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DIGITAL CHILD PROTECTION IN THE LIGHT OF SUSTAINABILITY

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In the 21st century, child protection and the enforcement of children's rights must be ensured and advocated not only in the traditional space but also in the digital environment. This transnational space offers young users a whole range of opportunities, but it also creates potential risks. Protecting children in relation to the digital environment is addressed in international law, both in soft and hard law documents. It is a global issue that requires broad cooperation and response, and international legal instruments on this subject can provide a common basis as a starting point. These documents refer to the UN Sustainable Development Goals (SDGs) as part of a common international framework. Given the relevance of the digital environment in the everyday life of 21st-century children, the child rights-based approach to the SDGs should include a digital child protection perspective. International organisations and business operators play an important role in achieving these goals alongside states. However, the importance of the individuals cannot be overlooked, as it is vital to ensure that children and their caretakers are aware of their rights and are able to manage risks in the digital environment, as well as that they take advantage of the opportunities offered by technology.

1. Introduction

The United Nations General Assembly resolution on Transforming our World: the 2030 Agenda for Sustainable Development envisages, already in the Declaration, a world based on respect for human rights, investing in children and promoting a free childhood without exploitation (UNGA, 2015). Children, as a group deserving special attention, are mentioned several times in the 2030 Agenda, which refers to human rights conventions as a foundation, including the Convention on the Rights of the Child (UNCRC) adopted under the aegis of the United Nations in 1989 (UN, 1989).

The international recognition of the need to protect children and children's rights began in the 20th century, with more vigorous action to promote international cooperation starting after the First World War, under the auspices of the League of Nations and continuing within the UN, culminating in the UNCRC, which is the most rapidly ratified international treaty by most states. At the end of the 20th century, there was no longer any doubt about the legitimacy of recognising children's rights and taking measures to enforce them, but with the new century new concerns arose, including how to ensure sustainability and how to link children's rights approach to this (Grindheim et al., 2020).

The digital environment is a new space for realising children's rights in the 21st century, where children – defined in the UNCRC as persons under the age of 18 – spend more time from a fairly young age. Digital transformation is an ongoing process; results can support the achievement of the SDGs in all three pillars (economic, environmental, and social), and innovation can contribute to solving the problems of the present and future generations (Dias and Rosario, 2022). Information technology and global interconnectivity have the potential for human progress. For children, new technologies also offer a multitude of opportunities to develop and exercise their rights, but they also carry several risks. The challenge for child protection in the digital space in the 21st century is twofold: to guarantee children's rights and to empower future generations

while providing adequate protection. This paper aims to analyse the relationship between digital child protection and sustainable development framework in the light of international legal instruments.

2. Methodology

The study uses the methods of social science, in particular jurisprudence, to examine the rights of children in the digital environment in the context of sustainable development. International legal instruments (hard law and soft law) are examined at the universal and regional levels in terms of their response to the relationship between digital child protection and sustainable development. The paper seeks to demonstrate, through a descriptive and analytical approach, how the relationship between digital child protection and sustainable development can be understood from a children's rights perspective, drawing on the available literature and relevant international legal instruments. Digital child protection and a child-centred approach to sustainable development are receiving increasing attention from the scientific community. However, the connection between these two areas has been marginalised, although international documents show a correlation, so this paper seeks to provide a novelty in terms of the presentation of this issue.

3. How the international framework for digital child protection relates to the Sustainable Development Goals

As the digital environment is a global space, protecting children online is also a cross-border issue that requires global cooperation and response (Muhammad et al., 2021). Supranational protection is implemented through international organisations. Within the regulatory framework, there are conventions that are binding on States Parties and many soft law instruments that are not binding but are recommended for States to follow. The study focuses on the universal level of digital child protection and the European framework at the regional level without mentioning regulations applicable only to specific categories of risks.

The events of traditional space and cyberspace have an impact on each other, and what happens in cyberspace can have consequences on one's life in traditional space (Kelemen and Németh, 2019). In its General Comments, the UN Committee on the Rights of the Child broadens the UNCRC Article 5 principle of evolving capacities. In one interpretation, it is referred to as the enabling principle (Varadan, 2019). This perception is reflected in General Comment No. 25, claiming that both children's opportunities and their risks are part of the digital environment. Age-appropriate measures are needed, but children must be allowed to exercise their rights. To achieve this, states, economic stakeholders, and those who bring up and look after children and the children themselves need to be aware of both the rights of children and the potential risks in the digital environment.

The challenge in designing sustainable development policies is posed by the fact that as life circumstances change rapidly, new problems arise, and the models used to solve them often reflect the perceptions and values of the designers (Abony et al., 2018). This difficulty can also be observed in the context of digital child protection, where the transnational nature of digitalisation and the international nature of problem-solving make it important for policymakers to adopt certain common ground. Given the number and characteristics of the risks to children in the digital space, it is encouraging that the 4Cs classification of risks, which will be presented below, has been adopted by several international organisations. The 4Cs model is based on the EU Kids Online's 3Cs classification of online risks to children, which originally distinguished three categories – content, contact and conduct – of risks according to four dimensions: aggressive, sexual, values, and commercial. Given the significant changes that have taken place in the almost 12 y since the model was created, a fourth element has been added to the 3Cs risk model: the contract – or consumer, commercial – field, which covers the risks that may arise from children's interaction with digital service providers. In addition, the OECD has added a so-called cross-cutting risk category to the original typology, with privacy risks, advanced technology risks, and health and wellbeing risks being considered in all four risk categories (OECD, 2021). The risk model is a good example of how a framework at the regional level can have an influence on the international arena of policymakers.

3.1. Universal level of protection

The fundamental document of international child protection at the universal level, the UNCRC, provides full protection of children's rights, including both positive and negative rights, and sets out obligations for States Parties to ensure these rights, and it is a hard law (Leib, 2011). The implementation of the UNCRC by States Parties is examined by the Committee on the Rights of the Child, which is composed of 18 independent experts. In addition to monitoring, the Committee drafts and publishes General Comments to assist in the interpretation of the articles of the UNCRC, which are more in the realm of soft law in terms of their legally binding force (Szeibert, 2018).

General Comment No. 25, published in March 2021, addresses children's rights in the digital environment. It highlights that the digital environment is becoming increasingly important in most aspects of children's lives. The digital environment becomes even more valued in times of crisis, creating a whole new opportunity for children to realise their rights, but it also brings a multitude of threats. It is important to distinguish risks from harms; risk implies the possibility of harm, but its realisation depends on several factors, such as societal and individual vulnerability (Livingstone and Stoilova, 2021). The four principles of child protection also play a crucial role in the digital environment. Non-discrimination requires states to ensure equal and effective access to digital tools for children, reducing digital exclusion. The principle of the best interests of the child demands States Parties to reckon it as a primary consideration in their actions in establishing rules that affect the digital environment. The role of the opportunities offered by the digital environment in crisis situations is enhanced, but ensuring children's right to life, survival, and development requires that states take the necessary steps to address the risks they face. Regarding the right to life, survival and development, special attention should be given to the early years of children's lives, when their interpersonal relationships with parents and caregivers are crucial for their cognitive development, so certain precautions are recommended regarding digital technology. The digital environment offers children new ways to express their views on issues that affect them, as well as participation at local, national, and international levels. In light of the general principle of respect for the views of the child, states are expected to anticipate children's needs and views when developing regulations and policies related to children's rights in the digital environment (UN Committee on the Rights of the Child, 2021).

The 2030 Agenda mentions children as a distinct group several times but does not specifically address them in relation to technology (Rothe et al., 2023). The sustainable development framework is also based on human rights conventions, including the UNCRC, to which 7 General Comments have been drafted since the adoption of the sustainable development framework to guide States Parties in the implementation of the convention. Of these, only 2 mention the 2030 Agenda. General Comment No. 19 mentions sustainability among the principles of public budgeting for children's rights (Committee on the Rights of the Child, 2019a). General Comment No. 20 addresses the importance of realising children's rights in adolescence, in line with the sustainable development framework (Committee on the Rights of the Child, 2019b). The General Comment No. 25 on Children's Rights in the Digital Environment does not refer to Agenda 2030. The current draft version of General Comment No. 26 deals in detail with sustainable development, which is not surprising given the theme of the document, which approaches children's rights from the perspective of climate change and the environment so that environmental sustainability is emphasised (Committee on the Rights of the Child, 2023).

3.2. European regional level of protection

At the regional level of human rights protection in Europe, the Council of Europe (CoE) and the European Union (EU) have taken steps in the field of digital child protection, in the following, the study will focus on the relevant, but in terms of legal nature, soft law documents.

The Council of Europe's Strategy on the Rights of the Child (2016-2021) includes children's rights in the digital environment as its 5th priority. The ICT sector is evolving much faster than the CoE can respond to, and a good partnership with market operators is needed. The CoE will also monitor compliance with the binding conventions listed in the Strategy, such as the Convention on Child Pornography and the Convention on Cybercrime. The CoE seeks to contribute to the implementation of the goals set out in the 2030 Agenda through the objectives outlined in the strategy (Council of Europe, 2016). In its strategy for the period 2022-

2027, the CoE has linked four sustainable development goals related to digital child protection. Integrating the objectives of the Strategy with the Sustainable Development Goals in the context of access to and safe use of technologies for all children covers the following goals: quality education; gender equality; industry, innovation, and infrastructure; peace, justice, and strong institutions (Council of Europe, 2022).

The EU's commitment to sustainability dates back to the 1997 Treaty of Amsterdam, and the European Union's objectives include the implementation of the SDGs within its policies (Scavarda et al., 2015). In the EU, the European Strategy for a Child-Friendly Internet already addressed the cross-policy issue of creating a safe Internet in 2012 (EU, 2012). It handled a broad spectrum of issues to make the Internet a safer place for children through the regulatory environment (O'Neill et al., 2020). The European Union Strategy on the Rights of the Child proposes action in six thematic areas, setting out priorities for action at the EU level, including the creation of a safe digital environment. Exposure to harmful effects or too much screen time is one of the key issues addressed in the strategy. The strategy also refers to the SDGs. In the annex, it assigns the corresponding goals to the objectives of the strategy in the international framework (European Commission, 2021). The renewed Better Internet for Kids Strategy also refers to the sustainable development framework in the context of international cooperation (European Commission, 2022).

4. Digital child protection in relation to specific sustainable development goals

Child rights-based approaches to sustainable development is an emerging discipline at the intersection of law and development studies, an inherently normative field, lacking the basic principles of development law - the intergenerational principle, the precautionary principle, and the principle of common but differentiated responsibility (Vandenhoele, 2019.). However, there has been a slight shift in terms of the precautionary principle. The essence of the principle adopted from environmental law is briefly the 'better safe than sorry' approach (Lievens, 2011). According to this principle, in the case of serious or irreversible threats to human health or the environment, scientific uncertainty should not justify postponing action to prevent a potentially harmful effect (Martuzzi and Tickner, 2004). The principle already appears in the draft of General Comment No. 26 of the Committee on the Rights of the Child in its approach to the environment from a child's rights perspective (Committee on the Rights of the Child, 2023). In their joint report on the health and well-being of children, the World Health Organization (WHO), UNICEF and The Lancet argue that the precautionary principle could form the basis for an optional protocol to the UNCRC, which would address commercial harms and create an obligation under international law for states parties to implement its provisions (Clark et al., 2020). Risks that lead to commercial harm are also included in the 4C categorisation as described earlier, so the concern is not negligible in the digital environment.

The commercial category, however, only covers a part of the risks that children's well-being in the digital environment is exposed to. The range of potential threats is much wider. While well-being is also a priority in the SDGs, little is known about the impact that technology has on children's lives and their development in the long term. At the same time, a growing body of literature on harmful effects is trying to raise awareness among decision-makers and society about the importance of conscious usage of ICT tools (Kelemen, 2021). Hence, there is a rationale for a wider use of the Precautionary Principle to protect children in the digital environment (Lievens, 2021). This could promote the well-being of the growing generations in the long term, supporting the achievement of SDG3.

In recent years, the child rights-based approach to child protection has become increasingly important and the participation of children in policymaking has also become more prominent (Kaseb and Milovidov, 2021). One of the most important measures taken by the state towards children is the involvement of them in decisions that affect their lives, whether in the form of legislation or policy. The digital environment gives children the opportunity to exercise their rights more extensively. The right of the child to be heard is becoming a key element in the process of drafting international soft law documents. The digital environment and ICT tools help to channel children's views and opinions. The United Nations Committee on the Rights of the Child, in preparing its forthcoming General Comment No. 26 on environmental issues mentioned above, has involved many children, including by online questionnaires (Committee on the Rights of the Child, 2023). General Comment No. 25 also engaged with the participation of children in the underlying research

(Committee on the Rights of the Child, 2021). Involving children in decisions that affect them, including at the policy level, supports the achievement of SDG16. At the regional protection level of Europe, several platforms have been launched to support the expression of children's perspectives. The EU and the CoE launched the Child Participation for Europe Platform (CP4E, 2023) on 1 July 2023, which provides information primarily to professionals and organisations working with children to strengthen children's participation. The launching of the child participation platform by the EU addresses children who can connect and express their views through member organisations.

A precondition for channelling children's voices through the digital environment is to develop digital literacy among children, and the education system must do its part. School closures caused by the pandemic and digital education have made even more evident the need for a dual approach to the digital environment from a child protection perspective: on the one hand, the digital environment can contribute to the fulfilment of children's rights, but on the other hand, it must also address the presence of risks to children that are constantly changing and evolving with the development of technology. Quality education, as set out in the SDG framework (SDG4), now includes the acquisition of digital skills. Digital literacy and resilience are competencies that are necessary to thrive in everyday life in the age of the 4th industrial revolution (Trung et al., 2020). Resilience and vulnerability are two extremes on a continuum, resilience itself being understood as a complex phenomenon consisting of psychological variables and coping skills (Livingstone, 2015). A major challenge for children is to develop digital literacy from an early age, given the use of ICT devices in early life and the growing popularity of smart, internet-connected toys (Kaseb and Milovidov, 2021). As part of social sustainability, states should actively engage in programmes to prevent the growth of e-exclusion among children in need, ensuring the fulfilment of SDG1 (Soňa and Kowaliková, 2020). The ability to cope in the digital environment is nowadays almost indispensable to succeed, and the lack of access discriminates individuals. Access tends to be seen by children as a necessity and by some as a right, with a particular emphasis on the need for information in children's mother languages and the provision of barrier-free access for children with disabilities (Third and Moody, 2021).

In addition to the role of states, including global cooperation between them through international organisations, the responsibility of market operators to ensure safe digital environments for children is also important. In relation to market operators, the UN Committee on the Rights of the Child's General Comment No. 16 specifically addresses the obligations of the state to ensure that market operators respect children's rights. The International Telecommunication Union has produced a guide dedicated to the online medium, which, in addition to general guidance, provides a checklist for market operators (ITU, 2020). The rapid innovation, technological development, and their global impact mean that states must now necessarily cooperate with market players. In the market sphere, the protection of children's rights has become important in recent years as part of corporate social responsibility (CSR) (Ságvári and Mádér, 2013). In addition, there is an effort to bring the SDGs and CSRs convergence, in this relation the SDGs can serve as a framework for CSRs (Fallah Shayan et al., 2022).

At both the universal and regional protection levels, there is legislation to promote children's rights in the digital space. At the same time, the link between digital child protection and the sustainable development framework is not made at universal level in the examined documents. It would be beneficial if the SDG targets were given more prominence in drafting general comments, enhancing the child rights approach to the implementation of the 2030 Agenda. In Europe, there is a tendency at regional level to incorporate sustainability goals in relation to children's rights in the digital environment and to align different strategies within the sustainable development framework.

5. Conclusions

As the literature on the SDGs from a child rights perspective has grown in recent years, so has the academic research focusing on the legal aspects of digital child protection, but there are still relatively few resources available at the intersection of the two approaches. Several international legal documents address digital child protection, and quite a few of these refer to the 2030 Agenda.

Today, the factors that influence well-being and health depend heavily on the digital environment alongside the traditional space. Children's well-being (both physical and mental) is essential for future generations

and for achieving the SDGs. The realisation of children's rights in traditional and digital environments and the legal, technical, and other solutions that support this can contribute towards achieving the SDGs. From a regulatory perspective, the fact that comprehensive strategies for digital child protection are also building on the SDG framework is positive progress. The child rights dimension of sustainable development can no longer be neglected in relation to the digital environment. The Sustainable Development Goals imply partnership: not only are the Goals included, but the document is also a sign of cooperation. In the digital space, children's voices can be included in decision-making on topics that affect them, including SDG-related issues, realising the 2030 Agenda's purpose of including children as active participants in achieving a sustainable future.

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