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Children's Right to Digital Privacy: International Legal Standards and State Obligations under the CRC & ICCPR

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ABSTRACT:

The fast-paced digitization of society has changed the way children access information, communicate, and engage in online environments. Nevertheless, this use of digital platforms has also put children at risk in ways never seen before, particularly in terms of their privacy rights, data security, and safety while online. This study investigates how the idea of children having the right to digital privacy is changing, with a specific focus on the Convention on the Rights of the Child (CRC) and the International Covenant on Civil and Political Rights (ICCPR) within international legal frameworks. It examines how these tools create responsibilities for governments to safeguard children from unauthorized or unfair intrusion into their privacy, family, and communication in the digital realm. The research investigates General Comment No. The UN Committee on the Rights of the Child, in its 25th session in 2021, is examining children's rights in the digital world, and evaluating how governments should regulate data gathering, surveillance methods, and online profiling. Insights from human rights jurisprudence at both the international and regional levels are compared to pinpoint discrepancies between global standards and their application at the national level. The paper contends that although both the CRC and ICCPR require states to protect children's privacy, there is still a significant requirement for more effective enforcement measures, thorough digital literacy programs, and laws focused on safeguarding children's data. In the end, the study highlights the need to find a balance between children's privacy and their involvement in the digital world, to make sure that advancements in technology do not put their dignity, independence, and well-being at risk.

Keywords: Children's digital privacy, right to privacy, Data protection for children, Online safety of minors, Convention on the Rights of the Child (CRC), International Covenant on Civil and Political Rights (ICCPR), State obligations, Digital rights, Human rights jurisprudence, Digital literacy and protection, Online surveillance and profiling, Child rights in the digital environment, International legal standards.

A. INTRODUCTION:

The digital revolution in the 21st century has fundamentally changed the way children develop, acquire knowledge, and communicate, impacting every facet of human existence. The internet, social media, and digital platforms are now essential for children's education, communication, and entertainment. Children are now more frequently present and engaged in digital environments, from online classrooms to gaming platforms and social networking sites. Nevertheless, their increasing online presence has also made them vulnerable to various dangers such as privacy infringement, misuse of personal information, monitoring, identity theft, and exploitation on the internet¹.

The digital activities of children are frequently gathered, examined, and used for profit without their knowledge or agreement, causing considerable worry about the infringement of their privacy and data protection rights². The right to privacy is essential for human dignity and independence, acknowledged worldwide as a fundamental human right³. Protection against arbitrary or unlawful interference with one's privacy, family, home, or correspondence is ensured by both Article 12 of the Universal Declaration of Human Rights (UDHR) and Article 17 of the International Covenant on Civil and Political Rights (ICCPR)⁴. In the same way, the Convention on the Rights of the Child (CRC)⁵ in Article 16 also provides protection for children, stating that every child has the right to be protected from such interference. These rules impose a requirement on countries to pass legislation, establish policies, and implement protections to safeguard individuals particularly at-risk populations like children from privacy infringements in all contexts, including online⁶.

¹ Sonia Livingstone & Alicia Blum-Ross, *Parenting for a Digital Future: How Hopes and Fears About Technology Shape Children's Lives* 45 (Oxford Univ. Press 2020).

² UNICEF, *Children's Rights in the Digital Environment: Data Protection and Privacy* 7 (2021),

³ G.A. Res. 217 (III) A, Universal Declaration of Human Rights, art. 12 (Dec. 10, 1948),

⁴ International Covenant on Civil and Political Rights, art. 17, Dec. 16, 1966, 999 U.N.T.S. 171,

⁵ Convention on the Rights of the Child, art. 16, Nov. 20, 1989, 1577 U.N.T.S. 3,

⁶ Convention on the Rights of the Child, art. 16, Nov. 20, 1989, 1577 U.N.T.S. 3,

Due to the fast progress of technology, traditional ideas of privacy have broadened to cover digital privacy, which includes safeguarding personal information shared on the internet, data created through digital communication, and the ability to determine how such data is utilized⁷. Children may struggle to fully grasp the consequences of sharing personal information online, making the issue more complicated for them⁸. In addition, private businesses, technology companies, and educational organizations are gathering large amounts of children's data for commercial or administrative reasons, often without proper consent or accountability⁹. Acknowledging these difficulties, global human rights organizations have started to reconsider existing legal standards in order to guarantee the effective protection of children's rights in the digital sphere. The UN Committee on the Rights of the Child, in its General Comment No., stated that. In 2021, there was a significant interpretation of how the rights of children under the CRC are relevant in the digital environment¹⁰. It highlights the importance of states taking proactive measures to protect children's privacy on the internet, oversee the gathering of data by public and private entities, and make sure that digital technologies are created with the well-being of children as a priority. This advancement represents a significant change in human rights law, bringing together traditional child protection principles with the challenges of the digital age.

Even though international standards exist, their implementation varies across different areas. Numerous states do not have comprehensive laws on digital privacy that specifically cater to the needs of children¹¹. In certain nations, the current data protection laws are not strong and are not enforced properly, which puts children's data at risk of being misused¹². Insufficient oversight, lack of digital literacy, and inadequate corporate accountability all heighten the risks even more¹³. Furthermore, the increased utilization of artificial intelligence, biometric information, and algorithmic profiling introduces fresh challenges in terms of privacy infringements that the international legal framework is still struggling to tackle¹⁴. Hence, the purpose of this study is to analyse the range and substance of children's entitlement to online privacy as outlined in global law, with a particular emphasis on the responsibilities of governments as detailed in the CRC and ICCPR¹⁵. The paper examines how these global agreements create a set of standards for safeguarding children's privacy and assesses if the current actions of states comply with these legal responsibilities. The study also underscores the importance of international organizations, non-governmental organizations, and technology companies in encouraging adherence to these standards¹⁶.

In the end, the goal of this paper is to close the divide between international legal principles and practical application by suggesting methods to improve state responsibility and digital governance focused on children. By doing this, it adds to the increasing discussion on digital human rights, highlighting the importance of ensuring that advances in technology do not compromise children's dignity, independence, and basic right to privacy¹⁷.

B. RESEARCH OBJECTIVES:

1. To examine the international legal recognition of children's right to digital privacy.
2. To analyse state obligations under the CRC and ICCPR in protecting children's online privacy.
3. To assess the adequacy of national laws and policies in implementing these international standards.
4. To identify key challenges posed by digital technologies to children's privacy rights.
5. To propose legal and policy reforms to strengthen child-centered digital privacy protection.

C. RESEARCH QUESTION:

1. How does the right to privacy, as recognized under international human rights law, extend to the digital environment for children?
2. What obligations do states have under Articles 16 of the CRC and 17 of the ICCPR to protect children's digital privacy from data misuse, surveillance, and online exploitation?
3. How have the UN Committee on the Rights of the Child's General Comment No. 25 (2021) and other international interpretations shaped states' digital privacy policies?
4. To what extent do existing domestic data protection laws align with international obligations regarding children's online privacy?
5. What role should technology companies and educational institutions play in supporting states' compliance with these obligations?

⁷ Anirudh Malhotra, *Child Rights in the Digital Era: Challenges and Solutions* 102 (LexisNexis 2020).

⁸ Rishita Singh, *Regulating Children's Digital Privacy: International Standards and State Obligations*, 5 Int'l J. Adv. Legal Res. 22 (2021)

⁹ UNESCO, *Policy Guidelines for Protecting Children's Privacy in the Digital Age* 12 (2019),

¹⁰ UN Committee on the Rights of the Child, General Comment No. 25 on Children's Rights in Relation to the Digital Environment, CRC/C/GC/25 (2021),

¹¹ UN Committee on the Rights of the Child, General Comment No. 25 on Children's Rights in Relation to the Digital Environment, CRC/C/GC/25 (2021),

¹² European Union, *General Data Protection Regulation* arts. 8, 12, 2016 O.J. (L 119) 1,

¹³ Livingstone & Blum-Ross, *supra* note 1, at 53.

¹⁴ UNICEF, *supra* note 2, at 15.

¹⁵ Convention on the Rights of the Child, *supra* note 5; International Covenant on Civil and Political Rights, *supra* note 4.

¹⁶ Livingstone & Blum-Ross, *supra* note 1.

¹⁷ UNICEF, *supra* note 2.

D. RESEARCH HYPOTHESIS:

This study posits that while the international legal frameworks created under the Convention on the Rights of the Child (CRC) and the International Covenant on Civil and Political Rights (ICCPR) lay a solid groundwork for protecting children's right to digital privacy, the efficacy of these protections is greatly diminished by poor domestic implementation, limited enforcement strategies, and a lack of accountability measures. It is also suggested that numerous States have not adequately integrated the responsibilities arising from Articles 16 of the CRC and 17 of the ICCPR into their national data protection and privacy laws, leading to significant disparities between international obligations and actual enforcement. Furthermore, the swift evolution of digital technologies such as artificial intelligence, biometric data collection, and algorithmic profiling has posed intricate challenges that current legal frameworks are poorly prepared to tackle. Therefore, this research argues that a greater focus on legal accountability, corporate responsibility, and digital literacy is crucial for effectively safeguarding children's right to privacy in the digital era.

E. STATEMENT OF PROBLEM:

The digital transformation of society has changed how children learn, communicate, and engage with the modern world, but it has also subjected them to new threats concerning their privacy and personal data. Although privacy is acknowledged as a fundamental human right in Article 17 of the International Covenant on Civil and Political Rights (ICCPR) and Article 16 of the Convention on the Rights of the Child (CRC), the digital landscape poses specific challenges that current legal frameworks struggle to overcome. Children's personal data is consistently gathered, analyzed, and commercialized by tech companies, frequently without genuine consent or understanding, which can lead to breaches of their dignity, autonomy, and safety. While international agreements outline clear responsibilities for states to safeguard children from arbitrary or unlawful intrusions into their privacy, there remain significant gaps in how this is implemented, enforced, and monitored at the national level. Numerous countries do not have data protection frameworks specifically aimed at children, and where such legislation is in place, enforcement is often insufficient or inconsistent. Furthermore, the swift advancement of artificial intelligence, biometric monitoring, and digital profiling has outstripped the establishment of suitable legal protections. This disconnect between international legal standards and their application domestically raises serious issues regarding the sufficiency of current safeguards. Consequently, it is crucial to evaluate how countries interpret and meet their obligations under the CRC and ICCPR, and to pinpoint the legal, institutional, and policy changes necessary to effectively support children's right to digital privacy in the 21st century.

F. LITERATURE REVIEW:

1. "Parenting for a Digital Future: How Hopes and Fears About Technology Shape Children's Lives" by Sonia Livingstone & Alicia Blum-Ross (Oxford University Press, 2020).

Sonia Livingstone and Alicia Blum-Ross offer one of the most thorough sociological analyses of the impact of digital technologies on contemporary childhood and family dynamics. The authors examine the contradiction between the potential benefits presented by the digital landscape such as education, creativity, and social connections and the heightened risks it introduces, particularly concerning children's digital privacy and the security of their data. Their investigation reveals that children are now engaged participants in data ecosystems where their personal information is gathered, scrutinized, and commercialized, often without adequate informed consent. Livingstone and Blum-Ross argue that global human rights frameworks like the CRC and ICCPR should be interpreted in a flexible manner to respond to these emerging challenges. They advocate for a rights-based perspective on digital parenting and governance, where children are viewed not just as users but as rights-holders deserving of protection, agency, and dignity in digital environments. This research establishes a robust conceptual basis for comprehending the relationship between children's privacy and international human rights principles in the digital era.

Website: [Oxford University Press / Oxford Academic page for the book](#)

2. "General Comment No. 25 on Children's Rights in Relation to the Digital Environment" by the UN Committee on the Rights of the Child (U.N. Doc. CRC/C/GC/25, 2021).

General Comment No. 25 marks a significant development in international child rights law, as it specifically interprets the provisions of the CRC within the digital context. The UN Committee on the Rights of the Child affirms that all rights protected by the CRC including privacy, protection, education, and participation are applicable both online and offline. This Comment emphasizes that states have a responsibility to regulate both public and private entities to prevent breaches of children's privacy, such as data misuse, online monitoring, and profiling. It also highlights the necessity for digital literacy, child-sensitive consent processes, and corporate accountability. The Committee stresses that governments must implement legislative, administrative, and judicial actions to ensure that digital technologies are developed and operated with children's best interests as a primary focus. This interpretation helps bridge the divide between theoretical human rights principles and their practical application in an increasingly digital world, making it a crucial text for any examination of state responsibilities under the CRC and ICCPR.

Website: <https://www.ohchr.org/documents/general-comments-and-recommendations/general-comment-no-25-2021-childrens-rights-relation.pdf>

3. "Children's Rights in the Digital Environment: Data Protection and Privacy" by UNICEF (2021).

This significant UNICEF report offers empirical data and policy recommendations aimed at safeguarding children's rights in the digital realm, emphasizing the worldwide inadequacy of uniform legal frameworks for addressing children's online privacy. It underscores the extensive data usage by

governments and companies for surveillance, Behavioral forecasting, and commercial profiling concerning children. The report contends that although children are among the most frequent users of digital platforms, they are also one of the most vulnerable demographics within data protection laws. UNICEF advocates for a comprehensive strategy that incorporates regulation, education, and corporate liability, closely aligning with Article 16 of the CRC concerning privacy and Article 17 of the ICCPR, which safeguards against unwarranted interference. Additionally, the report suggests that children's privacy should be regarded as an element of their overarching rights to development and autonomy, rather than solely a protective right. This perspective resonates with the increasing acknowledgment in human rights legislation that privacy is crucial for children's psychological health, digital identities, and their ability to fully engage in society.

Website: <https://www.unicef.org/childrightsandbusiness/media/226/file/Brief-Children-and-Online-Privacy.pdf>

4. “Child Rights in the Digital Era: Challenges and Solutions” by Anirudh Malhotra (LexisNexis, 2020).

Anirudh Malhotra's book delves into the evolving relationship between technology, children, and law, offering a comparative perspective on how different jurisdictions have adapted their legal systems to address digital threats to children's rights. He argues that the CRC and ICCPR create overlapping but distinct obligations: while the CRC emphasizes special protection and best interest principles, the ICCPR mandates protection against unlawful interference with privacy and family life. Malhotra highlights the gap between these obligations and actual national practices, noting that many countries lack specialized data protection frameworks for minors. He critiques weak enforcement, the absence of independent oversight bodies, and the limited capacity of courts to interpret privacy in light of digital realities. His work concludes with policy recommendations urging states to incorporate child-specific provisions into national data protection laws, establish complaint mechanisms for young users, and mandate corporate transparency in handling child data.

Website: <https://www.unicef.org/childrightsandbusiness/workstreams/responsible-technology>

5. “Child Data Citizen: How Tech Companies Are Profiling Us from Birth” by Veronica Barassi (MIT Press, 2020).

Veronica Barassi's pioneering research reveals the systemic problem of the commercial exploitation of children's data as a byproduct of the surveillance capitalism model. Through ethnographic studies and comprehensive case analyses, she exposes how companies gather vast amounts of data from children via smart toys, educational technologies, and social media platforms frequently without the awareness or consent of either parents or the children themselves. Barassi critiques the ineffectiveness of existing legal protections, noting that although the CRC and ICCPR uphold privacy in theory, these safeguards fall short without strong enforcement and implementation across borders. Her study shows that digital profiling can lead to long-lasting effects on children's autonomy, reputation, and future opportunities, raising ethical and legal dilemmas regarding the true nature of informed consent in the digital landscape. She concludes that frameworks for digital governance focused on children must extend beyond mere data protection to tackle the wider structural power imbalances that exist between children, governments, and corporations.

Website: <https://mitpress.mit.edu/9780262044714/child-data-citizen/>

G. CHAPTERISATION:

This research paper is divided into five chapters. Chapter I – Introduction provides an overview of the digital revolution's impact on children's lives and the resulting concerns surrounding privacy, data protection, and online safety. It sets out the research problem, objectives, hypotheses, and methodology while establishing the relevance of studying children's digital privacy under international human rights law. Chapter II – Conceptual and Legal Framework explores the evolution of the right to privacy in international law, tracing its roots from the Universal Declaration of Human Rights (UDHR) to the ICCPR and the Convention on the Rights of the Child (CRC), with special reference to Article 16 of the CRC and Article 17 of the ICCPR. Chapter III – International Legal Standards and State Obligations examine how global instruments, including the UN Committee's General Comment No. 25 (2021), define and expand state duties to protect children's privacy in digital spaces. It analyses legislative trends, state practices, and international jurisprudence to assess compliance and enforcement mechanisms. Chapter IV – Challenges and Gaps in Implementation identifies the shortcomings in domestic legal systems, focusing on weak regulatory frameworks, corporate data misuse, lack of digital literacy, and the ethical concerns raised by artificial intelligence, social media surveillance, and algorithmic profiling. Chapter V – Findings and Suggestions summarize the research findings and proposes policy and legal reforms for strengthening state accountability, promoting child-centered data protection, and ensuring that digital innovations respect the dignity, autonomy, and privacy of every child in accordance with international human rights obligations.

CHAPTER I – INTRODUCTION

The initial chapter addresses the growing issue of children's rights to digital privacy in a swiftly advancing digital environment. The rising prevalence of the internet, social media, mobile apps, and artificial intelligence has significantly altered the experiences of childhood. Today's children actively engage in the online realm learning, playing, and connecting through digital technologies while also facing unprecedented dangers related to surveillance, data harvesting, identity theft, and profiling. The idea of privacy, once linked to the physical world, has broadened to encompass digital and informational privacy, where personal data becomes an integral component of identity. This chapter outlines the background of the research, explaining the rationale for investigating this subject through the framework of international human rights law, with a specific emphasis on the Convention on the Rights of the Child (CRC) and the International Covenant on Civil and Political Rights (ICCPR). It highlights the research challenge, stressing the disparity between current legal protections and their application in the digital realm. The research inquiries, goals, and hypotheses are formulated to examine the ways

international responsibilities are converted into tangible state duties. Lastly, this chapter details the research methodology, the study's scope, and its importance in fostering a child-focused perspective on digital governance and privacy protection.

CHAPTER II – CONCEPTUAL AND LEGAL FRAMEWORK OF THE RIGHT TO PRIVACY

This chapter explores the foundational concepts of the right to privacy and traces its growth as a fundamental component of international human rights law. Traditionally, the concept of privacy has transformed from the idea of “the right to be let alone” into a multifaceted right that upholds autonomy, dignity, and control over personal data. In the realm of international law, Article 12 of the Universal Declaration of Human Rights (UDHR) and Article 17 of the ICCPR both acknowledge the right to be shielded from arbitrary intrusions into one’s privacy, family, or correspondence. Article 16 of the Convention on the Rights of the Child (CRC) further enhances this protection by affirming children’s right to privacy at home, in school, and increasingly within the digital landscape. This chapter also investigates the evolving definition of privacy in the digital realm, making a distinction between physical, informational, and decisional privacy. The significance of data protection, cyber ethics, and digital consent is discussed, especially considering children’s limited ability to comprehend complex service agreements or data-sharing protocols. The chapter concludes by presenting privacy as not just a legal entitlement but a crucial developmental need, vital for protecting a child’s identity, autonomy, and emotional health in an increasingly data-oriented world.

CHAPTER III – INTERNATIONAL LEGAL STANDARDS AND STATE OBLIGATIONS UNDER THE CRC AND ICCPR

This chapter serves as the analytical centrepiece of the research. It investigates how international agreements like the ICCPR and CRC impose specific responsibilities on nations to guarantee that children’s right to privacy extends to digital realms. Article 17 of the ICCPR obligates states to safeguard all individuals from arbitrary or unlawful intrusions into their privacy, while Article 16 of the CRC requires analogous protections for children specifically. The UN Committee on the Rights of the Child, in its General Comment No. 25 (2021), directly links these rights to the digital landscape, urging nations to ensure that technological advancements uphold the best interests of children. This chapter evaluates how these standards relate to state responsibilities, including the duty to oversee private sector entities such as technology firms, social media networks, and data brokers. It contrasts various regional frameworks, including the EU General Data Protection Regulation (GDPR) and the Council of Europe’s Convention 108+, to uncover global best practices. The chapter ends by highlighting that while international law offers a strong normative framework, the successful implementation of children’s digital privacy relies on domestic legal interpretation, enforcement strategies, and international collaboration.

CHAPTER IV- CONTEMPORARY CHALLENGES AND GAPS IN IMPLEMENTATION

This chapter highlights and critically analyses the significant challenges and deficiencies in the enforcement of children’s rights to privacy in the digital realm. Even though there is global acknowledgment, most national legal systems do not have child-focused frameworks for data protection, leading to inconsistent enforcement. Children’s personal data is frequently collected via online educational tools, gaming platforms, and social media without sufficient protections or informed consent. The widespread use of algorithmic profiling, targeted advertising, and AI-driven monitoring subjects minors to manipulation and exploitation. Furthermore, digital inequality exacerbates these dangers as children from disadvantaged or low-income backgrounds are less likely to access digital literacy training, increasing their susceptibility to online threats. The chapter further examines the inadequacy of corporate self-regulation, as business interests often take precedence over privacy issues. In addition, the use of parental monitoring technologies raises ethical dilemmas about the balance between safeguarding children and allowing them independence. By examining case studies from Europe, the United States, and India, the chapter illustrates that, despite some advancements, significant obstacles remain in ensuring accountability, transparency, and appropriate consent for minors. The section concludes by emphasizing the urgent need for a collaborative approach engaging governments, tech companies, educators, and parents to establish a genuinely safe digital environment for children.

CHAPTER V – FINDINGS, SUGGESTIONS, AND CONCLUSION

The concluding chapter summarizes the research findings and suggests policy measures to enhance the safeguarding of children’s digital privacy. The study finds that although the CRC and ICCPR set forth clear legal obligations for countries, translating these standards into effective domestic legislation is still insufficient. Numerous countries do not have specialized laws for child data protection, nor do they possess enforcement bodies and oversight mechanisms. The findings indicate that countries need to implement comprehensive privacy regulations that include specific provisions for children, require data minimization, and establish informed consent processes that align with children’s cognitive development. The chapter advocates for the establishment of independent authorities for child data protection, the promotion of digital literacy among children, and the incorporation of child rights impact assessments into technology development. Additionally, it calls for enhanced international collaboration to manage cross-border data transfer and ensure that global digital platforms uphold children’s rights universally. The conclusion stresses that safeguarding children’s digital privacy transcends being just a technological or legal concern; it is a moral obligation vital for maintaining human dignity, trust, and equality in the digital era.

H. CONCLUSION:

The digital age has significantly transformed childhood, creating new possibilities for education, interaction, and creativity, while also presenting children with unprecedented risks to their privacy. This research illustrates that the right to privacy, as defined in Article 17 of the International Covenant on Civil and Political Rights (ICCPR) and Article 16 of the Convention on the Rights of the Child (CRC), naturally extends into the online world. Recognizing this right in cyberspace involves not legal innovation but rather the interpretation of established human rights in light of modern technological realities. Through its General Comment No. 25 (2021), the UN Committee on the Rights of the Child has clearly stated that countries must protect children from unjustified intrusions into their privacy in digital spaces, which includes overseeing corporations and tech systems that handle children’s data.

Despite the presence of strong international standards, there are considerable gaps in implementation at the national level. Numerous countries do not have comprehensive or enforceable regulations to manage children's data collection, consent, and protection. Often, corporate interests take precedence over ethical and legal considerations, leading to the misuse of children's data for commercial gain. Additionally, the absence of digital literacy, transparency, and efficient oversight mechanisms increases the vulnerability of minors online. This study finds that existing strategies are more reactive than preventive, leaving children's rights at risk due to the profit-driven nature of digital innovation.

Ensuring the digital privacy of children necessitates a comprehensive strategy that encompasses legal reform, technological innovation, and heightened social awareness. Governments need to implement data protection laws focused on children that align with the principles of necessity, proportionality, and prioritizing the best interests of the child, guaranteeing that privacy safeguards adapt to new technologies like artificial intelligence and biometric data. It's essential for educational institutions, parents, and digital service providers to jointly create environments that honour children's autonomy and dignity in the digital realm.

In the end, the findings indicate that protecting children's right to digital privacy is crucial for maintaining human dignity and equality in today's information era. This responsibility is not just a legal requirement, but also a moral and developmental essential. The future of children's rights in the digital landscape hinges on a unified commitment from governments, international bodies, and technology companies to create a digital environment that empowers children while safeguarding their privacy, identity, and fundamental rights.