

Children in Digital Age – International Regulations

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ABSTRACT

The advent and rapid development of computer technology have revolutionised human society. In a remarkably short period, technology has transformed daily life, shifting from occasional computer use to the Internet as the primary channel of communication, and now to artificial intelligence, which enables machines to mimic human behaviour and decision-making. Historically, such profound changes took centuries; today, they are occurring at an unprecedented pace, leaving many struggling to adapt. While digitalisation has made technology more user-friendly and widely accessible across generations, disparities in digital skills persist. Younger generations often fully grasp the potential of digital technology, while their parents may lack equivalent expertise. This reality is creating a widening generational gap, even more pronounced than in previous decades. Children are particularly adept at using innovative technologies, especially the Internet, yet they may not fully understand the real-world consequences of their online activities. Conversely, parents are generally more aware of the associated risks and dangers, though they often lack the same technical proficiency. Growing up in a more traditional society, these older generations may feel somewhat constrained by the pervasive digitalisation of life. While they observe the process of digital integration, they do not always participate actively. From the perspective of children's rights, this new age poses challenges for scholars and legislatures alike. Although it is tempting to examine each right in isolation, certain rights are particularly difficult to enforce in the digital realm. This work will explore these rights in detail.

KEYWORDS

digital age, children's rights, right to privacy, right to education, right to be informed

1. Introduction

Children constitute 30% of the global population,¹ with figures as low as 10–15% per country in Europe. This highlights both their statistically weaker position and their vulnerability, given their limited mental and physical maturity. Historically, children have been especially disadvantaged due to certain natural, cultural, and political factors, often bearing the brunt of violent conflict and disease outbreaks.

| 1 Worldometers, n.d. |

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The adoption of the United Nations Convention on the Rights of the Child (CRC) at the end of the last century dramatically transformed the status of children.² The CRC, the most comprehensive international legal instrument for children's rights, was prepared after ten years of intensive negotiations.³ Following numerous ratifications, the CRC has become one of the most significant human rights treaties. However, the true challenge for children's rights emerged after the CRC came into legal force, as its implementation at the national level needed to reflect the diverse social, cultural, religious, and economic contexts of the States Parties. Moreover, the years immediately following the CRC's adoption were marked by unprecedented technological advancements, particularly the impact of global networking on everyday life, which made this diversity even more evident. This raises the question of whether the CRC has the potential to continue shaping children's rights in the years ahead.⁴

The digital environment increasingly makes children's lives more virtual than real, as nearly every human activity can now be undertaken in a parallel digital world. Consequently, global society, which has not yet fully adapted children's rights to the circumstances that existed prior to the adoption of the CRC, now faces new challenges in the digital environment. To identify the weak points in the exercise and protection of children's rights, the CRC, as a key international regulatory instrument, must be analysed from a digital perspective.

2. The Digital World: What Has It Brought to Society?

The creation and development of computer technology heralded a revolution in human society. Within a short period, technology has repeatedly and profoundly transformed daily life: from the incidental use of computers, to the Internet becoming the dominant channel of communication, and finally to artificial intelligence, which enables machines to imitate human behaviour and decision-making. Historically, such dramatic sociocultural evolution took centuries, but today's rapid advancements are proving challenging to keep pace with. For example, a middle-aged woman today may still remember dial-up phones, black-and-white television, and short cartoons from her early childhood, followed later by the first friend or peer to own a mobile phone. From a technological perspective, the overarching process of digitalisation has made technology more user-friendly and thus widely accepted across all generations.

2 United Nations, 20 November 1989. In New York. After Somalia ratified the CRC, the USA remain the only United Nations member state that did not accept the CRC.

3 Skoler, 1993, p. 38.

4 The interests of child have been recognised in the United Nations Millenium Declaration, adopted on 8 September 2000. Six of the eight Millennium Development Goals protect the rights of children to health, education, Protection, and equality. They will only be sustained when the rights of every child are realised. These six goals also match the goals set out in "A World Fit for Children" (The Millenium Development Goals, 2003).

However, digital skills often vary by generation. The youngest generations frequently understand the full potential of digitalisation, while their parents may not, contributing to an increasing technological gap. Children are masters of innovative technology, especially the Internet, yet they remain unaware of its real-life consequences.⁵ In contrast, parents are more aware of these consequences and potential dangers, but they are not as technologically skilled as their children. Growing up in a more traditional society, these older generations may reject the unrestrained digitalisation of every aspect of life. They are witnesses to the process of digitalisation but are not necessarily active participants in it.

For these reasons, the Internet has become a central topic in both societal and legal discussions. Digitalisation has challenged not only technical and technological fields but also the social sciences. As for the law, especially children's rights, it is essential to understand exactly what digitalisation – particularly, the Internet – has changed in the traditional relationships of society.

3. Legal Framework: Challenges of Digitalisation

Among the many challenges of digitalisation, “communication” is a fundamental process in human civilisation and one that underpins all these challenges. Communication serves as a means of interaction and as a legal mechanism for a child to exercise their rights; however, it can also inadvertently infringe upon the rights of others. The digital environment has increased connectivity among children, making it an integral aspect of their lives and well-being. Modern technology enables children to create their own communities and share their views or daily experiences within these communities or on social networks.⁶ These realities render the digital environment vulnerable, as social networks lack age-specific restrictions. Children are exposed to the adult world, despite being ill-equipped to distinguish between the benefits and risks of such interactions. A significant obstacle to protecting children's rights in the digital world is that the prominent actors in the digital space are privately owned and largely self-regulate their activities. From a pragmatic perspective, this approach to shaping the virtual world is flexible, yet it underscores the need for legal certainty. Regarding children's rights, self-regulation circumvents the territorial constraints inherent in conventional jurisdictional frameworks, creating additional challenges in protecting children in the digital age.⁷

It is also important to note the dominant narrative in the mass media regarding the risks of Internet communication. These include cyberbullying, child trafficking on the dark web, the drug trade, access to graphic and explicit content, harmful impacts on teenagers' mental well-being and self-esteem, online harassment, and

5 Franco and Almog, 2019, pp. 75–78.

6 Papandrea, 2008, pp. 1032–1037.

7 Choudhuri, 2019, p. 153.

more.⁸ Understanding the comprehensive impact of digital technology on children's lives must also address "digital dependency," driven by the early use of smartphones and the increasing problem of smartphone addiction. A crucial question remains: can the pre-eminent international document, the CRC, be applied effectively in the digital world?⁹

4. The United Nations Convention on the Rights of the Child

Although the CRC is recognised as the cornerstone document on children's rights, it is not a perfect human rights treaty.¹⁰ Any assessment of the document's quality must consider the realistic expectations of its implementation. In this regard, the CRC does not provide strict rules and mechanisms that can be applied automatically, but instead sets out a series of principles that form a framework for the regulation of children's rights in line with the legal, social, religious, and cultural traditions of each State Party. These principles are rooted in key rights: the right to non-discrimination (Art. 2); the right to life, survival and development (Art. 6); the right to be heard (Art. 12); and the imperative to consider the best interests of the child in all activities (Art. 3). All other provisions should be interpreted in light of these core principles. These principles should guide authorities during the implementation process to achieve the goal of the CRC: enabling children to reach their full potential in the society to which they belong. The CRC defines a child for the purposes of this act and establishes a comprehensive range of children's rights (Part I). Some of these rights, such as the right to citizenship (Art. 7), are less relevant to the emerging digital world of children. Others, however, are particularly significant to contemporary discussions. The CRC applies to all individuals below the age of 18 (Art. 1), although if national law establishes majority at an earlier age, that national law is applied. Nevertheless, countries are obliged to protect children from all forms of discrimination and to take positive action to promote their rights. All actions concerning children must be guided by their best interests. States are obligated to ensure appropriate care when parents or guardians fail to do so, and to ensure the rights set out in the CRC are realised. Children must be consulted on the realisation of their rights, in accordance with their age and maturity.

The following rights are guaranteed to children: the right to life (Art. 6); to a name, to acquire a nationality, and to know and be cared for by his or her parents (Art. 7); to preserve identity, including nationality, name, and family relations (Art. 8); to live with their parents (Art. 9–11); to form and freely express their views (Art. 12); to freedom of expression (Art. 13); to freedom of thought, conscience, and religion (Art. 14); to freedom of association and peaceful assembly (Art. 15); to privacy (Art. 16); to

8 Ibid., p. 154.

9 Grover, 2004, pp. 269–270.

10 Savić, 2019, p. 303.

be appropriately informed (Art. 17); and to special protection in cases where there is no parental care, including adoption (Art. 20, 21).

Also guaranteed are the rights of refugee children or children seeking refugee status to special protection (Art. 22); the right of the disabled child to special care (Art. 23); the right to health and healthcare (Art. 24, 25); the right to social security, including social insurance (Art. 26); the right to an adequate standard of living (Art. 27); and the right to education (Art. 28, 29). Further rights include the protection of children belonging to minority groups (Art. 30); the right to rest and leisure, play and recreational activities, and participation in cultural life and the arts (Art. 31); protection from economic exploitation (Art. 32); protection from the misuse of harmful substances (Art. 33); protection from sexual exploitation, abduction and trafficking (Art. 34); protection from torture and deprivation of liberty (Art. 37); safeguarding children in armed conflicts (Art. 38); and the right to special juvenile justice (Art. 40).

Within Part I, the CRC also regulates the responsibility for the upbringing and development of the child, establishing the primary responsibility of parents or legal guardians in raising their children. However, the state's obligation to protect the child from all forms of abuse and neglect is also clearly defined, and includes both preventive programmes and support for victims of abuse. Given the vulnerability of children and the risk of physical, mental, and sexual abuse, respect for privacy and family life cannot take precedence when the vital interests of the child are endangered (Arts. 18, 19). This provision underscores the need to prioritise the child's well-being above privacy and family life when their safety is at risk. It highlights the vulnerabilities children face and the imperative to safeguard their rights and protection from harm, whether from third parties or from parents themselves.

5. Other International Regulations on Children's Rights

Armed conflicts have persisted even after the end of the Second World War and the institution of numerous peace treaties. Increasing numbers of people have become victims of armed conflicts, with children being the most vulnerable. With the adoption of the Rome Statute of the International Criminal Court, the recruitment or mobilisation of children under the age of 15 and the use of children for active participation in hostilities are classified as war crimes. At the 26th International Conference of the Red Cross and Red Crescent in December 1995, it was recommended that parties to conflicts take all measures to ensure that children under the age of 18 do not participate in hostilities. To protect children during armed conflicts, the United Nations adopted the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts in 2000. The aim of this Protocol is to raise the age limit for the voluntary recruitment of individuals into state armed forces to 18 years.

For the protection of children in the digital world, the second Optional Protocol to the CRC is particularly relevant: the Optional Protocol to the Convention on the

Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. This Optional Protocol responds to the increased risk of sexual exploitation faced by children. In the era of the Internet, characterised by fast and borderless communication, the sexual abuse of children can take various forms across networking and communication channels. The Optional Protocol defines the sale of children, child prostitution and child pornography, and provides measures to combat these grave issues. The contracting states are obliged to fully criminalise these acts in their national laws, whether committed domestically, transnationally, individually, or on an organised basis. The states must implement laws and strengthen social policies and programmes to prevent the illegal actions covered under the Optional Protocol. They are also committed to raising public awareness through information, education and training. To achieve this, international cooperation is expected to be enhanced through multilateral, regional and bilateral agreements. The goal of the Optional Protocol is to elevate standards beyond those set in Article 34 of the CRC. Supervision of the Original Protocol's implementation, as with the CRC, is carried out by the Committee on the Rights of the Child, a body established to monitor the progress made by the contracting states in fulfilling their obligations.

Besides United Nations agreements, states are also actively engaged in intensive legislative activities. In the European context, the most relevant documents include the European Convention on Human Rights and Fundamental Freedoms (and its amending protocols) (ECHR), the European Convention on Cybercrime (Budapest Convention), and the European Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention). Although all these conventions were adopted by the Council of Europe and are therefore regional, their influence extends far beyond what is typically expected from regional documents.

The ECHR, adopted in 1950, was inspired by the Universal Declaration of Human Rights. Aiming to create a democratic world by promoting civil rights and freedoms, it did not explicitly regulate the position of children as a distinct category. However, its impact cannot be overstated, thanks to the case law of the European Court of Human Rights (ECtHR). The establishment of the ECtHR has contributed to citizens' trust in universal justice, ensuring the protection of their rights even against the state. Since the ECHR contains only a few explicit references to children's rights, the interpretation of the CRC by the ECtHR has significantly shaped the European approach to the protection of children's rights.

The Budapest Convention on Cybercrime is a legal response to the long-standing demand to combat cybercrime. It was adopted by the Council of Europe, which includes 47 member states in the European region, along with some non-member states, and it plays a significant role in establishing collective action towards the harmonised criminalisation of cybercrime and synchronised intervention. As the first binding multinational treaty addressing cybercrime, its provisions have been widely adopted across many countries. The most notable outcome of the Budapest Convention is the explicit criminalisation of cybercrime and the promotion of state collaboration in prosecuting offenders.

The investigation of transnational cybercrime requires the cooperation of law enforcement agencies across all relevant countries. The formal mechanisms for international cooperation in combating cybercrime include mutual legal assistance and extradition. Mutual assistance regarding provisional measures is particularly important, as it encompasses expedited preservation of stored computer data, expedited disclosure of preserved traffic data, access to stored computer data, and the real-time collection of computer data. In relation to cyberbullying, this cooperation is crucial in protecting children in the digital world.

The Lanzarote Convention is the first regional treaty specifically dedicated to the protection of children from sexual violence. Adopted in 2007 and entering into force in 2010, it has been signed by all Council of Europe member states. Together with the Budapest Convention, it forms an extensive framework for the protection of children in the digital space. As stated in the preamble of the Lanzarote Convention (para. 3), every child has the right to the protective measures required by their status as a minor, provided by their family, society and the state. The Lanzarote Convention adopts the so-called “4P approach” in protecting children’s sexual rights: prevention, protection, prosecution and promotion. This approach addresses all aspects of the growing issue of child abuse in the digital environment. By providing clear definitions of criminal acts against children and establishing a set of guidelines for implementation, the Lanzarote Convention affords a strong legal framework. It includes robust rules and procedures for the protection of victims, which are crucial for a child’s mental health and self-confidence. The impact of the Lanzarote Convention is further reinforced by expectations regarding international cooperation through the full implementation of its measures. Monitoring how state parties implement the Lanzarote Convention in legislation and policy is entrusted to the Committee of the Parties to this treaty, known as the Lanzarote Committee.

6. Key Rights of the Child in the Digital Age

Although it is challenging to consider each child’s rights in isolation from others, some rights may be more difficult to enforce in the digital space. These rights will be examined in detail.

6.1. *Right to Privacy*

Art. 16 of the CRC stipulates that no child shall be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence, nor to unlawful attacks on their honour and reputation. In the digital environment, children have the right to privacy and family life, which includes the protection of their personal data and the respect for the confidentiality of their private communications.¹¹

11 Council of Europe, 2018.

Although there is no universally accepted definition of privacy, its general meaning is understood. Privacy refers to the ability to control and manage the information that others can access about oneself. It involves setting boundaries regarding one's personal life and affairs, encompassing personal and family life, data protection, information about one's home, confidentiality and similar matters. External intrusion or influence should only occur with the individual's consent and in a manner that they accept. The right to respect for private life is limited to the extent that an individual brings their private life into contact with public life or connects it with other protected interests.¹² However, it can be challenging to expect minors below a certain age to be fully aware of the implications of their privacy. Parents are therefore expected to safeguard their child's privacy and promote the child's best interests.

In the physical world, the boundaries between private and public life are typically under the control of minors and their parents. Information exchange usually occurs through direct conversation or within a limited circle of individuals. The Internet has erased these boundaries, making communication less personal and more public.¹³ The omnipresence of social media, the Internet, and mobile communication in daily life has transformed both the social and legal landscape. This revolution brings many advantages that have made Internet adoption widespread, but it also has its drawbacks. From a legal perspective, the most endangered right is the right to privacy. This is particularly concerning in relation to children's rights, especially during adolescence, as privacy is crucial for children during this developmental stage.

Children are present in the digital world as much as adults, yet their presence is not proportional to their awareness of the potential risks. Children are exposed to online risks mainly in relation to their personal data, which are collected in various ways through different channels of communication on the Internet. The collection of personal data constitutes a violation of the right to privacy when it occurs without the individual's consent.¹⁴ However, an even greater danger lies in the purpose for which the collected data are used. In *Malone v. The United Kingdom* (1984), long before the digital era, the ECtHR observed that processed data, owing to advancements in computer technology, could be analysed in increasingly shorter timeframes, enabling the creation of a complete picture of a citizen's lifestyle.¹⁵ To understand the seriousness of such treatment of data, it is important to note that the Internet was not global at that time.

12 Dimitrijević, Paunović and Đerić 1997, p. 286. Regarding case law of European Court of Justice, see: *Couderc and Hachette Filipacchi Associés v. France* [GC], Application, No. 40454/07, 10 November 2015, para.83. The right to privacy includes the right to use photos of the individual, and therefore right to refuse publication (*Von Hannover v Germany* (No. 2) [GC], Application No. 40660/08 and 60641/08, Judgement of 7 February 2012, para.96, HUDOC database.

13 DeVries, 2003, pp. 291-293.

14 Collecting personal data and its processing and publishing to a degree normally expected arises concerns on the right to privacy. See: *M.N. and others v San Marino*, Application No. 28005/12, Judgement of 7 July 2015, paras. 52-53. HUDOC database.

15 *Malone v. The United Kingdom*, Application No. 8691/79, Judgement of 2 August 1984. HUDOC database.

Sharing personal data, such as photos, videos, locations and other private information, is very prevalent among the young population and even their parents (known as “sharenting”).¹⁶ This trend opens the door to numerous forms of misuse, including advertising and marketing.¹⁷ In applications designed for young users, mobile advertising heavily relies on manipulative and disruptive methods.¹⁸ Much more serious and harmful to children are the abuse of personal data, identity theft, impersonation, Internet-based scams, and, in particular, contact with malicious individuals aiming to sexually or otherwise exploit a child (known as Internet predators), which can lead to cyberbullying.

The fast and widespread exchange of personal data in the digital environment is not the only risky aspect of Internet use. Complicating the issue further is that the storage capacity of Internet servers allows data, once uploaded, to remain there indefinitely. As a result, modern legal approaches have extended the right to privacy to include the “right to be forgotten” (or the right to erasure). This right, a product of case law, serves as a response to the need to protect privacy in the digital age. In a pioneering case, *Google Spain v. AEPD, Mario Costeja González*,¹⁹ the European Court of Justice was faced with the question of whether a complainant has the right to prevent access to disputed documents via a search engine in order to protect personal data. Although the right to be forgotten has been affirmed by the European Court of Justice, its function is limited to removing a specific link from the search engine index that would otherwise appear in search results when using an Internet browser. This applies only when the name and surname of a specific person are used as search criteria.²⁰ In contrast, in a case with a similar background, the ECtHR stated that judicial authorities are not competent to order the removal of a press article considered defamatory if it has been kept in a newspaper’s Internet archives.²¹ Later, the right to erasure received a normative framework within the European Union under the General Data Protection Regulation (Art. 17).²²

Comparing traditional and digital childhood, the distinction between private and public is no longer clear-cut.²³ The Internet operates as a new public space with partial privacy, since its boundaries are dictated by privacy settings. Even though

16 Shudra, 2023, pp. 88–105; Takhshid, 2023, pp. 1440–1449.

17 Johnson, 2022, pp. 158–159.

18 Verdoodt, 2019, pp. 466–468.

19 *Google Spain SL, Google Inc. v Agencia Española de Protección de Datos (AEPD), Mario Costeja González*, Judgement of the Court, 13 May 2014, C-131/12.

20 Midorović, 2019, p. 285.

21 *Węgrzynowski and Smolczewski v Poland*, Judgement of 20 October 2015, Application No. 25239/13, HUDOC database paras. 39–41. *Satakunnan Markkinapörssi Oy and Satamedia v Finland*, Judgement of 27 June 2017, Application No. 931/13. HUDOC database.

22 Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation), *Official Journal of the European Union*, L119, 4 May 2016.

23 Thompson, 2011, p. 49.

privacy settings allow users to modify their privacy preferences, they have limited potential, as users are merely making choices within the available technical solutions. Moreover, these settings are often governed by self-regulation rules.

To conclude, the protection of privacy online involves employing a variety of strategies, such as understanding encryption systems, adjusting privacy settings on specific Internet platforms, interpreting numerous privacy policies, and navigating complex information technology systems. Therefore, it is important to discuss the new form of “digital literacy” necessary to secure at least a certain level of privacy on the Internet.²⁴

6.2. Right to Education

The CRC stipulates the right to education (Art. 28), encompassing both formal and informal dimensions. From a formal perspective, primary education is made compulsory and free for all. The development of secondary and higher education is encouraged and made available and accessible to every child, in accordance with the principle of non-discrimination. Informal education refers to the development of knowledge outside institutional settings, as well as lifelong learning.

The right of parents to influence the education of their children – that is, to provide education and teaching in accordance with their religious and philosophical beliefs – is guaranteed in the second sentence of Art. 2 of Protocol No. 1 to the ECHR. In drafting this provision, great importance was placed on family life during education, while the role of the state was made secondary.²⁵ The ECtHR has interpreted this provision in light of respecting private and family life, freedom of thought, conscience and religion, as well as freedom of expression under the ECHR.²⁶ The Court reached this conclusion after examining whether the responsible state ensured that the knowledge included in the curriculum for the disputed subject was transmitted in an objective, critical and pluralistic manner, or whether indoctrination was sought, disregarding the religious and philosophical beliefs of the applicant’s parents. In a case related to parents’ objection to compulsory sex education in public schools, the Court did not find a violation of parental rights in children’s education. The Court examined the nature of the measure and pointed out that it was not aimed at promoting particular sexual behaviours. Thus, the subjective views of parents are not relevant in the decision-making process; rather, objective criteria must be applied.²⁷ Regarding the challenges of the digital age, in 2009, the ECtHR pointed out that parents cannot deny a child’s

24 Moll and Pieschl, 2016, p. 239.

25 Unlike this provision, the CRC provides for the right of the child than of the parents, as stipulated in the cited provision of ECHR; Hale, 2006, 351.

26 *Folgero and Others v. Norway* [GC], Judgment of June 29, 2007, Application no. 15472/02, HUDOC database, para. 84.

27 *Kjeldsen, Busk Madsen And Pedersen v. Denmark*, Judgment of December 7, 1976, Application No. 5095/71; 5920/72; 5926/72, HUDOC database; *A.R. and L.R. v. Switzerland* (No. 22338/15) [Online]. Available at: https://www.echr.coe.int/documents/d/echr/FS_Childrens_ENG (Accessed 15 January 2024).

right to education based on their personal beliefs. Specifically, the Court dismissed as inadmissible an application that concerned the refusal of permission for parents to educate their children at home in accordance with their religious beliefs.²⁸

Digital technology has undoubtedly changed the environment for education in both senses. The Committee on the Rights of the Child states:

‘... the digital environment can enable and enhance children’s access to high-quality, inclusive education, including reliable resources for formal, non-formal, informal, peer-to-peer, and self-directed learning. The use of digital technologies can also strengthen engagement between teachers and students, as well as among learners. Children have highlighted the importance of digital technologies in improving their access to education and in supporting their learning and participation in extracurricular activities.’²⁹

Digital technology enables children to learn in both formal and informal contexts. Acquiring various competencies necessary for successful functioning in the digital age includes digital, linguistic, mathematical, and scientific literacy; problem-solving skills; critical thinking; teamwork; and learning foreign languages. Digital technology has enabled children to have free access to quality educational resources, programmes, applications and platforms for various purposes. They can virtually visit museums and libraries. Despite the advantages of accessible digital knowledge, the enforcement of the right to education in terms of technology is complicated. Access to digital devices and the Internet represents a necessary, but not sufficient, condition for their safe and constructive use. Thus, the first challenge is that digital education requires digitally skilled teachers and parents, who should oversee children as they go through the educational process. Modern education must provide children with the skills for the safe and constructive use of digital technology in various life situations. In professional literature, these skills are often referred to as digital literacy and digital competence.³⁰

The concept of literacy in the digital environment is more complex than its traditional meaning. Traditionally, literacy refers to the skills of writing, reading and arithmetic. In the modern, digital world, it encompasses a set of knowledge, skills and attitudes necessary for using digital technology to perform various tasks, solve problems, communicate, manage information, collaborate, create and share content, and construct knowledge in an efficient, effective, critical, creative, autonomous, flexible, ethical and reflective manner. These skills are essential not only for work and leisure but also for participation in society, learning and socialising. Additionally, the

28 *Konrad v. Germany*, Decision of September 11, 2009, Application No. 35504/03, HUDOC database.

29 General comment No. 25 (2021) on children’s rights in relation to the digital environment, 17. See: Djeflal, 2022, pp. 1–9.

30 European Commission, Directorate-General for Education, Youth, Sport and Culture, 2019.

process of acquiring digital literacy should involve adults, particularly parents and teachers, alongside children.

Creating an appropriate climate for learning in the digital world can significantly impact the development of qualified and competitive citizens in the future. However, this advantage is not universal. Not all children can afford computer technology, which is a prerequisite for enjoying the benefits of digitalisation. This disparity could deepen inequalities among students³¹ – one of the reasons for the increasing demand to establish the universal right to access the Internet.³²

6.3. Right to Information

According to Art. 17 of the CRC, recognising the important role played by the mass media,³³ states shall ensure that children have access to information and materials from a diversity of national and international sources, especially those aimed at promoting their social, spiritual and moral well-being, as well as their physical and mental health. States are encouraged to exchange and disseminate information and materials of social and cultural benefit to children, produce and distribute children's books, and cooperate internationally in the production and dissemination of such materials. The mass media are encouraged to consider the linguistic needs of children belonging to minority or indigenous groups. Lastly, states should develop appropriate guidelines for protecting children from information and materials that may be harmful to their well-being.

The right to information forms part of the cognitive and social development of the child, as information plays a significant role in shaping the child's identity and personality, thus influencing their participation in society. As such, the right to information is a precondition for the full exercise of other human rights, such as the right to education, freedom of expression, and freedom of thought. Moreover, the right to information is an essential component of communication, which lies at the core of a child's life and development.

Compared with other rights, the right to information is less visible as an individual entitlement and more visible as a public concern. Typically, its realisation depends on a broad range of state regulations. From a positive perspective, in terms of encouraging the provision of information, states guarantee the right by regulating public institutions such as libraries, media outlets or materials used in the educational process. When regulating these tasks, the selection of information available to children should be carefully managed to protect their dignity and safety, while also preserving cultural, social and other values.

31 Gustin, 2022, p. 469. Reminding COVID-19 pandemic, computer infrastructure and information technology contributed a lot in overcoming the extended period of closure, especially regarding the education tasks.

32 In his Report, António Guterres suggests universal access to the Internet by 2030 as a basic human right. See: *Our Common Agenda – Report of the Secretary-General*, United Nations, 2021, p. 4.

33 Hammarberg, 1997, p. 249 and p. 253.

Considering the nature of the digital world and digital communication, particularly the Internet, the right to information is, in a certain sense, controversial. The global nature of the Internet allows children to access more information than ever before. Information flows from a wide range of communication channels, offered by diverse individuals and institutions from different countries, cultures and religions. The sheer volume of information is crucial for the exercise of the right to information, as well as for acquiring knowledge and personal development.

However, children who can access the Internet and various websites without sufficient oversight of their eligibility to do so are still in the process of developing the skills needed to evaluate and process the information they receive. Therefore, enforcing the right to information without proper safeguards could harm other rights of children, as well as the rights of others. For this reason, the right to information, in line with the CRC, must also limit access to certain information (though not explicitly stated in the CRC), in accordance with national laws.

The Internet complicates the right to information. The exchange of information is not entirely under the control of national authorities. Even when national regulations apply, they may not cover all cases. Social networks, which play a major role in children's communication, are not typically classified as media and thus fall outside the scope of national laws governing public information. Instead, they are often self-regulated.

Another contentious issue is who controls the information that children access on the Internet. The dominant sources of information are usually adults, which can distort the framework of a child's world. As a result, the full potential of the right to information cannot be realised without the active involvement of children in the exchange of relevant information. This, in turn, brings us to the right to expression. According to Art. 13 of the CRC, the freedom to seek, receive and impart information is a core part of the right to freedom of expression.

6.4. Right to Freedom of Expression and Right to Be Heard

The crucial outcome of the CRC is the recognition that a child possesses individuality, evident both within the family and in the broader social environment. This recognition marks a significant achievement in advancing the child's position in society. However, the child is not an entirely independent person. The extent of a child's autonomy depends on their age and maturity. This is a natural consequence of the fact that children require the support and guidance of their parents and society until they gain independence. While a child has a unique individuality that should be expressed, they still require support, assistance and understanding throughout their development and upbringing. The ability of the child to make decisions is especially important here. Therefore, the CRC guarantees freedom of expression as a fundamental human right.

According to Art. 12, a child who is capable of forming their own views has the right to express those views freely on all matters affecting them, in accordance with their age and maturity. Art. 13 of the CRC stipulates that every child has the right to

freedom of expression. This includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, whether orally, in writing, in print, in the form of art or through any other media of the child's choice. This right may be subject to certain restrictions in accordance with national laws, specifically to respect the rights of others and maintain public order, as explicitly prescribed in Art. 10 of the ECHR.³⁴ The true power of this right originates from the integrative aspect of the relevant provision, which guarantees the child's right to be heard. Specifically, the CRC provides children with the opportunity to express their views in any judicial or administrative proceedings affecting them, either directly or through a representative or an appropriate body.³⁵

When fully observed, the right to participation is one of the core rights in the CRC and has evolved into a fundamental principle of modern children's rights law. It is, at its essence, a right of participation. Although this right is explicitly mentioned in relation to procedures affecting the child, it is not limited to these matters alone. The full potential of children's participation extends to decisions about activities in their free time, such as choosing sports, arts or other hobbies. However, the child's right to participate also implies a responsibility for adults to create opportunities to realise that right. Participation does not mean placing the child in opposition to the views and values of adults; rather, it involves creating a space where, together, children and adults can make decisions that impact them both.

The digital age and Internet communication pose significant challenges to the right to participation in all its aspects. Children today live in an age of vast information, readily accessible on the Internet, yet they often lack the skills to assess the source and authenticity of that information. Adults, too, are not always equipped to help, as they may not be fully competent in evaluating digital content. As a result, the goal of fostering responsible, self-confident and socially reliable individuals through children's participation is increasingly called into question. Even the very act of decision-making is subject to the digital revolution. One such challenge is the rise of artificial intelligence, which continues to grow in influence. Today, children frequently use machine learning tools to solve even simple daily tasks. This digital environment not only threatens children's rights but also raises concerns about the future of humanity. Therefore, children's rights are more crucial than ever as a matter of public interest, demanding decisive action from all relevant actors, particularly authorities, to strike a balance between traditional values, technological advancements and the social good.

34 Analysis on the freedom of expression in certain Central European countries is published by Ferenc Mádl Institute for Comparative Law; Wielec, 2021.

35 Sawyer, 1999, pp. 155–157.

7. Role of Parents in the Protection of Children's Rights

Before the advent of the digital revolution, the issue of the best interests of the child and the role of parents in implementing the child's rights primarily focused on decisions concerning the child's health, education, guardianship in cases of parental separation, and other matters related to family dynamics in the physical world. Parents have the autonomy to raise their children according to their own values and beliefs. Caring for the child is not only a duty but also a right of the parents. The state only plays a corrective role if one or both parents lack the capacity to act in the best interests of the child. Parental autonomy is limited by state authority where necessary, and by the child's autonomy when the child is capable of expressing their opinion.³⁶ However, the parent-child relationship has gradually shifted towards the concept of trusteeship.³⁷

The Internet has brought parental authority into question. Even well-intentioned parents often find themselves caught in the trap of global communication. Rather than protecting their child's rights, parents frequently and unknowingly compromise these rights.³⁸ The 21st century is the era of increased publicity, driven largely by social media and social networks.³⁹ Parental rights are often exercised through the freedom to share moments of daily family life. In some cases, this phenomenon, known as "sharenting", becomes excessive, where parents, particularly mothers, publicly document every stage of their child's life – from pregnancy to the child's 18th birthday and beyond. Such practices create challenges in recognising the child's rights as individual rights, especially since children's rights are closely tied to the rights of family members, which can sometimes conflict.⁴⁰ Parents often overlook the best interests of the child – not owing to intentional neglect but owing to their struggle to keep pace with the rapid technological revolution. As a result, they are not adequately prepared to fulfil their responsibility in safeguarding their child's well-being in the digital age.⁴¹ Now more than ever, parents – as the primary guardians of their children – need the support of state authorities.⁴² This support should include informal education for parents, counselling and involvement in their children's activities. In extreme cases, state intervention may include measures against parents whose behaviour could harm the child's well-being.

36 Kovaček Stanić, 2022, p. 78.

37 Sorensen, 2016, p. 157.

38 Sorensen, 2016, p. 156.

39 Joyce, 2013, pp. 233–234.

40 Sorensen, 2016, p. 166.

41 Haubenreich, 2009, p. 242.

42 Sorensen, 2016, p. 174.

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