Digital Era Education: Re-evaluating Children's Rights to the Internet

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Abstract. The world has passed the era of the conventional teaching method, which refers to eye-to-eye interaction where education is delivered through recitation and memorization techniques. These days, instead of passively receiving information and replicating it during assessments, students are involved in interactive sessions or spaced learning meant to develop their critical thinking, problem-solving and decision-making skills. The pedagogy is also substituted with the modern one, which involves technological gadgets and the internet. The primary purposes of this paper are to assess the legal recognition and essentialness of children's rights to the internet for educational purposes compared to the dilemma of crafting the right as a fundamental human freedom. The writing is based on socio-legal research using a qualitative approach. Data were collected through library studies and analyzed critically using the content analysis method. The paper concludes that the internet is the primary component of nowadays education, and it brings numerous benefits to children's development. Hence, it becomes essential for all children to access the global network and practice their fundamental human rights for development purposes. Thus, the paper proposes that in compliance with the current digital era, children's rights to the internet be legally recognized and regulated deliberately to support the education system and achieve the right objectives.

Keywords: Child Law · COVID-19 · Education Right · Human Rights · Rights to internet

1 Introduction

Education is at the heart of the human development process. It helps society impart knowledge and skills to create a better lifestyle by having more options in life. Henceforth, the pedagogy and teaching objectives must be strategized carefully. Pedagogy is described as 'the relationship and interactions between teachers, students, surroundings and tasks'. The term is also defined as 'theory, principles or methods in teaching'. Besides teaching, 'pedagogy' is can also be described in a broader sense, which involves the comprehension part of being a learner. Educators must ensure that young generations are equipped with survival knowledge and skills to live their everyday lives. Among others, pedagogy is also concerned with efficiency, new approach, technology innovation

and success rate in the teaching-learning atmosphere [1]. As early as human existence until today, a massive revolution in teaching pedagogy has taken place for centuries long. The traditional pedagogy approach needs to be explained, followed by the current contemporary technique, in order to appreciate and understand the difference and its impacts on students' lives, particularly children.

1.1   A Brief History of Pedagogy in Education and the Evolution of Digital Era

The traditional pedagogy involved a one-way method of interaction whereby a teacher plays the role of a sage or sender of information. At the same time, students have to receive, comprehend and memorize it for evaluation purposes. The old-fashioned technique was based on established customs that encompass hard copy learning materials, fixed task deadlines and assessment criteria with exclusive control by educators. Students are expected to digest the skills, knowledge, and practices their society and surroundings allow. It is typical for the traditional curriculum to be homogeneous and direct compared to the millennial approach, which is more learner-centred, interactive, creative and critical [2]. The conservative method represents a single flow of input whereby the students are expected to mimic the data and materials given.

Furthermore, it influenced their way of thinking, limited their ideas, and shaped their attitudes rigidly because the information from the teachers is unarguably considered the best style to live. The students rely on the teacher who instructs them on methods of accomplishing something without having a platform to use their critical or creative thinking skills. In short, the traditional pedagogy focuses on theoretical learning instead of practical, inherited from one generation to another and limits student participation, leading to infectiveness in both teaching and learning.

In recent years, the traditional pedagogy was replaced with a modern and digitalized one. Starting from the First Generation of Digital Computing in 1951, the world now is in the Fourth Generation of Digital Computing which started in 1979. The evolution of digital technology is also supported by the development of the internet in 1960, as the central government's effort to build an information-sharing base. While in 1983, with a universal way for computer networks to communicate with each other using a new protocol known as Transfer Control Protocol (TCP) or Internetwork Protocol (IP), the internet was considered fully transformed. The current world is now integrated and no longer indivisible with the ICT (Information and Communications Technology) in every aspect of life, such as agriculture, medical, business, transportation and many others, including education [3]. Therefore, conventional education pedagogy has shifted to a contemporary one known as electronic learning or 'eLearning', whereby knowledge acquisition occurs through electronic technologies and resources. As many researchers attempt to define the term 'eLearning', it leads to one final similarity: 'a substitution to classical education'. It promotes an active and independent learning space with efficient methods of delivering knowledge. Furthermore, eLearning allows students from all over the world to interact and share their opinion, latest information and diverse study materials. Finally, it offers flexibility to the students in terms of time management, cost expenses, and learning preferences.

The importance of eLearning cannot be more highlighted with the COVID-19 pandemic attack in December 2019. The global crisis has significantly affected the education

system across all regions. Many schools had been ordered to shut down for months or some countries exceeded more than a year. According to UNESCO, up until October 2021, Uganda had been recorded as the country with the most extended school closure, which lasted for 83 weeks, followed by Bolivia, India and Nepal at 82 weeks. Honduras and Panama both recorded 81 weeks of school closure. More than 635 million students worldwide are affected by their governments' complete or partial school closure orders [4]. Such a situation has forced the electronic education pedagogy to be fully adopted regardless of the teachers' and students' preparedness regarding technological gadgets or devices, internet access, and skills to manoeuvre online learning. It is to secure children's fundamental rights to education in any situation as it will affect their life development in the future.

However, eLearning raised a few heated discussions on children's rights to access the internet and associated technologies. Firstly, eLearning is an elusive goal for vulnerable groups of children as it requires additional equipment like technological devices and internet connection which is costly. Hence, this new modern way of implementing education rights can be discriminatory to disadvantaged groups, causing the social gap to grow more prominent. Besides that, eLearning will also put children at various social and health risks, such as online sexual abuse, cyberbullying, violation of privacy, and many others. It also can bring other negative impacts such as addiction, unfocused and depression. A dilemma between providing children with opportunities to participate as digital citizens especially for learning purposes or obstructing them from engaging in the ICT world continues to be debated today.

1.2   Protection of Children's Education Rights

Education is a fundamental human right and also the most excellent investment to guarantee human growth in life. Besides human development, education is vital to ensure a sustainable world for everyone, especially the young generation. Hence, educational rights have been mandated in many countries' constitutions, national legal statutes or policies, and development plans. The global community also recognizes the prominence of the right to the extent that it is embedded in several international treaties, including the Universal Declaration of Human Rights (UDHR) and the Convention on the Rights of Child (CRC).

Based on the Preamble of the UDHR, a common standard of achievement for all people and nations' needs can be achieved via education that aims to promote respect for human rights. Furthermore, Article 26 of the UDHR acknowledged education as one of the fundamental human rights, and it must be directed to the full development of human development. Thus, the Government is responsible for providing free education for children, at least in the elementary and fundamental stages. Apart from that, technical and professional education shall be made generally available, while higher education must be equally accessible to all based on merit [5].

The CRC concentrates on Under children's rights to education which is embedded under Articles 28 and 29. Based on Article 28, States Parties must concede and be accountable for providing the children with the right to education based on equal opportunity. Therefore, the States Parties must make primary education mandatory and available to all. Moreover, secondary education must be encouraged, including general

and vocational education, with the prospect of getting financial aid if needed and making higher education accessible to all based on capacity by any appropriate means of vocational educational data. Furthermore, State Parties must take all measures to boost regular school attendance among children and reduce the number of dropouts. Article 29 states that education must embrace children's development in their personality, talents, mental and physical abilities. The growth must also focus on respect for the natural environment, human rights, fundamental freedoms, culture, language and values. In addition, children must be prepared to handle a responsible life in a diversified society [6].

Besides that, the right to education is also at the centre of the existing sustainable plan known as Sustainable Development Goals 2030 (SDG 2030). Education is one of the 17 goals (SDG 4) targeted in the global agenda. SDG 4 strives to ensure inclusive and equitable quality education and promote lifelong learning opportunities. It comprises ten targets, including free primary and secondary education, equal access to quality pre-primary education, affordable technical, vocational and higher education.

Furthermore, the goal aims to grow the number of people with relevant skills for financial success, eliminate discrimination in education and achieve universal literacy and number. It is also vital for all learners to acquire knowledge and skills to help promote sustainable development through lifestyle choice, human rights, gender equality, peaceful culture and global cooperation. In order to materialize these targets, there is an urgency to build more educational facilities and upgrade the current ones to ensure that they are inclusive, safe and able to provide an effective learning environment. Higher education scholarships for developing countries and the supply of qualified teachers in developing countries also need to be increased in order to accomplish SDG 4.

SDG 4 is a vital goal as through education only, people will get the chance to break the cycle of poverty and enhance their capability to develop. Such achievement will later bridge the huge gaps between different groups of people in our society, creating more harmonious surroundings with more opulence lifestyles. Not only a powerful tool to break the generational poverty trap, but education supports children's life survival, growth and also development. Through education, children are supplied with the correct information, enrich their critical thinking, and entitle them to participate in the decision-making process actively [7].

However, despite the significant role of educational rights in shaping human life, millions of children worldwide are deprived of educational opportunities due to social, cultural and economic challenges. For example, stable financial conditions, among others, play a vital role in ensuring the right to education can be appropriately amortized. Learning activities that the Government does not subsidize can be expensive, especially eLearning, which requires fancy gadgets and an internet connection; it becomes exclusive to the wealthy. Thus, the absence of a solid financial position costs dropouts among the vulnerable students [8].

In the new era, the right to education is very much related to the internet's rights. Modern pedagogy as discussed has propelled students through electronic learning, but many still doubt the safety or justification of permitting children to dive into the boundless digital world. Society believes that children are still young and possess no immaturity in thinking and handling themselves. Lacking experience and self-consciousness can put them into imminent threats and dangers.

2   Methodology

The paper adopted is socio-legal research using a qualitative approach. Primary and secondary data were collected through library studies and publicly available data, namely on the internet. All pieces of information are analysed critically using the content analysis method.

3   Finding and Discussion

3.1   Legal Recognition on Children's Rights to Internet

In May 2011, the United Nations Human Rights Council published a report on the Promotion and Protection of the Right to Freedom of Opinion and Expression. In general, the report examines critical trends and challenges to the right of all individuals to pursue, obtain and impart information and ideas of all kinds through the internet. The Special Rapporteur accentuates the unique and transformative nature of the internet to facilitate individuals to exert their privilege or freedom of opinion and expression. It also helps promote other human rights such as participation rights, educational rights, or development rights. One of the chapters in the report also highlights the relevance of the international rights to freedom of opinion and expression's norms and standards on the internet as a communication platform. It is followed by explaining rights to internet access, cyber-crimes and related legal protections. Even though the report has no absolute phrase that officially proclaims, 'the internet as a human right', the media had massively published it as the United Nation's declaration or acknowledgment on the new type of human right [9].

To this date, there has not been a single international treaty or any similar legal instrument that recognised such a right. However, few countries in Europe have drafted national legislation to acknowledge the internet's rights. For example, Finland is the first country that makes broadband or a high-speed internet connection a legal right for all its citizens. Starting from July 2010, Finland's nationals are entitled to a one megabit per second (Mbit/s) broadband connection based on the Communications Market Act. In addition, the Political Constitution of the United Mexican States was amended in 2013 to guarantee universal online access. Article 6 of the Constitution stated, "The State shall guarantee access to information and communication technology, access to the services of radio broadcast, telecommunications and broadband Internet. To that end, the State shall establish effective competition conditions for the provision of such services." Such provision is also backed up by the responsibility put on the Government to provide access to those who are incapable of affording it and of building infrastructure to support access.

Besides that, the Federal Court of Justice in German ruled that internet access represents a basic need in modern society; hence Internet providers can be sued if the internet connection is lost. Similarly, the Costa Rica Constitutional Court and the United States Supreme Court declared that the Internet is a fundamental right. Referring to the case of Packingham vs North Carolina 582 U.S (2017), the court stated that "access to the internet and social media platforms provide perhaps the most powerful mechanisms available to a private citizen to make his or her voice heard." Other countries that recognised and

declared the right to internet access are Estonia, Sweden, Canada, Greece and many others [10].

Since there are no rights attached to other technological devices such as telephone, television, radio or other printed press, many think the internet should be treated like other forms of media. Therefore, the governments have no duty to supply and cover internet expenses for their citizens. Next, it is worrisome to declare that the internet is a fundamental right because it consists of technology or a bundle of tools instead of standing as an independent right. Such recognition will diminish the forcefulness of other core classical human rights. Instead of looking at it as human rights, many also believe that it should be established as the State's obligation to guarantee the enjoyment of technological advancement.

Other than that, right to the internet is always linked to freedom of expression. Article 10 of European Convention on Human Rights 1952 defines freedom of expression includes freedom to hold opinions and information and ideas without interference by public authority and regardless of frontiers. The said right may be subject to formalities, conditions, restrictions, or penalties, yet it should be compatible with the ECtHR test, whereby the interference of the right can only be done if it is suitable and legitimate; fundamental and proportionate. In most landmark cases of Russia and Turkey (Ahmed Yildirim v Turkey, 2012; Akdeniz v. Turkey, 2014; Bulgakov v. Russia, 2020; Kablis v. Russia, 2019), regarding collateral, excessive or wholesale blocking of Internet, the measure taken had violated Article 10 as many failed to prove necessity and proportionality part of the ECtHR test.

Nonetheless, there are a few solid arguments that are in favour of the internet as a human right. Internet nowadays is considered a necessity, and it has become an indispensable tool in modern society. As discussed, the existence of the internet's rights can easily be implied by looking at the application of other human rights laws without having to acknowledge it. The importance of the internet is proliferating in the current world, making it one of the mediums to fulfil other human rights. The public also approves of the internet as a right because it has become necessary for their daily life survival, such as getting information, acquiring skills, learning new knowledge, conducting work, handling business, running errands and many others. Therefore, several countries worldwide recognise it in their constitutions, legal statutes or judicial rulings since the right became more apparent in nowadays life.

Nevertheless, the rights to the internet have become more prominent during the COVID-19 crisis, especially for children's educational purposes. Almost every government worldwide has closed all the educational institutions to stop the deadly virus from spreading. Although online education is not a total new pedagogy, it is now being forced to become the heartbeat of the education system, starting from kindergarten to tertiary education. Every piece of educational activity such as lecturing, tutoring, conducting experiments, examination, meetings, discussions, presentations, and others is forced to be conducted via the internet even though it is never untested and unprecedented.

The sudden forced online education situation has brought a lot of shocks and tensions to the students, teachers and parents. Many struggles to prepare all the necessary digital learning tools, obtaining decent yet affordable internet connections, and acquire primary teaching and learning skills. Other than that, everyone involved in online education

must adapt to technical issues, be more flexible instead of having a fixed schedule, stay motivated, comply with the ruling, be disciplined, and many others. Many efforts to support the eLearning system in this critical period are conducted by the governments and public and private entities at the global and national levels. For instance, an online learning application based in India called 'Byju' was founded by ByjuRaveendran and is made accessible to every child [11].

On the other hand, UNESCO is working with ministries of education across nations to ensure students pursue their studies using different alternative channels and supporting them in different methods through technical aid, preference for digital learning instruments, and the creation of learning venues. Online learning is entirely dependent on technological devices and the internet. The dependency of online learning on technological equipment and its provision was a significant challenge for students and teachers, specifically those using obsolete technological instruments or lousy internet connection. They might find it hard to meet some technical requirements of online learning. Accessibility problems can cause difficulties for students to follow instructions given online. Communication becomes limited, ineffective, and repetitive. Ultimately, internet access is declining rapidly as students with no, or low socioeconomic power cannot afford to get a decent broadband connection. Access to the internet is rejected without a proper connection causing online learning to become more challenging. Such a situation will cause harm to children's development progress and can be considered a violation of education rights pledged under international conventions [12].

3.2   Digital Dilemma: Re-evaluating the Children's Rights to Internet

3.2.1   Enhancing Children's Life Opportunities Through Right to Internet

No international instruments or national statutes ever recognize children's rights to the internet. Nonetheless, such right is impliedly applied to children based on declarations made by a few states acknowledging the internet as a human right. The Council of Europe Strategy on the Rights of the Child explained that ICT could influence children's enjoyment of many fundamental rights ensured by the CRC. According to suggestions issued by the United Nations Committee on the Rights of the Child UN (the Committee on the CRC), all children must be provided with safe ICT and digital media access. Children also must be designated to fully partake, communicate, seek information, and enjoy all the rights glorified in the CRC and its Non-Discrimination Optional Protocols [13]. Such commentary displays support for digital environments as children's rights enablers. In current years, access to the internet has become mandatory for children to pursue their education, a vital right that is recognized in the UDHR and the CRC. To uphold the education rights of children, the right to the internet becomes one the prerequisite, especially in the critical pandemic epoch.

Even though children's rights to the internet can enhance their life opportunities, the risk of the digital era always ghosted the dilemma between approving or declining the internet's rights for children. Our society is consistently tense about the danger of the internet's threats in influencing children's social, mental, or emotional aspects and tends

to refuse it. Hence, reassessment of such rights is required to balance the importance and threats exposed to children.

3.2.1.1 Implementing Rights to Education

Education is one of the children's rights protected under the CRC, whereby the words "education" or "educational" had been repeated in the said Convention 20 times in eight (8) different articles. Article 28 and Article 29 are the main provisions related to children's rights to education. The former explained different types of education and states' obligations to guarantee access in every situation. Article 28(3) specifically cited, '…facilitating access to scientific and technical knowledge and modern teaching methods.' The phrase can easily be referred to the present digital teaching and learning approaches. Article 29 describes the direction of children's education, which focuses on their development to maximum potential. These articles reinforce the value of education rights in children's lives.

The CRC demonstrated the role of education to defend children from all forms of physical and mental violence in Article 19 (1), giving health support in Article 24 (2), protection from economic exploitation in Article 32 (1) and prevention from being manipulated in the illicit production and trafficking substance in Article 33. Furthermore, Article 23 (3) is designed to cater for the needs of disabled children for education, which also include vocational services. Lastly, Article 40 (3) emphasizes protecting rights to education and vocational training programmes for children under judicial proceedings. Based on all of these provisions, it is clear that education rights play an essential role in children's life development. It helps enhance their life quality and indirectly closes society's social gaps. Thus, such rights must be executed in any situation or challenge persistently.

There is an unanimity agreement that the digital environment and the internet provide enormous benefits to education. Moreover, many international policy documents recognize the role of education as a crucial means to empower children in today's digital world. For instance, the OECD Recommendation on The Protection of Children Online 2011 and the Council of Europe Guide to Human Rights for Internet Users describe that children have the right to education, including access to knowledge. Such rights include online access to education, digital schooling and knowledge to exercise rights and privileges on the internet. Besides that, education comprises skills to comprehend and operate many internet devices. In addition, it should also enable children to critically examine the precision and reliability of content, applications and services provided.

Article 6 of the CRC explains children's rights for their life to be protected from birth and the right to survival and development. Children's development is directly linked to rights to education under Articles 28 and Article 29 of the CRC. However, the UN Committee on the CRC analyses development as a holistic concept with several physical, mental, spiritual, moral and social dimensions. Hence, it is the appropriate forum for the other children's developmental precepts embedded in the CRC, including the principles related to the child's best interests, evolving capacities and other provisions that may contribute to children's development in the broadest sense. The digital environment encourages these developmental goals; thus, children must be provided with sufficient knowledge and skills.

Article 13 ascribes to the child the right to seek, receive and impart information and ideas of all kinds through any medium. It has a broad scope of application, which expands to traditional and new or even future media like the net. However, it has also been recognised that digital right is vital for the child's development and that the right itself is not impacted by the fact that children may not have the same capacities as adults. The digital circumstances equip children with outstanding prospects to express their ideas, connect with others on social networking sites and seek information on essential topics, such as their health, identity, or even sexuality. But, Article 13 does not represent an absolute right. It can be restricted by governments through a law to establish national security, public order, public health, or morals in order to control and protect children's safety while exercising their rights.

3.2.1.2 Building Opportunities for Children's Development

Digital exposure to children can help materialise the principle of non-discrimination under Article 2 of the CRC. The UN Committee on the CRC in 2003 highlighted that states might have to execute transformations in their national legislation, governance and disbursement of resources to handle prejudice. The transformations also may include adaptation to new perspectives for the educational system. Several considerations concerning digital technologies and the right to non-discrimination need to be observed.

Firstly, non-discrimination requires equality of children's entry into the digital world as it represents participation rights. Therefore, lack of sufficient or reliable access can be considered a critical issue for vulnerable or marginalised children worldwide. From another perspective, if the internet's rights can be made available to them, the world's social gap will become closer than ever. Through communication, access to data and information can empower children of vulnerable groups. They will have the same opportunities or platforms to acquire knowledge and practising skills just like other children. Poverty, hunger and malnutrition, and many other world crisis can be resolved through consistent and effective education measures.

Next is Article 3 (1), which entails that every legislative, administrative and judicial body or institution must apply the best interests principle by systematically considering how children's rights and interests will be influenced by their judgments and acts. The UN Committee of CRC clarified in its General Comment that the child's best interests are a threefold theory which includes a substantive right, a fundamental interpretative legal principle and a rule of procedure. Thus, every action and result that may have repercussions on a broad array of children's rights in the digital environment should actively consider the child's best interests. Moreover, the digital world is such an inherent component of children's lives, with the potential to positively or negatively impact their rights. For instance, liberty of expression, privacy protection, and a balanced assessment of children's interests should be at the centre of policy-making and decision-making. Technology avoidance is impossible in today's digital environment. Children will be left in darkness and far behind if rights to the internet are taken away. Thus, modern devices, including the internet, must be provided within certain safe limits to secure their best interest.

Article 12 is another one of the four general principles of the CRC, which ascribes to children the right to be heard in all matters affecting them. It is to ensure that they can

participate in all decision-making processes bearing on their lives and exert influence over such conclusions based on their age and maturity. Furthermore, it identifies State parties' obligations to the CRC in all matters affecting them. The digital environment now includes one such relevant context. Therefore, children and young people should be meaningfully involved in the decision-making processes leading to creating policies in this field. Hence, the UN Committee on the CRC asked the States to ensure that children are consulted to get their views and experiences in developing laws, policies, and programmes. Besides that, their philosophy on setting up services and other measures relating to digital media and ICT is also essential. Children must be allowed to actively being engaged in designing and implementing initiatives to foster the safe use of digital media and ICT for their benefits such as education and participation rights.

3.2.2 Exposing Children to Threats Through Right to Internet

In permitting children to exercise their fundamental rights to access to education, socialising, participation, well-being and entertainment through ICT application, children are exposed to various threats. For example, the more sophisticated the technologies, the children's privacy becomes more at risk as more time is spent on digital space. In addition, new forms of data collection and surveillance enacted by businesses, parents, and government agencies such as schools, health and welfare systems, and law enforcement will threaten children's privacy. The digital world evolves to become more complex rapidly; it is hard to predict the long-term consequences of living in the digital age for both generations, adults and children.

Moreover, having access to the ICT world reflects the unequal social class and uneven distribution of economic benefits within society, resulting in a digital imbalance between high- and low-income communities. In terms of the digital learning situation, research has shown that online learning conditions at home highly mimic their household socioeconomic circumstances, and these discrepancies illustrate significant portions of educational accomplishment gaps among children. Critically, the drawback of family support and educational aids is frequently compounded by inadequate or limited digital connectivity. As more nations are preparing to shift to online education, digital deficits will inevitably beat the vulnerable children at the hardest in these times of crisis [14].

These risks mentioned are not conclusive. Children face more challenges and dangers in cyberspace as the digital world has no boundaries. They can virtually communicate or meet strangers without a time limit via an online application, no matter where they live. Such a situation will risk their safety in social, health and environmental aspects. For instance, social gaps within society will become more prominent, and digital communities may access children's data for the wrong reasons and threaten their safety.

3.2.2.1 Unequal Opportunities to Internet Rights

'Digital divide' is a crisis that represents social inequality that exists in the form of unequal access to the internet. It is a concept that has quickly gravitated toward global alert since the beginning of the digital age in the early 1980s. For example, children in developing countries or those living within underprivileged communities face barriers to getting an online education. Many researchers conducted studies on the grounds and

impacts of digital exclusion, especially on children from different social classes. These studies make it safe to conclude that there was a strong connection between digital devices with unequal income, social status, geography, gender, and even age.

As the world is rapidly becoming engaged in technology-enhanced environments, the less fortunate groups of humans are left behind regarding development in many life aspects. Such digital inequality has become a crucial policy matter as many pieces of evidence demonstrate discrimination among societies, specifically children. They are not provided with equal opportunities to advance themselves at the maximum capacity.

Besides that, in analyzing the connection between the digital divide and education, it is vital to differentiate between formative and substantive forms of the digital divide and liberate their influence on educational outputs. The formative digital divide refers to a lack of ICT devices, infrastructure, and connectivity that hinders learning options. On the other hand, the substantive digital divide involves a lack of meaningful ICT interaction and engagement. Therefore, such a situation will affect children's learning backgrounds and the results of different social groups. The vulnerable children must be facing more difficulties in both formative and substantive digital divides, particularly as digital citizenship must be accompanied by specific digital skills training. It is vital to ensure that children, parents, and educators appreciate and enjoy the full benefits of responsible online activity [15].

3.2.2.2 Lack of Children's Privacy and Data Protection

The right to privacy is a fundamental human privilege as it helps in building children's character, identity and autonomy. In contrast, the infringement of such a right might impact the effectiveness of other human rights like freedom of expression. However, the right to privacy has acquired a renewed definition in today's digital era. Privacy does not refer to the physical environment only. Current communication practices involve internet-based platforms where people leave more prolonged and broader digital information trails. Their personal information can easily be traced, shifting the status from private to public. Data generated via internet browsing and social media can be used for improper actions such as advertising, marketing, profiling, government surveillance, and many others. When put on the internet, their data are at high risk and available to hackers. Thus, to maximize the potential advantages of digital technologies, children require aid to develop skills, literacies and safety approaches.

Children, particularly the younger ones, often do not have the necessary skills or total wisdom about the threats associated with using digital media or the loss of control over the content shared and how it can impact them in the future. Therefore, irrespective of whether children desire to and can protect their privacy online closely, they should have at their disposal all the possibilities, data, tools, and safety measures to do so. Other than that, awareness of the internet's dangers must be made known to the children. In addition, they need to develop certain expectations and abilities to understand the risks they may encounter so they can react with appropriate strategies to avoid risks and seeks support during an emergency period. Finally, they also need to be equipped with technical skills to protect their devices from viruses, unauthorized data access, and privacy violations [16].

4   Recommendation

In the discussion on children's rights in a digital world, many focus on their rights to access information and participate, freedom of expression, non-discrimination principle, and educational rights. Nevertheless, the children's rights in the unlimited cyberspace are more than that. It includes protection from violence such as cyberbullying, sexual exploitation, and privacy or data security. Therefore, it is vital to balance the right to protection and the right to development in discussing children's rights to the internet. The primary objective of such rights is to ensure that children are not being discriminated against and can fully benefit from the opportunities that ICT offer. Thus, the legal policies must be drafted to empower and safeguard them as active digital communities. Therefore, an excellent policy that includes the children's protection aspect and rights must be established with efficient law to allow children to exercise their rights. In order to comply with the fast-changing world, children's rights to the internet must be legally recognized with cautious procedures that will help children expand their lives at the highest prospect.

It is recommended for countries worldwide to form partnerships to protect and empower children in the digital space. For example, UNICEF ITU Guidelines for Industry on Child Online Protection is a blueprint drafted as a reference for various industry players on supporting children's rights online. The guidelines outline five key areas for protecting and promoting children's rights in the digital environment. First, children's rights must be integrated into policies and management processes. Besides that, processes to handle child sexual abuse must be developed in safe and age-appropriate environments.

Next, children, parents and teachers must be equipped with knowledge of online safety together with the advantages of ICT. Awareness of the importance of technologies must be supported with security procedures to guarantee or safeguard children's rights. The Child Online Safety Assessment (COSA) Tool, which NGOs and UNICEF developed, also needs to be adopted. COSA, which was launched in 2016, is used to guide technology companies in assessing methods to integrate and implement children's online rights into their scope of business. Companies need to be fully aware of core issues and consider every impact in managing children's rights and the internet. Other than that, COSA also helps to build prioritised corrective action plans to advance management practices and address the highest risk areas [17].

In addition, discussion groups on empowering children as active digital-holders must be conducted. Solutions for issues such as privacy and data collection, parental controls, online gaming, and others must be critically discussed. Finally, collaborative works between companies to share technical expertise and develop industry guidelines and standards must persist in finding the finest approach to practising children's rights cautiously.

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