CHILDREN'S HUMAN RIGHTS IN DIGITAL ERA

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ABSTRACT

The Universal Declaration of Human Rights (1948) upholds the protection and preservation of human rights universally. Governments across the globe have thus committed to protecting the human rights of every section of society. Children's human rights in the contemporary digital era have become a core area of concern that calls for greater attention. Currently, children constitutes around one-third of total internet users because digital platforms and technologies such as artificial intelligence are becoming more accessible. Thus, it has become imperative to ensures that children are not exposed to harmful content, privacy violations, manipulative design and commercial exploitation while using digital spaces. Digital platforms have become an indispensable part of children's lives because of their increased engagement across multiple levels, such as homes, educational institutions and peer groups. These digital transformations have exposed children to greater risks and necessitate safeguarding children's human rights online. Accordingly, efforts at both global and individual levels have focused on creating safer digital spaces for children.

The UN Convention on the Rights of the Child and General Comment No. 25 fundamentally provide for the protection of children's privacy, safety and participation online. In India, the protect children's human rights in digital spaces. Ironically, challenges such as privacy and data protection violations, online safety and exploitation persists. The inadequate legal and regulatory frameworks, weak enforcement mechanisms, digital disparity, limited digital literacy and participation have increased the vulnerability of children's rights online. The present paper, therefore, aims to study the key human rights of children in the digital era globally as well as in India. The paper is in nature, based on qualitative data drawn from secondary data. It therefore aims to examine the existing legal and administrative mechanisms for the protection of

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children's rights in digital spaces in India and across the globe. It further suggests that creating safer digital spaces requires robust legislation, child-centric design and greater education and awareness among children to mitigate online threats and risks.

Keywords: Child rights, digital era, online safety, privacy, cyberbullying, digital inclusion, UNCRC

INTRODUCTION

Today, human life and digital technologies are closely intertwined in innumerable ways. Rapid advances in digital technologies have transformed communication, entertainment and education, creating AI-generated interfaces that support human action and behaviour. Children have been the most active users of digital technology. Smartphones, tablets, online classrooms, gaming platforms, and social media have become central to their day-to-day lives. The COVID-19 pandemic further accelerated children's dependence on digital tools for education and communication. While digital access has enhanced participation, creativity and learning, it has also introduced serious concerns regarding safety, exploitation, surveillance and mental well-being.

The concept of child rights in the digital era calls for adapting the internationally recognized child rights to online spaces. Children increasingly spend time online; therefore, human rights that apply offline should be guaranteed online. UNICEF and UNCRC have emphasized that the digital environment should be designed with child rights at its core. The main objectives of the paper, thus, are to study children's human rights in the era of digital technology and to examine the existing legal and administrative mechanisms engaged in ensuring the protection of children's human rights in digital spaces across the globe and in India.

HUMAN RIGHTS AND CHILD RIGHTS

"Human rights" is the subject of modern international law. This is so because human rights are not dependent on the nationality of an individual and are not limited to the jurisdiction of any State. The international recognition of human rights began only after the Second World War. The United Nations and the adoption of the Universal Declaration of Human Rights in 1948 gave human rights greater international currency. At the global level, numerous treaties, customary

international law, general principles, conventions and other sources of international law have been adopted to express and guarantee universal human rights.

Human rights are based on the core principle of dignity of the individual. The basic assumption is that each person is a moral and rational being who deserves to be treated with dignity. They are called human rights because they are universal and fundamental in nature. Whereas nations or specialized groups enjoy specific rights that apply only to them, human rights are the rights to which everyone is entitled, no matter who they are or where they live, simply because they are human beings. Human rights are the rights inherent to human existence and development. They are the moral rights bestowed on all human beings without any discrimination. Thus, these common features require States to protect and preserve human rights from both constitutional and legal perspectives.

- Universality: They are inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion or any other status.
- Inalienability: They cannot be taken away, except in specific legal situations
- Indivisibility: Whether they are civil, political, economic, or social, all rights are equal in importance.

Concept of Child Rights

According to the UN Convention on the Rights of the Child (CRC), Child Rights are specialized human rights conferred on every person below the age of 18 years. These rights guarantee the minimum entitlements and freedoms essential to survive, grow and live with dignity. It asserts that persons below the age of 18 years need exclusive protection and care that calls for protection against all forms of harm, access to health and education and ensuring the development of their complete potential. It affirms that child rights uphold the provision of special care to such persons because of their physical and mental immaturity. The CRC upholds children's rights on the basis of some fundamental principles, i.e. non-discrimination, the right to life and development and prioritising the best interests of the child.

Further, the CRC has grouped the rights of a child into the following four main categories:

1. Right to Survival: It implies that every child has the right to survival, e.g nutritious food, clean water, adequate housing, basic health care services and so on.

2. Right to Protection: It implies that every child has the right to special protection in situations of armed conflict or conflict with the law, and should be protected from any forms of abuse, neglect or exploitation.
3. Right to Development: it implies that every child has the right to education, leisure, participation in cultural activities and understanding their basic rights, etc.
4. Right to Participation: it implies that every child has the right to freedom of expression; social, economic, cultural and religious activities; association and peaceful assembly; information from diverse sources. Children opinions must be heard and given proper attention.

While children have all the same human rights as adults, Child Rights go further by adding a layer of "Protection and Provision." of the age limit. According to international law, a child is every human being below the age of 18 years.Further ,there are four guiding principles:namely;

1. Non-discrimination: Every child has these rights on equal basis.
2. Best interests of the child: This must be the primary consideration in all actions related to children.
3. Survival and development: The right to healthcare, education and a standard of living adequate for physical and mental growth.
4. Participation: The right of children to express their views in all matters affecting them.

The UN Convention on the Rights of the Child (UNCRC), 1989, has been the most widely ratified human rights treaty in history. In the "Digital Era," these definitions have been updated to include:

- Digital Agency: A child's right to explore the internet safely.
- Protection from Datafication: The right of a child *not* to have their entire life story turned into commercial data before they are old enough to understand it.

Thus, while human rights have been the anchor, child human rights in the digital era have been the safety net that aims to ensure the protection of children in a highly vulnerable digital space.

Review of Literature

The overarching use of digital technologies has significantly influenced childhood, creating new opportunities for learning, communication and participation while constantly raising concerns about the protection of fundamental rights. The **United Nations Convention on the Rights of the Child (UNCRC, 1989)** remains the foundation of children's rights globally however, its application to digital arena has been clarified through **General Comment No. 25 (2021)**, which affirms that children's rights apply equally online and offline. Scholars such as Sylwander, Shekhawat and Livingstone (2026) emphasize that this recognition is essential to safeguard children's dignity and autonomy in the digital age. Fundamental rights such as privacy, freedom of expression, access to information and protection from harm must be reinterpreted in light of the pervasive influence of digital platforms, where children are both consumers and creators of content (Byrne & Burton, 2020).

A central point of concern in the literature is the compromise of children's privacy through datafication and surveillance advertising. Helsper, Rao, and Lyons (2025) view that children's personal data are regularly collected and used by platforms, mostly without meaningful consent which undermines their right to privacy and expose them to commercial exploitation. Jayadeva and Livingstone (2026) opines that algorithmic profiling and AI-driven personalization can impose inequalities, thereby raised concerns about discrimination and exclusion.The literature on the theme reaffirms the urgent need for stronger regulatory frameworks, including age-appropriate design codes and corporate accountability mechanisms, to protect children's digital identities. Alongside privacy concerns, safety and protection from harm remain dominant themes. Further, policy analyses show that enforcement of age-verification and content moderation remains weak, particularly in multilingual contexts where harmful content proliferates unchecked (Helsper et al., 2025). Scholars therefore advocate for comprehensive child online safety legislation that integrates technological safeguards with educational interventions. The literature highlights both challenges and opportunities of digital technologies while affirming the need of integrated approaches that combine legal safeguards, corporate responsibility and child participation.

Objectives of the study

- The present study, based on secondary data, seeks to examine the applicability of international human rights frameworks to children's rights in the digital era.

- It aims to analyze existing literature on privacy, safety, participation and protection, while evaluating policy and governance approaches adopted globally.

Research Methodology

The present study is based on a qualitative and analytical research design that relies exclusively on secondary data to explore children's fundamental rights in the digital era. Rather than collecting primary field data, the research draws upon a wide range of existing sources, including academic journal articles, books, institutional reports, government publications and international policy documents such as the United Nations Convention on the Rights of the Child (UNCRC) and General Comment No. 25. While the reliance on secondary data ensures a broad and authoritative foundation, the study acknowledges its limitation of not including the primary data . The paper is a humble attempt to analyzing how children's rights are being interpreted, challenged and redefined in the digital age.

THREATS TO CHILD RIGHTS IN DIGITAL ERA

In the digital era, the nature of threats to child rights has gradually evolved from "bad content" to rather systemic threats that are generally embedded in the technology design itself. Earlier, children's rights were often abused by offensive online content that could adversely affect the psychological and attitudinal behaviour of children. Thus, the primary approach towards child rights has been "protectionist" in character. However, the rapid growth in digital technologies has led to the global shift in focus towards tackling the harms associated with Artificial Intelligence and commercial "datafication" of childhood. The primary threats to child rights could be categorized into the following four major categories:

i) AI-Driven Exploitation and Abuse

The rights of children have been jeopardised in several ways with the advancements in Artificial Intelligence. Ironically, the conventional criminal laws find it difficult to tackle such new forms of victimisation of children in the present era of digitalisation. The manifestations of such victimisation have been:

- Deepfake Abuse & "Nudification": It has threatened the right to protection of children, as UNICEF has reported a substantial rise in AI-generated child sexual abuse material

(CSAM). “Deepfakes” have been a common tool used to create explicit images of children from easily available social media photos.

- Algorithmic Grooming: Children have been highly vulnerable and could be easily targeted. Therefore, through AI, predators use gaming and social media platforms to identify and target children. Such AI algorithms have been used to develop habitual and addictive behaviour.
- Algorithmic Bias: As per Article 2 of UNCRC, the child's right to non-discrimination has been violated by AI systems used in education or social services. This is so because it invokes racial or socio-economic biases.

ii) Privacy Violations and "Datafication"

According to the UNCRC, the right to privacy is a fundamental right of children while registering their online activities. However, privacy violations and datafication have been occurring in numerous ways:

- The "Sharenting" Trap: It has been seen that parents themselves violate their children's privacy by posting sensitive information on social media platforms. Thus, creating digital footprints which could be easily violated.
- Commercial Profiling: It refers to "behavioural profiling", which compiles data regarding a child’s interests and weaknesses by tracking the education apps, games and social media. This violates children's rights to freedom from exploitation, as the platforms share such data with advertisers, who then target the child with "persuasive" content.
- Surveillance in Education: The constant use of various education apps has led to regular monitoring of student behaviour. Hence, the online activities allowed platforms to create highly persuasive content.

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iii) Persuasive and Addictive Design

The child's right to participation has been exploited by several platforms which have been designed to exploit human psychology to maximize their time spent on online platforms, i.e. games, education apps and social media. Hence, victimization of children through such persuasive and addictive designs catalysed datafication and commercial profiling of children. The most common manifestations have been:

- Dopamine Loops: The inbuilt features in applications& platforms such as infinite scroll, autoplay and "likes" resulted in addictive behaviour that obstructs a child's right to rest, leisure and play.
- Mental Health Erosion: The AI-generated images and lifestyle resulted in constant comparison with realistic circumstances among children. Hence, their right to health has been violated by increased rates of anxiety, depression and body dysmorphia.
- Dark Patterns: The platforms violated the child's right to participation by creating interface designs that usually aimed at tricking children into making in-app purchases or sharing more personal data than necessary.

4. Content and Contact Risks

The right to protection of a child, according to UNCRC, emphasises protecting children from uncalled-for cyber scrutiny and exploitation. The varied forms of victimisation arising from content and contact risks have been:

- Cyberbullying 2.0: In present times, harassment has assumed new dimensions by means of viral public shaming, anonymous trolling via temporary accounts and creation of humiliating memes through AI tools.
- Information Disorder: The circulation of misinformation among children made them highly susceptible to "fake news". Such AI-generated misinformation could radicalise young users or lead them to take up dangerous online challenges.
- The Digital Divide: The underdeveloped internet infrastructure created a lack of accessibility and digital literacy. Hence, children without high-speed internet have been lagging in accessing digital content.

LEGAL FRAMEWORK FOR CHILD RIGHTS: GLOBAL AND INDIAN PERSPECTIVE

In the digital era, massive transformations have been witnessed in children's human rights. The global legal and social landscape has shifted from "blanket protection" i.e.restricting access to "empowered participation" i.e.ensuring safe and active involvement. An overview of the global and Indian legal framework for protecting child rights in the digital era has been further discussed:

1. **GLOBAL LEGAL FRAMEWORK FOR CHILD RIGHTS IN DIGITAL ERA**

a) UNCRC General Comment No. 25

The General Comment No. 25 (2021) by the UN Committee on the Rights of the Child explicitly provides that the rights of children should be upheld in the digital environment in the same manner as they do offline.

- Non-discrimination: There has been a need to bridge the digital divide so as to ensure that children in developing nations or low-income households have equal access to the digital world.
- Best interests of the child: Algorithms and platforms should be designed to ensure the safety of children. It should not be considered an afterthought to overcome the damage already done.
- The Right to be Heard: The digital policies and products should include the perspective of children, as it would directly affect them.

2. Fundamental Digital Rights for Children

Children enjoy similar fundamental rights as adults when they are part of the digital space. The UNCRC (2021) have identified the following rights of children that call for greater attention in the digital era.

i) Right to Protection (Safety)

The right to protection (safety) focuses on shielding children from:

- Content Risks: Exposed to violent, age-inappropriate or hateful content.
- Contact Risks: Vulnerability to online grooming, cyberbullying and sexual exploitation.
- Conduct Risks: Coercing children into harmful behaviours or participating in harmful online challenges.

ii) ***Right to Privacy and Data Protection***

The right to privacy and data protection provides protection for children from undue data collection of their online activities. The process of datafication by means of a digital footprint exposes children to real-time online threats.

- Commercial Exploitation: Usage of children's data for targeted advertising and behavioural profiling.

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- The Right to be Forgotten: Ensuring deletion of children's digital past as they transition into adulthood.

iii) ***Right to Participation and Education***

The right to participation and education by utilizing digital tools is essential for a child's freedom of expression and education.

- Digital Literacy: Transforming digital literacy into learning critical evaluation of available information to overcome misinformation.
- Agency: Increasing participation by ensuring greater digital accessibility.

II INDIAN LEGAL FRAMEWORK FOR CHILD RIGHTS IN DIGITAL ERA

The Government of India has significantly restructured its approach to child rights in the digital space between 2023 and 2026. The focus has shifted from "internet safety" to a comprehensive legal framework that mandates data privacy and platform accountability. In India, national and legal protections provide a layered framework. Constitutional rights under Article 21 have been interpreted to include privacy and digital safety, while the Directive Principles of State Policy emphasize protection of childhood (ijlr.iledu.in). The Information Technology Act (2000) addresses privacy violations, harmful content and child sexual abuse material through sections 66E, 67B and 69A. The POCSO Act (2012) criminalises online sexual harassment and CSAM possession or distribution, while the Juvenile Justice Act (2015) mandates protection from abuse, including online forms. More recently, the Digital Personal Data Protection Act (2023) requires parental consent for minors under 18, bans targeted advertising and enforces stricter data security measures (ijlr.iledu.in).The following are the major initiatives and legislative measures currently adopted by the government:

1. Legislative Framework

a)Digital Personal Data Protection (DPDP) Act, 2023 & Rules 2025

The DPDP Act 2023 has been the primary legislation that advocates children's digital rights in India. It treats any person under **18** as a child and mandates:

- Verifiable Parental Consent (VPC)**:** Mandates platforms to obtain verifiable consent from parents before processing a child's data.

- Ban on Tracking: Prohibits platforms from tracking, behavioural monitoring or targeted advertising towards children.

b)IT Rules (Intermediary Guidelines) - Updated 2026

The Ministry of Electronics and Information Technology (MeitY) updated these rules to hold social media companies accountable:

- 24-Hour Removal: The content violating a child's privacy or showing nudity should be removed within 24 hours of a complaint.
- Grievance Redressal: A dedicated grievance officer should be appointed by platforms to handle reports related to child safety.
- Deepfake Regulation: The platforms should explicitly define specific mandates to label and remove AI-generated "deepfakes" that are aimed at exploiting or misrepresenting minors.

c)Bharatiya Nyaya Sanhita (BNS), *2023*

The BNS, 2023 includes modern sections that specifically relate to cyber-enabled crimes:

- Section 294/296: Pertains to the sale and display of obscene material in electronic form.
- Enhanced POCSO Integration: The POCSO Act integrates with the BNS, 2023, to criminalize the use of children in any digital media for sexual gratification.

2. Digital Infrastructure & Monitoring Tools

- Ghar Portal: A digital platform by the NCPCR for tracking and monitoring the restoration and repatriation of children within the juvenile justice system.
- Safe Online (Cyber Dost): A massive public awareness campaign (active through 2026) that provides "Suraksha Guides" for children and parents on avoiding grooming and phishing.
- PRAGYATA Guidelines: Issued by the Ministry of Education to regulate screen time and ensure digital wellness in schools.
- Sugar Board Initiative: Launched in 2025-26, this uses simple, preventive messaging across 700,000 schools to teach children about digital boundaries.

3. The National Commission for Protection of Child Rights (NCPCR)

The NCPCR assumed the role of "Proactive Guardian" in the digital age.

- Backlog Clearance: In 2025-26, the NCPCR resolved over 70% of its decade-long backlogs using new unified digital platforms.
- Cyber Bullying Guidelines: The Commission issued formal guidelines for schools to prevent and report cyberbullying, conducting district-level training programs across 25 districts in 2024-25.
- Content Monitoring: In 2025, the government banned 25 OTT platforms specifically for airing content deemed harmful or inappropriate for minors, following NCPCR recommendations.

4. Emerging Focus: AI and Child-Centric Design

The Government of India has begun aligning its AI policies with the UNICEF guidance on AI and Children.

- AI Labelling: New mandates require AI-generated content to be clearly disclosed to child users.
- Inclusion: Recent policies emphasise making digital tools accessible for children with disabilities, viewing "Access" as a fundamental human right.

Thus, the current strategy of the Indian government has been to adopt the approach of "Safety by Design" rather than adopting a “Protectionist Approach”. This means the government has been mandating AI companies to ensure the digital safety of children, instead of restraining the digital usage of children under constant supervision of parents.

III GLOBAL INITIATIVES TO REGULATE AI COMPANIES FOR PROTECTION OF CHILD RIGHTS

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In present times, global initiatives have been directed towards regulating AI companies to transform their approach towards children's rights from "voluntary ethics" to hard laws. Governments across the globe have been asserting that AI developers should mandate specific technical safeguards for children, under threat of imposition of massive fines.

a) Prohibited AI Practices (The "No-Go" Zones)

Under the EU AI Act (fully operational as of 2026), several AI behaviours are strictly banned because they pose an "unacceptable risk" to children:

- Cognitive Behavioural Manipulation: AI systems that use subliminal techniques or "addictive" loops to influence a child's behaviour in a way that causes physical or psychological harm are prohibited.
- Exploitation of Vulnerabilities: Apps or AI-powered toys that exploit a child's age or socio-economic situation to coerce them into making purchases or sharing data are illegal.
- Biometric Categorisation: Using AI to categorise children based on sensitive data (race, religion, or political leanings) is restricted, particularly in educational settings.

2. Mandatory "Safety by Design" for High-Risk AI

Any AI used in Education or Vocational Training is classified as "High-Risk." Companies in this space must:

- Human-in-the-Loop: Ensure that an adult (teacher or parent) has the final say over AI-driven decisions.
- Bias Auditing: Provide proof that their algorithms do not discriminate based on the child's background.
- Logging & Transparency: Maintain detailed logs of how the AI interacts with children to allow for government audits.

3. Generative AI & "Deepfake" Liability

Following the 2026 AI Impact Summit and G7 initiatives, new regulations specifically target Generative AI:

- Watermarking: Companies like OpenAI, Google and Meta must digitally "watermark" all AI-generated content so it can be identified. This is designed to prevent the spread of non-consensual AI-generated images of minors.
- Prompt Filtering: AI companies are legally required to maintain robust "safety filters" that block the generation of harmful, sexual or exploitative content involving children.

- The "Nurture Act" (USA): New legislative frameworks in 2026 focus on "Digital Replicas," requiring companies to get explicit consent before an AI can mimic a minor's voice or likeness.

4. **Age Assurance vs. Age Verification**

A major shift in 2026 is the move toward Privacy-Preserving Age Assurance:

- The Mandate: Governments (including India under the DPDP Rules 2025 and the US National Policy Framework 2026) are requiring AI companies to prove a user is an adult without actually collecting their ID.
- The Tech: Companies are now using "Zero-Knowledge Proofs" or on-device face-estimation AI that deletes the image immediately after confirming the user is over 18.

5. Global "Impact Assessments"

The UNICEF Policy Guidance on AI for Children (Updated 2026) has become the blueprint for national laws. AI companies are now expected to:

1. Conduct a CRIA: A *Child Rights Impact Assessment* must be performed before an AI model is released to the public.
2. Explainability: If an AI refuses a child's request or suggests a specific learning path, the company must be able to explain "why" in a way a child (and their parent) can understand.

International frameworks have increasingly recogning the need of extending children's rights into the digital sphere. The UNCRC and General Comment No. 25 (2021) emphasise that children's rights apply online just as they do offline, covering privacy, safety, access to information, freedom of expression and protection from exploitation (ohchr.org; ijlr.iledu.in). Building on this, the Global Digital Compact (2024) commits UN member states to strengthen child online safety policies by 2030 (ohchr.org). Alongside these, business principles highlight the responsibility of companies to design and manage digital technologies responsibly, ensuring that children are not exposed to harm (ohchr.org).

Emerging Risks:

Despite these protections, emerging risks remain significant. Cyberbullying and harassment can cause emotional harm, anxiety and social withdrawal. Online sexual exploitation through

grooming, CSAM, and live-streamed abuse is a growing concern. Children's privacy and data are often exploited through surveillance advertising and breaches, while exposure to harmful content such as violence, pornography, misinformation and extremist propaganda poses serious risks (ijlr.iledu.in). Additionally, gaming addiction and manipulative design in digital platforms can lead to excessive screen time, gambling-like behaviours and poor academic outcomes. The rise of AI threats, including deepfakes, algorithmic bias, and manipulative design, adds another layer of complexity (ijlr.iledu.in).

Institutional & Civil Society Efforts

Institutional and civil society efforts attempt to bridge these gaps. The government has introduced initiatives such as NCPCR advisories, the CCPWC scheme, Digital India literacy programs, and a cybercrime reporting portal. NGOs like CyberPeace Foundation, Save the Children, Bachpan Bachao Andolan and Childline provide advocacy and support (ijlr.iledu.in). The private sector, including platforms like Meta, Google, YouTube and Netflix, has introduced parental controls and safety guides. Internationally, UNICEF plays a key role by advocating reforms, training frontline workers, promoting responsible business conduct, and developing child rights impact tools (unicef.org).

Policy Gaps

However, policy gaps persist in India. There is no dedicated child online safety law; age verification and content moderation remain weak—especially in regional languages—and digital literacy programs in schools are limited (ijlr.iledu.in). To address these shortcomings, India needs a Child Online Safety Act, a Children's Digital Rights Commission, and stronger AI-based safeguards to ensure that children can navigate the digital world safely and responsibly.

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CONCLUSION:

The digital era has presented numerous opportunities and grave threats to child rights simultaneously. On the one hand ,technology has empowered children through education, participation and creativity, however on the other hand it also exposed them to exploitation, surveillance and exclusion. Therefore, child rights frameworks should be developed in response to the advancements in digital technology. Human rights have been part of international laws, conventions, resolutions, treaties and covenants. Thus, governments around the globe and India itself have restructured their legislative framework to embrace online safety of children in digital spaces. Governments, families, educators and technology companies share responsibility to ensure that digital spaces are safe, inclusive and respect the rights of children. The AI companies, across the globe, have been mandated to base their policies and applications on the principle that "children's rights apply equally online and offline". Must guide future policy and innovation.There needs to be a holistic approach and a fine balance needs to be maintained between technology and human rights. Access to information and expression must coexist with safety, dignity and privacy. There needs to be shared responsibility among all stakeholders; namely, Governments, tech companies, schools, families and civil society.They all must collaborate. The world needs to opt for a child-centric approach, so that Children's voices should shape digital governance and design.(ohchr.orgunicef.org).

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