



**INTERNATIONAL LEGAL BASES OF PROTECTION OF CHILDREN'S
RIGHTS IN THE INTERNET SYSTEM**

<https://doi.org/10.5281/zenodo.14063214>

Muminov Asilbek Khusniddinovich

*Lecturer of the "International Law and Human Rights" Department of Tashkent State
University of Law*

Abstract

In this article, the extent to which the protection of children's rights in the digital space is reflected in national and foreign legislation is deeply and comprehensively analyzed. Also, the works being carried out in this field and their effectiveness have been mentioned. In today's globalization process, cyberbullying and other similar threats that can be encountered in the protection of children's rights in the Internet system are analyzed. The main problems that countries may encounter in the field of protection of children's rights in the Internet system have been analyzed and appropriate proposals have been developed for solving these problems.

Key words

children's rights, digital space, cyberbullying, modern dangers and threats.

Children's rights are a universal human value. Protection of children's rights is one of the global problems of civilization, and the world community is interested in its solution. Ensuring children's rights is an important guarantee of sustainable development of countries, international peace and security.

Countries around the world are convinced that development and sustainable development of countries is impossible without improving the situation of children and ensuring their rights and legal interests. The adoption of the Convention on the Rights of the Child by the UN General Assembly on November 20, 1989 is one of the important steps towards solving these problems. For the first time in the Convention, the child is considered not only as an object that requires special protection, but also as a full-fledged subject of law who is given all the rights that apply to people.

Children's rights are an integral part of human rights, so far a number of international legal documents related to children's rights have been developed in international law and their adoption continues. Although the first international documents on the rights of the child were adopted at the beginning of the 20th century, the trends in the development of the rights of the child became especially strong at the end of the 20th century and the beginning of the 21st century. In the



international arena, legal protection of children's rights was carried out by reflecting their rights in declarations and conventions in the field of human rights, and later on special measures aimed at protecting children's rights was implemented with reflection in international documents.

The need to regulate the rights of minors at the international level appeared at the beginning of the 20th century. The tragic consequences of the First World War prompted the creation of the Committee on the Welfare of Children by the League of Nations in 1919 in order to protect children around the world. This committee considered children's rights within the framework of issues related to orphaned children, child trafficking and minor prostitution, child exploitation. In the development of social standards for the protection of the rights of minors, non-governmental organizations, in particular, the International Save the Children Union (The International Save the Children Union), founded by the English woman Yeglanten Jeb, played an important role¹.

In connection with the rapid development of digital technologies and information society, completely new, previously non-existent legal relations, which are currently not legally regulated, have emerged. These legal relations were established at the beginning of the 21st century, and therefore we can consider these relations as belonging to the IV generation of human rights. Digital rights include the rights of people to use, create and publish digital works, and to access and use computers and other electronic devices, as well as communications networks, particularly the Internet.

In today's globalization process, protection of children's rights and freedoms in the digital space is gaining importance all over the world. Protection of the basic rights and freedoms of children in the Internet system is of urgent importance nowadays, when the digital transformation has intensified. The UN Committee on the Rights of the Child in its General Comment No. 24 (2019) states that "Children differ from adults in their physical and psychological development. Such differences are the basis for creating a separate system for children with an individualized approach. Also, given that the digital space has become increasingly important in most parts of children's lives, especially during the COVID-19 pandemic, the Internet system creates new opportunities for the realization of children's rights, while at the same time creating the risk of their rights being violated. In its General Comment No. 25 (2021)², the UN Committee on the Rights of the Child calls on all participating States to implement the Convention in light of the opportunities, risks and challenges associated with respecting, protecting and

¹ Martinson, R. (1974). What works? Questions and answers about prison reform. *Te Public Interest*35(Spring):22

² General comment No. 25 (2021) on children's rights in relation to the digital environment / https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=ru&TreatyID=5&DocTypeID=11



realizing children's rights in the digital environment. Due to this, the improvement of international standards for the protection of children's rights in the digital space and the organizational and legal issues of their implementation, as well as conducting research on this topic, are of urgent importance.

According to M.S. Buryanov, a lawyer and an expert of the "Global Shapers" society in Moscow, it is difficult to talk about global *ius communicationis* (the right to communicate) without digital communication. A person who does not have access to the Internet today cannot participate in political life, which means that he cannot be an active citizen. Therefore, *ius communicationis* is used to legitimize modern man's right to access the internet³.

One of the most urgent problems of protecting children's rights today is the protection of children's rights on the Internet, that is, in the digital space. The Internet is essentially an information environment, and its influence on the life of every child, the children of the world, is increasing year by year. It is true that the ranks of our young people, who are making many achievements and successes by effectively using the possibilities of today's Internet and social networks, are increasing. For example, digital technologies are creating economic opportunities for young people by providing vocational training and career guidance services. However, the number of children who are not able to use the information on the Internet appropriately, who are exposed to brutality, violence, pornography and other vices that have a negative effect on the human psyche is also increasing every year. is increasing per year. The fact that social networks are widely used as an important means of socialization of young people shows that the risk of violation of children's rights in the process of receiving and distributing information is increasing day by day.

The Internet system is one of the most important communication tools in the world today, increasing communication between people around the world. Due to the existence and nature of such a large network, along with its benefits, it also has its problems and risks and threats. Risks and threats to children's rights in the digital space can take several forms. For example, there are risks and threats related to online bullying and the copying and distribution of personal information created by certain groups or individuals. These risks and threats can be amplified by:

1. **Online Bullying:** This can occur through online actions, messages or media content by certain groups or individuals that pose a threat to others. In online bullying, you may be sent offensive messages, texts, pictures, and videos over the Internet or on your phone.

³ M. S. Buryanov. Global Digital Human Rights. Century of Globalization 3/2020 54–70 DOI: 10.30884/vglob/2020.03.05;



2. Copying and distribution of personal information: Copying and distribution of personal information on the Internet can lead to problems of many risks and threats. This information may include date of birth, place of birth, name, information about family members, private information and other personal information.

3. Cybergrooming, that is, establishing friendly relations with children with bad intentions⁴.

4. Attacking websites: Hackers can try to attack websites to get user's personal information. This risk and threat can destroy users' identity or financial information.

If we look at the statistics related to a number of modern risks and threats, such as cyberbullying, cybergrooming, children can meet in the digital space, 13% of children aged 13 to 15 years in Kazakhstan, 16% in Georgia, 16% in Saudi Arabia 27%, 34% in Australia and 47% in South Africa experience bullying, including cyberbullying. On average, 23 percent of children who use the Internet in Russia have been victims of online or offline bullying in the past 12 months. Similar data were obtained on average in 25 European countries (19%)⁵.

The protection of children's rights in the context of the internet is a multifaceted issue, encompassing aspects such as privacy, online safety, freedom of expression, and access to information. International legal frameworks have been developed to address the unique vulnerabilities of children in the digital environment. These frameworks are designed to promote and safeguard children's rights while ensuring that their well-being is protected in an increasingly connected world. Here's an overview of the international legal bases for protecting children's rights in the Internet system:

1. The United Nations Convention on the Rights of the Child (CRC)

The **Convention on the Rights of the Child (CRC)**, adopted in 1989, is the cornerstone of international law regarding the protection of children's rights. While the CRC predates the widespread use of the internet, its principles are applicable to digital spaces, especially as children's online activities have become a significant aspect of their lives. Key articles in the CRC relevant to internet protection include:

- **Article 16:** Right to Privacy

This article protects children's privacy and safeguards them from arbitrary interference or attacks on their privacy, family, home, or correspondence. In the digital age, this is highly relevant to children's personal data protection online.

- **Article 17:** Access to Information

⁴ <https://www.unicef.org/uzbekistan/uz/protecting-children-from-online-abuse>

⁵ HIDDEN IN PLAIN SIGHT: A statistical analysis of violence against children, UNICEF, 2014; Школа без насилия. Методическое пособие, 2015 г.; A Familiar Face: Violence in the lives of children and adolescents, UNICEF, 2017.



This article highlights children's right to access information from a variety of sources, including the internet. However, it also imposes the responsibility on governments to ensure that children are not exposed to harmful or inappropriate content online.

- **Article 34:** Protection from Sexual Exploitation

This article obliges governments to take measures to protect children from all forms of sexual exploitation and abuse, including online sexual exploitation, which has become a significant concern in the digital era.

- **Article 19:** Protection from Harm Children should be protected from violence, abuse, and neglect, including online harassment or bullying.

2. The Optional Protocol to the CRC on the Sale of Children, Child Prostitution, and Child Pornography (OPSC)

The **OPSC** (2000) is another important instrument, which addresses child exploitation and child pornography in both real-world and online contexts. It obliges state parties to criminalize and prevent the use of children in pornography and exploitation, particularly in digital media.

3. The European Union's General Data Protection Regulation (GDPR)

The **GDPR** (2018) is a significant legal instrument in Europe that regulates the collection and processing of personal data. It has specific provisions relating to children's online privacy, particularly the processing of personal data for children under the age of 16. Under the GDPR:

- Consent must be obtained from a child's parent or guardian before processing their personal data if they are under 16 years old (although some EU countries allow for a lower age threshold, typically 13).

- Children must be informed about how their data will be used in clear and understandable language.

4. The 2023 UN Resolution on Children's Rights in the Digital Environment

The UN General Assembly has increasingly recognized the specific challenges children face in the digital world. In **2023**, the **UN adopted a resolution on the protection of children's rights in the digital environment**. The resolution emphasizes:

- The need to protect children from online harms like cyberbullying, sexual exploitation, and privacy breaches.

- The responsibility of governments and tech companies to ensure a safe online environment for children.

- The right of children to access the internet safely and to benefit from digital education and opportunities.

Today, several UN resolutions on the protection of children's rights have been adopted on the Internet. However, since these resolutions have a recommendatory



nature, they do not impose certain obligations on the states. The lack of a single universal convention defining the basis of cooperation of states in the field of protection of children's rights and interests in the digital space causes various problems. For this reason, there is a need for an international legal document on the protection of children's rights in the Internet system. The Convention on the Rights of the Child, adopted in 1989, which is one of the main documents protecting the rights and interests of children, stipulates that countries should take measures to protect children from various threats. However, we can see that there are no international legal norms regarding the obligations of the states to prevent the threats coming through virtual life, to ensure the safety of children in the digital space and to protect them from informational attacks.

LIST OF REFERENCES:

1. Bondarenko, O. A. International Documents on Children's Rights: A Scientific and Practical Guide / O. A. Bondarenko. - Volgograd: Publishing House of Volgograd Institute of Economics, Sociology, and Law, 2011. - 28 p. - (Lawyers for Children).
2. Buryanov, M. S. Global Digital Human Rights. *Age of Globalization*, 3/2020, pp. 54-70. DOI: 10.30884/vglob/2020.03.05.
3. Talapina, E. V. Human Rights and Freedoms. *Works of the Institute of State and Law of the Russian Academy of Sciences*, 2019. Vol. 14, No. 3.
4. Strelka, Valeria Nikolaevna. Human Rights on the Internet: Protection of Minors' Rights in the Internet Network. *Issues of Russian Justice*, 2019, No. 3.
5. Martinson R. (1974). What works? Questions and answers about prison reform. *The Public Interest* 35(Spring): 22-54.
6. Hidden in plain sight: A statistical analysis of violence against children, UNICEF, 2014
7. Palfrey J., Boyd D., Sacco D. (2010) Enhancing child safety and online technologies. Final report of the Internet safety. Durham, North Carolina: Carolina Academic Press.