The Digital World Affecting Children Rights and The Affects of Internet Governance

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Abstract:

In today's modern world everybody uses the new technologies to communicate across the globe. Children from very young age use I-pads or smart phones to play, learn new things, communicate but not all the information or graphic imagery that is on the internet is good for them. Adults can distinguish and can choose what is appropriate and good. But can children distinguish the dangers that are on the internet? Can they decide for themselves and be protected from the online influences and information? The UN children rights exists so they can be respected and protect the children but they were created in a period of time when the internet did not exist. Can this rights protect the children offline as well as online or there should exist new rights/measures specifically applied for the internet, the media and the technology of today? All of these questions will be discussed in this paper in order to come with an appropriate solution to this problem that is spreading with the speed of the light in the whole world.

Keywords: *internet, governance, children's rights.*

1. The young generations and the internet

Today everybody uses the Internet. In developing and developed countries all the activities are conducted on the Internet and mobile phones. When the Internet era begun, it was a phenomenon of the developed countries but today it is part of everyday lives of people all around the world. The policy makers, legislators, regulators and the internet governance in the begging assumed that the only users of the internet would be adults, they did not assume that they will be children.[3] Therefore, the policies and regulations were created to protect adults therefore children are not protected.

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[3] Sonia Livingstone, John Carr, Jasmina Byrne, *One in Three: Internet Governance and Children's Rights,* Paper Series: No.22 -Nov. 2015. Global Commission and Internet Governance. Chatham House. Retrieved from: https://www.cigionline.org/sites/default/files/no22_2.pdf, p. 2.

The information and communication technology (ICT) is developing and spreading very fast and it is reshaping children lives. Every day more and more children are using the internet to learn, participate, play, and socialize. We all rely on technology, in order to communicate, to work, to learn, to pay bills, to shop and so on. Almost every aspect of children's lives has an online dimension, directly or indirectly. There is no distinction between offline and online. Governments promote ICT for business and commerce in order to compete in the global world, they create national and international policies that do not mention children. At home it is assumed that provisions will meet the needs of children or that parents will be responsible for their children online. But neither of these assumptions are considered as sufficient.[4] You can not assume that the provisions of the general public will apply to all the children, because they are all different and have different needs and abilities, different age. General provisions and regulations can not apply for children, there is a need for specific regulations to protect the children because they are the future of our world.

2. The UN Convention on the Rights of the Child

The Internet brings many benefits and many risks for children. In order to promote the benefits of the internet you need to have a safe and secure online environment where children rights will be safeguarded and respected. The United Nations Convention on the Rights of the Child (CRC) is the foundation of children's rights. Every UN member state has ratified the CRC, with the exception of the USA. The Convention is based on four principles: • Children should be free from discrimination. • Policies should be based on the best interests of children. • Children should be allowed and encouraged to develop to their full potential. • Children's views and perspectives are important and need to be heard. It also discusses the rights of children in three broad spheres – provision, protection, and promotion (or participation).[5]

Online rights are not mentioned in the CRC because the internet era came much later. The UNCRC sets the basic standards for all children and specifies the rights and freedoms that governments should implement, it is a guide to policy makers. It complements the Universal Declaration of Human Rights. The UNCRC was ratified in 1989, and incorporates all of the human rights – civil, cultural, economic, political and social rights. The CRC is the starting point for the rights of the child online, which were extended by the Oslo Challenge and other documents and conventions. The CRC confirms and supports children rights which is relevant to the internet governance and corresponds to the internet challenges.[6]

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[4] Sonia Livingstone, Monica E. Bulger, *A global research agenda for children's rights in the digital age,* Journal of Children and Media, 2014, 8 (4). pp. 317-335. ISSN 1748-2801 DOI: 10.1080/17482798.2014.961496 Retrieved from: http://eprints.lse.ac.uk/62130/1/Livingstone_Global_Research_Agenda_Childrens_Right_Digital_Age.pdf.

[5] Jovan Kurbalija, *An Introduction to Internet governance,* 7th edition, 2016. Retrieved from: https://www.diplomacy.edu/sites/default/files/AnIntroductiontoIG_7th%20edition.pdf, pp. 215-216.

[6] Sonia Livingstone, Brian O'Neill, *Children's right online: Challenges, dilemmas and emerging directions,* 2014. Retrieved. from: http://eprints.lse.ac.uk/62276/1/__lse.ac.uk_storage_LIBRARY_Secondary_libfile_shared_repository_Content_Livingstone,%20S_Childrens%20rights%20online_Livingstone_Childrens%20rights%20online_2015.pdf, pp. 3-4.

3. What is Internet governance and Internet

Internet governance (a definition concluded on the World Summit on the Information Society -WSIS) "is the development and application by governments, the private sector, and civil society, in their respective roles, of shared principles, norms, rules, decision‑making procedures, and programs that shape the evolution and use of the Internet". Furthermore, the Internet governance and the term 'governance' have variable interpretations. Governance is synonymous with government, many national delegations had understanding, that Internet governance should be the priority of governments and issues should be addressed at intergovernmental level with minimal participation of non‑state actors. Also the term is used by some international organizations to promote the reform of states, the governance of institutions including non‑governmental ones. And by the Internet community, the term governance describes the way the Internet has been governed so far. In correlation, the word 'Internet' does not cover all of the aspects of the digital developments, therefore the terminologies information society and information and communication technology (ICT) – are terms that are more global or overall terms. This terms include areas that are beyond the Internet domain, such as mobiles or other technologies.[7]

The Internet is a mirror reflecting the real world, and in the real world we have moral and legal norms and regulations that provide freedom and security. The same rules should exist in cyberspace. There are three levels of Internet governance: supranational, national, and self regulation.[8]

4. Positive effects for children using the internet

Children should use the internet and use its benefits for education, health, social connection, economy, civic engagement, etc. But while using the internet they should be educated how to work and what are the positive and negative effects of it. Literacy provides children with the skills required to access, understand, produce and participate in digital media. Children develop digital literacy by formal and informal education, and they do not always understand their competencies. When asked about the effects of the internet, children state that the internet enabled them to participate, it broadened their horizons, they learned about cultures and are informed globally. They use the technology for school as well as to satisfy their curiosities. They acknowledged that the internet is a distraction from their studies, but managing this helped them to engage responsibly. Children embrace digital media positively, it has improved their lives, they learned to share the responsibility for making the internet a safe place for themselves and their peers. It is therefore important to support digital literacy and encourage children to take responsibility for their online safety.[9]

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[7] Jovan Kurbalija, *op. cit.,* pp. 5-6.

[8] Andrey A. Shcherbovich, *Internet governance and human rights protection: Rules and Institutions,* Human Rights on the Internet: Legal Frames and Technological Implication. Vol.3 Retrieved from: https://www.hse.ru/mirror/pubs/lib/data/access/ram/ticket/49/1529495743 1e6b1413892bdee19238b30f203b3af1/IG%20and%20human%20rights.pdf, p. 104.

[9] Amanda Third, Delphine Belerose, Urszula Dawkins, Emma Keltie, Kari Pihl, *Children's Rights in the Digital Age,* A download from children around the world, 2014. Retrieved from: https://www.unicef.org/publications/files/Childrens_Rights_in_the_Digital_Age_A_Download_from_C hildren_Around_the_World_FINAL.pdf, p. 13.

The 2012 UNHRC Resolution on the promotion, protection and enjoyment of human rights on the Internet ended the debate on whether human rights apply online or whether a new set of rights is needed for the online environment. The CRC offers a guide to the principles and ideals of meeting children's rights offline, and can also offer the same protection online.[10]

When it comes to promoting the benefits of technology for children while fostering a safe and secure environment, stakeholders need to balance between children's need to be protected against inappropriate content and behavior and their rights to access information and the freedom of speech.[11]

5. Negative effects of children online

Understanding how children use technology and the Internet is crucial for policy makers to promote and respect children's online safety. The technology evolves fast and it has a significant impact on children's lives. While anybody can be at risk online, children are particularly vulnerable, as they are still in the process of development, the risks include: inappropriate content, adult content and violent content. Also, they can be exposed to harmful contact, such as bullying and harassment, usually conducted by their own peers, but they can be victims to potential perpetrators of sexual abuse. Inappropriate conduct includes publishing inappropriate comments or revealing personal information or images that may have negative consequences, sharing of sexual content, commercial risks, online privacy and the collection of data. All of these are presumable threats/risks for any child, but they are higher depending on the child's age, gender, and resilience. When using social networks which are also used by abusers, children and young people are often not aware of hidden identities. The virtual conduct can transform to offline contact, increasing the risk of abuse and exploitation of children, pedophilia, the solicitation of minors for sexual purposes, trafficking, and child pornography. Parents, guardians, educators, government, the business sector, and other stakeholders play an important role in protecting children online, and in helping them deal with such risks.[12]

Children can also help the governments, the educators, the parents the policy makers to realize how they use the internet and what they are afraid of. The EU Kids Online data presented the following statistics. When asked if there were things on the Internet that would bother children of their own age, 55% of 9-16 year olds answered that there were things online that made them uncomfortable and upset. 23% of children expressed concern about pornographic or sexual content as the most common things that bother them, also violent/aggressive content (18%), as well as scary or gory content. The content about self-harm or suicide or anorexia/bulimia, and racist or hateful speech was also on their list. In 2010, 9-16 year-olds when asked if 'There are lots of things on the Internet that are good for children of my age', 47% answered positively. But by 2014, this numbers declined to 41%.[13] Therefore children can

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[10] Jovan Kurbalija, *op. cit.,* pp. 215-216.

[11] *Ibidem*, pp. 108-112.

[12] *Ibidem*.

[13] "Research for CULT Committee-Child Safety online: definition of the problem", 2018, Directorate - general for Internal policies. Retrieved from: http://www.europarl. europa.eu/Reg Data/etudes/ IDAN/2018/602016/IPOL_IDA%282018%29602016_EN.pdf, pp. 13-16.

distinguish what is good or bad for them especially 9 to 16 year olds and they can be a direction for the policy makers.

In 2012, the United Nations recognized the huge impact of digital technology on human rights and resolved that "The same rights that people have offline must also be protected online". This resolution reflects a hope for the future.[14] But the rights of the child are not enough and they should be expended in the digital world.

Online risks faced by children are many and evolving. Addressing them requires a blend of approaches that include legislative, self and co regulatory, technical, awareness and educational measures, as well as content provision and child safety zones. In practice, each country operates its own policy characteristics and priorities, which reflects its perception of priorities as well as its culture and style of government.[15] But the regulations and directives should be also on the global level.

6. What to do to prevent the negative effects of the internet

In order to prevent the negative effects of the Internet we need combination of legislation and policy, technical tools, education, and awareness. Many countries have executed legislation that makes certain content illegal. On an international level, the key instruments to protect the children are the UN Convention on the Rights of the Child and the Second Optional Protocol on the sale of children, child prostitution and child pornography; the COE Convention on Cyber-crime and the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the International Center for Missing & Exploited Children (ICMEC) developed a framework for evaluating/determining national legislation. Furthermore, other effective approach is the self‑regulation of the industry and co-regulation (combination of government and private regulation). For example, ISPs may provide measures and may filter illegal content; social media platforms can set age requirements for children. In 2008, the CoE published Guidelines for cooperation between law enforcement and ISPs against cyber crime. ITU's Child Online Protection (COP) initiative provides guidelines for children, parents and guardians, educators, the industry, and policymakers. Parents and educators have a responsibility to guide and support children, educate and make them aware. Governments have a primary responsibility to protect children, the industry has the responsibility of ensuring that the online environment is safe and secure. Service providers can provide safer environment. Children's NGO's and child helplines are stakeholders in the fight against child sexual abuse and exploitation.[16] Therefore there is not one actor or one universal declaration that can protect children online, but all of the above actors need to work together to create an umbrella of protection.

Only partial progress has been made so far in supporting children's rights online. In the early days of the internet, public policy concerns it was inappropriate content, because pornography of all kinds was pushed via pop-ups. But approaches to internet governance have changed, 'cyberspace' is a distinct sphere in need of distinct regulation,

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[14] Becky Hogge, *Travel guide to the Digital world: Internet policy and governance for human rights defenders*, 2014. Retrieved from: https://www.gp-digital.org/wp-content/uploads/2014/06/Travel-Guide-to-the-Digital-Worlds-1.pdf, p. 8.

[15] "The Protection of Children Online". Recommendation of the OECD Council. Report on Risks Faced by children Online and Policies to protect them, 2012. Retrieved from: https://www.oecd.org/sti/ieconomy/childrenonline_with_cover.pdf, pp.14-15.

[16] Jovan Kurbalija, *op. cit.*, pp. 108-112.

what is illegal or inappropriate offline is the same online. But the effort to apply regulations and governance practices offline, online they conflict with liberal efforts to keep the internet open and free.[17]

Present measures offer legal frameworks for classifying illegal content and activity on the internet, children have the right to be protected from trafficking and exploitation. The production of illegal child abuse images, sexual grooming for abuse and other forms of exploitation all have online dimension, they have intensified, worsened, by the Internet anonymity and means to bypass the law. Society does not wish to keep children forever in a 'walled garden', they must explore, make mistakes and learn to cope in order to develop in responsible adults and digital citizens. This leaves policy makers only with the act of supporting and empowering children online.[18] But it limits the border lines until where they can act. It is also problematic that the internet is largely blind to age. The effort to develop international regulatory bodies and forms of internet governance is somewhat fragile and uneven.[19] Also people should use the Internet with freedom and confidence. An open, inclusive, safe and enabling environment must go hand in hand with a maximum of rights and services with minimum restrictions and security which users are entitled to expect. The Council of Europe fully supports the mufti-stakeholder model of Internet governance which ensures that the Internet remains universal, open and innovative, and continues to serve the interests of users in the world.[20]

Government policies to protect children online are fragile. To enhance their efficiency and catch up with the Internet, governments face three main challenges: Managing policy complexity through enhanced policy co-ordination, consistency and coherence; Adopting an evidence-based policy-making approach; Taking advantage of international co-operation to improve the efficiency of national policy frameworks and foster capacity-building. Governments should appreciate the continuity of their policy measures and tools in collaboration with all stakeholders. Policies to protect children online would benefit from policy objectives, like the preservation of fundamental rights and maintenance conditions which have enabled the Internet to become a global platform for innovation, economic growth and social progress. International and regional co-operation is another area for improvement. While international and regional intergovernmental organizations are already involved, coordinated international work by governments and stakeholders is needed to enhance international strategic partnerships, capacity building and joint events as well as the sharing of successful educational and awareness raising campaigns.[21]

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[17] Sonia Livingstone, Brian O'Neill, *Children's right online: Challenges, dilemmas and emerging directions,* 2014. Retrieved from: http://eprints.lse.ac.uk/62276/1/__lse.ac.uk_storage_LIBRARY_ Secondary_libfile_shared_repository_Content_Livingstone,%20S_Childrens%20rights%20online_Livi ngstone_Childrens%20rights%20online_2015.pdf, p. 3.

[18] *Ibidem*, pp. 5-6.

[19] Sonia Livingstone, Monica E. Bulger, *A global research agenda for children's rights in the digital age*, Journal of Children and Media, 2014, 8 (4). pp. 317-335. ISSN 1748-2801 DOI: 10.1080/17482798.2014.961496 Retrieved from: http://eprints.lse.ac.uk/62130/1/Livingstone_ Global_Research_Agenda_Childrens_Right_Digital_Age.pdf, p. 4.

[20] "Internet Governance". Council of |Europe Strategy 2012-2015. Minister's Deputies CM Documents 2012. Retrieved from: https://www.innova.puglia.it/documents/10180/14203/Inter net%20 Governance%20Strategy%202012%20-%202015.pdf, p. 2.

[21] "The Protection of Children Online". Recommendation of the OECD Council. Report on Risks Faced by children Online and Policies to protect them, 2012 Retrieved from: https://www.oecd.org/ sti/ieconomy/childrenonline_with_cover.pdf, pp. 14-15.

Digital media should be seen through children's eyes. This is necessary if we want to develop credible and effective ways for them to use digital media within their rights.[22] Children's participation in the decision-making processes is vital. When children are provided with opportunities to participate in policy and decision-making processes, they develop skills, and their contributions is meaningful. These contributions lead to better decisions, because they incorporate the specific knowledge and perspectives.[23]

Access, skills, risks and opportunities are all part of the overall picture of children's well-being and rights in the digital age and should be used when developing policy interventions. Children are not a homogeneous group, they are different age, different digital skills, places of access, devices they use and support they receive. It is important therefore to differentiate policy goals based on these differences and real life situations. Policy must pay attention to vulnerable groups, such as indigenous or ethnic minority children, migrants, children in poor or rural settings or those who have some form of disability. Improving school access, supported by teacher training, could further link internet use with education and information benefits, by developing digital skills.[24]

7. Conclusion

Children use the Internet and mobile phones to seek information and assistance, they use it for leisure and games, for interaction and communication and so on. The Internet today has increased access to information in all of the world, offering children and young people the ability to research their interests, access worldwide media, and harness ideas for the future. It allows children to claim their rights and express their opinions. Despite the numerous benefits of the Internet, children can also face a lot of risks. Children can be exposed to inappropriate content or inappropriate contact, including potential perpetrators of sexual abuse. They can suffer reputational damage associated with sensitive personal information.[25] They can be exposed to violent contact, bullying and harassment. Children can be at risk of exploitation, pedophilia, trafficking and other atrocities. That is why the policy makers, governments, the NGO's, the industry sector and the children, their parents and educators should work together under an umbrella system where all the opinions and information will be heard and elaborated upon in order to make precise and applicable norms and regulations that will in the same time not restrict the freedom of the internet but also will not disrespect the rights of the children as well to protect the children from any harm possible.

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[22] Amanda Third, Delphine Belerose, Urszula Dawkins, Emma Keltie, Kari Pihl, *op. cit.*, p. 14.
[23] *Ibidem*, pp. 17.
[24] Global Kids Online. Research Synthesis 2015-2015. Summary. Retrieved from: https://www.unicef-irc.org/publications/pdf/Misc_GKO_ExSum_2016.pdf, p. 14.
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