted

in pursuit of child safeguarding, although negotiating to sustain the importance of child rights and highlighting restrictive parental mediation (Sarwatay et al., 2023). But the worry of what children are dealing with online remains a constant, daunting, troubling challenge for parents. And all effort to play watchman/watchwoman is almost like attempting to fetch water with a basket, the same way the children will change the channel in their living room to cartoons or some favorite tv shows whilst the parents are on News of Entertainment is the same way TikTok have designed the algorithm to separate children from their parents and a child may just get lost and hooked on an algorithm not based on their interest but based on a hashtag that opened them to a new world and consequently new desires and ultimately new way of life. Sadly, these algorithms are not ethically driven like the elder but profit oriented.

Legal Framework: Online Safety Bill HC BILL 285 HL Bill 87

The Tate Brother Hushpuppi and the Gang; Impact of Social Media Influencers

As concerns continue to grow over the activities of on social media Platforms, including the effects of social media influencer like the Tate Brothers whose activities covers mostly the UK and Romania an issue for the UK law makers then on the other hand Rammon Abbas popularly Known as Hushpuppi and his gang covering Nigeria and Dubai. Andre Tate is 36 old British American, have over four and half million followers on Twitter (James, 2023) and on social media his post are mostly videos of contents mostly of women and he is widely known to be misogynistic.

now in prison, prior to which, he lived a very flamboyant life and most young people were fooled and followed him, he made millions of dollars from internet fraud, and a lot of young people were misled some of the leading artiste in Nigeria did a song 'Telli Person' (YouTube, 2017) by Timaya to advise hushpuppi but he turned a deaf ear to the song a few years later he was arrested on a money laundering charge, Stole \$40 Million from a US law firm and was planning to steal \$127 Million with his intendent scams from the English premier league before he was arrested in Dubai (Erezi, 2020) and extradited to the United States where he was tried and sentenced to 11 years in prison.

Andrew Tate has over 11 billion views on TikTok to his name and although 26 percent have a negative view on Andrew Take, 45 are positive prompting the saying 'You can't simply disregard someone who 45 percent of young people have a positive view of' (Fletcher, 2023). He propounds that there is something behind the followership of the likes of Andrew Tate and people need to be educated about it. Social Media have continued to change almost at the speed of light with significant impact and danger to children. Although Sky news reports 31st March 2023 that Andrew Tate was granted bail and placed on House arrest in Romania. It since became necessary to propose a new legal document. This may not be farfetched for the reason the United Kingdom is proposing what is known as the Online Safety Bill (HC BILL 285, HL Bill 87 2023).

Nigeria is not left out in the quest to regulate the social media challenges and although each attempt has been met with stiff resistance by the citizen mostly with regards to freedom of speech related issues. In 2019 the Protection from Internet Falsehood and Manipulations Bill (2019), known as the social media Bill was proposed and when

Twitter deleted the tweet of the president's handle, the country ban twitter on June 4, 2021-13th January 2022, since then all social media platforms have been invited to various stakeholders meeting in which the various issues are currently being deliberated upon. And SERAP instituted an action against Nigeria before the ECOWAS court on July 14, 2022, held that Nigeria, by blocking access to Twitter, violated the rights of the Plaintiffs: five Nigerian NGOs and four journalists.

Safety Online Safety Offline and Safety Online

Children who are vulnerable offline are vulnerable online and exposed to exploitation as such, ambiguity as to the definition or description of a child should not be entertained by social media apps. In southern Nigeria Trinity Guy has been charged with a crime charged before a magistrate court in Oyo state southern Nigeria for sexually assaulting a minor and for violating Section 35 (1) of the Oyo State Child Rights Law, 2006 and are penalized in accordance with Section 35 (2). Section 516 of the Oyo State Criminal Code Laws from 2000 was also violated by the offenses.

Interestingly the parents of the 10 years old little girl, Isiaka Ahmed, 40, and his wife Rofiat, 29 were also charged on two counts of conspiracy and sexual abuse and exploitation (Ogunmorayo 2023). This will be the first major case that shows the extent to which the instrumentality of law can protect the child from online dangers highlighting the connection between the offline and online activity. TikTok has provided a platform for these kinds of videos to be created without out understanding the degree of the content in question. Trinity Guy's content was produced in the Yoruba language and if there is no understanding of the language and the current position of the law TikTok may find it difficult to act whereas the creator of the content is facing charges before a court for which if found guilty they may spend up to 14 years in prison.

This is a good example of offline-online issues for consideration issues of which children are vulnerable offline are taking online and affect more children. TikTok and other social media platforms will not be expected to be promoting inappropriate content on their platforms. Same applies for family pairing options introduced by TikTok, which allows parent and guardians to link accounts with their teen, balancing parental supervision and teens privacy, the ambiguity on who a child if entertained is the notion that makes it appear there is a privacy issue, 18 years old and 13 years olds may both be referred to as young people by TikTok.

Children are vulnerable and less aware of threats, their exposure to danger online should be foreseeable. This position is represented in case law and notably advocated by House of Lords in *Mourton v Poulter*. from which one can say society may be unwilling to allow a freedom that endangers the minds of children when online. And the defence or excuse by social media platforms of 'user to user,' needs to be replaced by the 'duty of reasonable care' (Children's Commissioner, 2019).

Dissecting the Online Safety Bill

The online safety bill is a Public Bill (Government Bill) and addresses Criminal law; Information technology law;

Telecommunications law and prepared by prepared by the Department for Digital, Culture, Media and Sport, and Lord Parkinson of Whitley Bay has made the following statement under section 19(1)(a) of the Human Rights Act 1998: In my view the provisions of the Online Safety Bill are compatible with the Convention rights. The bill as proposed meet the basic requirements for enactments.

In Nigeria, an estimated 20%–30% of the population suffers from mental problems (Suleiman 2016). Depression affects about 19%–25% of women in their maternal periods (Rondon and Araya et al. 2016). With an estimated 1 in 6 adults to have experience a 'common mental disorder' such as depression and or anxiety A surveys found 18.0% of children aged 7–16 had a probable mental disorder in 2022, about 12.1% in 2017 (Baker and Kirk-Wade 2023).

Nigeria is currently using agency regulation to curtail the powers of social media, an action which is not enough in view of the challenges of social media, the UK at least has taken a leap forward with the introduction Online Safety Bill 2023 OSB. In all of this it becomes extremely. It becomes extremely difficult to keep up with parenting online, and so the burden shifted to parents by virtue of the provisions of the Online Safety Bill 2023 (OSB) for avoidance of doubt the section provides; s.70(5) References to pornographic content that is "published or displayed" on a service—

(a) include, in particular—

(i) references to pornographic content that is only visible or audible to users as a result of interacting with content that is blurred, distorted, or obscured... ii) ... (b)''...do not include references to pornographic content that appears in search results of a search service or a combined service''.

The implication of s.70(5) is that where a child already exposed to pornography picks up a phone and conducts a search this does not amount to content providing by the platforms simply because it is a search. The question is, 'is the Child safe? Whereas the burden of the duty of care and ensuring safety for the child may appear more on the parent at that point, but children will be children and the person who is able to do more needs to do more, is it not possible to always place precautionary measures regardless of who is searching.

The notable word of Lord Macmillan "Those who engage in operations inherently dangerous must take precautions which are not required of persons engaged in the ordinary routine of daily life." In *Glasgow Corp v Muir (1943) A.C. 448 at 456*. Looking at the bill from a child safety perspective, for instance, section 32 explains the meaning of 'likely to be accessed by children, this section should not arise and all related section as well it needs to be presumed that all harmful contents are likely to be accessed by children whether directly or indirectly, that presumption must be cast in stone and remains irrefutable.

Initiative-taking and Reactive Regulatory Agencies

TikTok remains a very attractive social media app for young people and especially children and with the algorithms constantly producing contents appealing to these children who in most cases would wish they were not viewing some of the contents for the reason that their parents will not support same but with little or no time

to make a decision they remain stuck and hooked unto these contents with no elder around and no community to intervene, they remain in their rooms with their devices completely detached from the community that would have guided them. As the race to sanitize these social media platforms goes on it does appear there is a need to ensure attention is given to details and the goal is clear.

The Online safety Bill currently under review by the United Kingdom law makers is no doubt a step in the right direction by initiated by the Department for Digital, Culture, Media and Sport, and ordered to be published as HL Bill 87, and known as; *HC BILL 285*, from the Preamble we can tell that the Bill is not focused mainly on child safety online as it reads.

‘Make provision for and in connection with the regulation by OFCOM of certain internet services; for and in connection with communications offences; and for connected purposes. Although the bill makes provision to ensure children’s safety online, but this is certainly not enough a view also shared by some members of Parliament.

A holistic look at s. 5 of the OSB it imposes duties of care on providers of regulated user-to-user services and regulated search services and requires OFCOM to issue codes of practice relating to the said duties. *Haley v London Electricity Board (1965) A.C. 778*. Going by the decision of the court once can also The Social media Platforms have the necessary resources to take precautionary measure using algorithms.

The implication of this section is that TikTok may need to consider some of the App data related issues especially in relation to child safety values and the child’s safety before turnover, profit, and growth, if the appearance of the CEO and interrogation by the US lawmakers for four and a half hours on 23/3/2023 is to be result oriented. Researchers have published findings of harms on these platforms (Gillett et al., 2022). If children are to be safe online and especially when using social media, all hands must be on deck and there can be no exception or folding of hands ‘the community raising the child’s principle. Nigeria is also struggling to deal with via her Nigeria Information Technology Development Agency (NITDA) thought with the aid or regulation needs to come to bear it is suggested.

Furthermore, with regards to OSB Search in the context of *Section 51 (3)* means "Search results", in relation to a search service, means content presented to a user of the service by operation of the search engine in response to a search request made by the user. The user in the case may be the child under thirteen and we must do everything within our power to save and protect our children from harm when they are on social media.

Platforms, Parents, Children, and the Burden of Care

The Bill is remarkably busy and full of so many critical issues to the extent that the importance of the Child’s social media or online safety may be lost or not giving the full attention it so desires. It is suggested that there is need to further dissect the bill extract all child related matters from the proposed bill and produce a stand-alone bill with clarity relating to children safety online and give vivid initiative-taking powers to Ofcom not reactive or semi preparatory powers. We need to prevent and not just respond.

Parenting is hard enough, online parenting is even more difficult as the entire responsibility rests on the parents with no assistance from the elders or the community who may not be online and even if they are online, they are ironically not in the same community online and may not even be in the same world, the elder may be on Facebook and the child may be on TikTok. This is like Mars and Jupiter whereas they live next-door.

There is a need for the social media platforms to take up more responsibility because they are in a better position to do so, the same way Governments provide enabling environments to thrive having regards to public policy, freedoms and natural justice, without turning a blind eye. It is the same way the social media platform must not turn a blind eye with the defence or excuse of 'user to user', they need to have an avenue through the use of the algorithm to ensure maximum protection and the guaranty of child safety online. TikTok and social media platforms should be more responsible for what happens on their platforms if the platform is not there nothing will happen on it.

There is a need to be clear on teen privacy 13 and 18 and not the same teen TikTok community guidelines. Last updated, March 2023 states 'We are deeply committed to ensuring that TikTok is a safe and positive experience for people under the age of 18 (we refer to them as "youth" or "young people"). This starts by being old enough to use TikTok. You must be 13 years and older to have an account'.

It is the aim that findings of my research serve as a reference for sustaining cultural heritage. Knowledge, with the instrumentality of proactive legislation for safeguarding of children on the confirmation of its existence and not merely a moral panic a development and informational resource point, for stakeholder to rely on for policy formation, and enactment of statutory provisions. Having regard to the fact that other research works deal with Children safety from other perspectives with other approaches mine is focused on the Use of clear unambiguous legislation with constancy and consistency in review.

Reports have it that TikTok had at least twenty related deaths all somehow connected to the app (Sarkar, 2022). Molly Russell took her own life in 2017. Although her death is Twitter related, the Coroner Andrew Walker concluded Molly from Harrow died from an act of Self Harm while suffering depression and negative effects of online contents (Crawford et al., 2022).

It is hoped work will serve as a source of positive influence for better parental safeguarding of children on social media providing current reliable data for social media platforms to understand the need to strike a responsible balance between profit and a healthy society also serving as a signpost for gatekeepers of children to find direction where required.

Approaches to Safeguarding Children on Social Media So Far

Organizations and Charities 5RIGHT foundation, parenting for digital future, Digital future Commission, or Parenting for digital future (DFC Report, 2023; The NSPCC, 2023) have taken it upon themselves to put out

information with regards to children online safety, with law makers and challenging stakeholder to do more, as there is indeed a dark side of social media very harmful to children when exposed to same (Stoilova, 2022). Parents though perplexed by the upheaval task of parenting in an online world still have a duty of care The Unanimous decision of the House of Lords in the *Excelsior wire rope Co. Ltd v Callan case*. Whereas the UK has taken the initiative with the online safety bill, the Data protection Act of Nigeria is the Major current legislation that could have addressed Child Protection online issues wholistically unfortunately that is not the case. The entertainment aspect of TikTok appears to be the focus and child safety online is yet to receive a much-needed attention.

Data Protection, Parenting, and the Social Media Conundrum

As at 2021 Ofcom reports that 62% of UK internet users raised complaints of experiencing harmful content online (DRCF 2022). Parents have raised concerns over the impact of social media the struggles and challenges it poses in raising their children (Young et al., 2017). But this was not the case many years ago. Most cultures in Africa and particularly Nigeria for example a country with over 200 million people known for its diverse culture and sometimes ethnocentric challenges, however, is with diverse groups at 250 and over 92 languages (Otite, 1992). This number has since risen to over 300 ethnic groups and 250 languages. It is believed that the community raises the child, this notion is further reinforced by (Michael et., 2003) that education has the input of all members of the community.

This philosophy is losing its strong, long well-grounded ethical grip, to the influence and impact of social media, especially TikTok causing some disconnect between the realities and fictions of life for young people (Adam, 2021). In Nigeria TikTok is known for mainly entertainment purposes and business, most videos are either for comedy, music, dance and short drama, there may be most state Government are trying to make local languages compulsory owing to the anticipated possible extinction which apps like TikTok can either enhance or prevent. The issue of safety is one which requires initiative-taking measures. TikTok and other apps certainly generate opportunities, but it comes with challenges, attached with the technologies; (Jones 2008) these in turn leads to opening of cultural, traditional, and religious imbalances, consequent disintegration with the Online-Adrift phenomenon.

Table 1. Showing more Children on TikTok

Age by User		Percentage	Platform
Children	10-19	32.5%	On TikTok
	20-29	29.5%	On TikTok
Young Adult	30-39	16.4%	On TikTok
	40-49	13%	On TikTok
Full Adults	50+	7.1%	On TikTok

Research

This research will be of a mixed method investigation will be conducted as shown in the table below: the aid of focused groups, (Hennink, 2014; Acocella et al., 2021) two (2) UK schools and two (2) Nigeria schools, and a case will be made from findings from the understanding of participants point of view. Analysis between the United Kingdom and Nigeria, drawn from reoccurring themes, will include a target of four (4)- six (6) participants in each school recruited for interviews.

Data Collection

Data will be captured through digital audio recording (Morgan, 2019) which will be purchased. In total there will be 5 focus group, the goal is 5, the target is 3. As suggested under the methodology the forerunner as the name suggest will prepare the way this preliminary single focused group will serve a precursor for the formulation of the interview questions to be collected and how the interview will be conducted. 20 Interviews will be conducted (10 Parents 10 Children) in UK and Nigeria. Interview will be conducted on a day agreed with the parents present and or the consent obtained with their teacher present. in other to understand the perception of parents, appreciate, the reasons, analyze effects of social media on children and postulate effective regulatory propositions. This is a work in progress.

Data Analysis

The interview and focus group data will analyze using a thematic analysis. The idea is to find patterns of meaning in the research work and seek to understand experiences, thoughts, or behaviors across a data set. This mode of analysis was chosen because of the qualitative nature of the research, it has theoretical flexibility and can-do data calculation effectively (Braun et al., 2006 & 2020). successfully collected and analyzed data can form the basis for policy recommendation predicated on weighty legal analysis.

Conclusion

The research question of whether there are any concrete initiative-taking measures to ensure child safety is guaranteed?

Is regulation and/or education the options for safeguarding or whether the app(s) need to be doing more in that regard?

Although previous studies have addressed some issues relating to children this work seeks to focus on most recent development on online safety for children having regards to the fact the App under review is relatively new and children find it of interest to them creating a gap for safety online which this research sets out to fill and from findings, discussion will relate to ‘What are parents and children’s perspectives on TikTok’s safeguarding measures? And to explore opportunities for children’s safe participation and engagement with TikTok

Current events associated with TikTok across the world, have put the App under scrutiny and under serious pressure, an app set out with a mission to inspire creativity and bring joy, as the salient issues are interrogated by this research work it is hoped that the stakeholder will be in a better position to dissect creativity from harm. In the circumstance and from the postulations proffered it will be safe to state, that there should be no provision such as ‘Services likely to be accessed by children, (as contained in s. 17 (5) of the proposed bill which takes root from s.6 of the proposed *Online safety bill*) rather the presumption that children are likely or capable of accessing all services, as such these online services need to be child safety proof by default.

Recommendations

Governments usually provides enabling environments to thrive having regards to public policy, freedoms, and natural justice, TikTok, and social media platform must not turn a blind eye with the defense of user -to- user, they need to have an avenue using the algorithm to ensure maximum protection and the guarantee the safety of Children online. As the goal to strengthen legislation is pursued the possibility of using other means such as education must also not be neglected (Phippen, 2023). Education is fundamental to the growth and stability of any Nation the United Kingdom and Nigeria needs to also explore strategic educational means of dealing with Online safety for Children, engaging them practically in the online experience, Skill development and retention is difficult without regular engagement (Feigenbaum et al., 2020) The same politicians who reach out to the people for votes need to consult them practically for law making, it is not to be assumed that we know what people need when we don’t know how they feel, if the children who are on TikTok cannot come to Parliament, Parliament must go to them.

There is an African saying if the mountain does not come to us, we will go to the mountain. We need education and research to bridge the gap and produce a better solution as Research helps us understand people’s lives and how they make sense of the broader political trends Lawmakers may need to move away from the old way of doing things, for the times have changed (Amaran, 2015). Education and training are both fundamental content creators need to understand some basic ethical principles geared towards the protection of children with a number of bans on TikTok from about 15 countries, It appears Section 124 (2) of the OSB will be instructive ‘a proactive technology requirement be imposed in a confirmation decision only if the decision is given to the provider. And this stated inter alia (among others) as ‘content moderation technology’ which includes technology, such as algorithms and key matching words. As contained in section 202 (2) of the OSB. The empirical findings from the roles and duties parents play in ensuring child safety online will be instructive in the formulation of a formidable policy framework and consequently influence desirable legislation having regard to the comparative examination of existing UK and Nigeria Legislation.

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