

CONCEPTUALISING CHILDREN’S RIGHTS IN DIGITAL SPACES: EMERGING ISSUES AND CHALLENGES

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The transnational and ostensibly age-blind digital spaces, facilitating new socio-cultural interconnections, recasting of identities, and commiserations of creative output, posits a distinctive set of opportunities, benefits and risks for present-day “digital natives”. This paper seeks to transcend mainstream protectionist rhetoric framing conceptualizations of children’s rights in digital spaces, and to proffer more empowering, holistic and inclusive approaches towards effectuating their virtual citizenship. By undertaking interdisciplinary analyses, this paper seeks to delineate a sound normative and epistemological framework that conceptualizes digital spaces as actuating children’s rights. Further, this paper seeks to examine the key issues and challenges in realizing, broadly, the 3 P’s of “Participation”, “Provision”, “Protection” and allied rights, as well as guiding principles enshrined in the UNCRC, particularly with reference to digital spaces; and by employing these insights, it proposes to proffer pragmatic legal and policy recommendations that effectuate children’s rights in such spaces, especially in the Indian context.

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I. INTRODUCTION

Recent critical and scholarly discourses demonstrate growing calls for a UNCRC² General Comment on children's rights in digital spaces.³ The proliferation in digital technologies in affording access to "networked-publics"⁴ is particularly germane to the current generation of children.⁵ The UNCRC Report of the 2014 Day of General Discussion on "Children's Rights and Digital Media" recognizes that children form a rapidly growing proportion of global Internet-users.⁶ Consequently, States can ill-afford to perpetuate default paternalistic digital-governance practices to regulate the Internet. Indubitably, the Internet posits a pressing distinctive set of opportunities, benefits and perils for today's "digital natives", by inter alia transcending temporal and spatial limits; involving a plethora of private actors, which often elude top-down supervision; and by interweaving inextricably with everyday contemporary existence.⁷ Therefore, the demonstrated prodigious potential of the virtual world for children's socio-economic amelioration⁸ renders it imperative to examine how holistically current children's rights-frameworks lend themselves to ever-morphing digital spaces.⁹

This paper therefore seeks to explore the following issues: the key elements of the current normative conceptualisation of children's rights in digital spaces (undertaken largely in Part II of this paper). Using such a theoretical grounding, the paper then examines the key issues and challenges in realizing, broadly, the 3 P's of "Participation", "Provision", "Protection" and allied

² The United Nations Convention on the Rights of the Child, 1989.

³ Sonia Livingstone et al., *The Case for a UNCRC General Comment on Children's Rights and Digital Media*, LSE CONSULTING 3-45 (2017). It may be noted that the concept of "rights", "participation", "protection" and "provision" as discussed in this paper transcend the limited notions circumscribed in the text of the pre-digital-era UNCRC, and derive meaning and significance from the variety of sources discussed below, as also the avant-garde work done in reshaping adult-centric paradigms of children's rights, especially for digital spaces. For a fuller discussion, see Ann Quennerstedt, *The UNCRC: The Voice of Global Consensus on Children's Rights*, 36 NORDIC J. OF HUMAN RIGHTS 38-54 (2018); Sonia Livingstone, *An Updated UNCRC for the Digital Age*, LSE MEDIA POLICY PROJECT BLOG (January 19, 2017), <<https://blogs.lse.ac.uk/mediapolicyproject/2017/01/19/an-updated-uncrc-for-the-digital-age/>> (accessed May 4, 2019).

⁴ This refers to publics reconstituted through the interface between digital connectivity, technological know-how and new communalities of interest.

⁵ *Id.*

⁶ 1 out of 3; Sonia Livingstone et al., *One in Three: Internet Governance and Children's Rights*, UNICEF Office of Research – Innocenti Discussion Paper 2016-01 5-35 (2016).

⁷ See also Sook-Jung Lee & Young-Gil Chae, *Balancing Participation and Risks in Children's Internet Use: The Role of Internet Literacy and Parental Mediation*, 15(5) CYBERPSYCHOLOGY, BEHAVIOR & SOCIAL NETWORKING 257-259 (2012).

⁸ As also for their education, socialisation, citizenship-praxis and articulation of digital selves

⁹ Philippa Collin, *'No Right of Way': institutional barriers to enacting children's rights in a digital age*, IAMCR CONFERENCE ON CHILDREN'S AND YOUNG PEOPLE'S RIGHTS IN THE DIGITAL AGE (26-27 July, 2016).

rights, as well as guiding principles enshrined in the UNCRC, particularly with reference to digital spaces (as undertaken in Parts III, IV and V of this paper respectively).¹⁰ Employing these insights, the paper then seeks to proffer pragmatic legal and policy recommendations effectuate children's rights in such spaces, especially in the Indian context (delineated in the conclusion in Part VI of this paper). An interdisciplinary research-methodology is sought to be adopted - by synthesizing insights from childhood studies, ethnographic literature on children's use of digital media and discourse analyses on children's rights -so as to address the oft-criticised substantial gaps in research in this nascent field, especially from the Global South perspective.

II. THEORETICAL AND NORMATIVE FRAMEWORKS EMPLOYED: A BRIEF OVERVIEW

Digital spaces are typically conceptualized as “third spaces”, beyond conventional familial and workplace settings,¹¹ which afford new sites for social interactions, contestations, and culture-propagation; through online environs hosted by ICTs,¹² and rooted in contexts such as e-commerce, artificial intelligence and other digitized contexts.¹³ Certain peculiar facets of digital spaces evince their immediate relevance to children's rights-frameworks. *Firstly*, ubiquitous virtual connectivity and widespread uptake renders the Internet an inexorable factum of modern-day children's lives and well-being.¹⁴ *Secondly*, modern-day children experience relative ease in digital accessibility and navigation as a by-product of their generational familiarity with digital technologies.¹⁵ *Thirdly*, lack of enforceability of age-specific entry and use restrictions in Social-Networking Sites (SNS) has heralded unprecedented access of children to adult-dominated public and social spaces, thus ushering in distinctive benefits and risks. *Fourthly*, seamless privatization and globalized nature of prominent actors in digital spaces, which can now easily evade the strictures of territoriality embedded in conventional jurisdictional frameworks, have rendered regulation of their activities (especially where these posit risks to children) even more difficult. Hence, for instance, the Indian Supreme Court struggled to extend responsibility for circulating

¹⁰ The ordering of these Parts is undertaken with the aim to first analyse hitherto-ignored children's participation and provision rights in digital spaces, so as to proffer more holistic analyses of their protection-rights that typically form the central concern of such discourses.

¹¹ See RAY OLDENBURG, *GREAT GOOD PLACE* 25 (1999).

¹² This refers to Information Communication Technologies.

¹³ Mark Wexler, *The Shifting Discourse on Third Places: Ideological Implications*, 38(1) *J. OF IDEOLOGY* 50 (2017).

¹⁴ In a range of contexts, ranging from facilitating high-end internship and apprenticeship opportunities in the Global North, to acclimating refugee children to alien cultures, etc.

¹⁵ Even where access is limited, e.g. the Global South, the pervasiveness of 21st-century globalization, consumerism and conspicuous consumption has meant children are keenly aware of ICTs' potential, even if they cannot always meaningfully access or use them.

online child-pornography videos to online-intermediary-conglomerates such as Google, Yahoo, Whatsapp, etc. in *Prajwala-Letter Dated 18-2-2015 Videos of Sexual Violence and Recommendations, In re.*¹⁶ In particular, the fluidity of such spaces in mediating anonymity and hybridity in identity-formation and expression has proved oft-indispensable to marginalized children; which was highlighted by LGBT-rights and disability-rights advocates in the recent net-neutrality debates in the U.S.A. and India.¹⁷

Yet, the dominant narrative in mass media and public discourses exclusively highlights the harms posited by digital environments.¹⁸ These range from new avenues for Online Sexual Exploitation (‘OSE’) and child-trafficking in the dark-web, rise in cyber-bullying, drug-trade, online-stalking, “revenge-porn”, unmitigated access to graphic and explicit content; to perils of digital-dependency, manifesting as smartphone-addiction and deleterious impacts on teenagers’ mental well-being and self-esteem, etc.¹⁹ Such a blinkered, myopic approach only encourages protectionist rhetoric, which reinforces parental hegemony in inhibiting children’s Internet-access, and legitimizes paternalistic cyber-safety legislation and policies.²⁰ Furthermore, since such narrow frameworks rarely envision or recognize children’s *rights*, these fail to account for *violations* of children’s online privacy and digital data-protection rights by increasingly interoperable and transnational intermediaries such as Internet Service Providers (‘ISPs’).²¹ This detrimental impact of parochial narratives enshrined in protectionist paradigms is twofold.²² On one hand, the adult-defined agendas regarding digital discourses are increasingly apprehensive about increasing “digital-capabilities”²³ of modern children or “digital natives”, which are perceived to limit spheres of control by adults or “digital immigrants”.²⁴ On the other hand, since such protectionist paradigms typically view children as vulnerable, passive, and lacking the necessary socio-emotional intelligence and maturity to navigate the complexities of the real-world, these frameworks undermine children’s capabilities and agency in meaningfully and productively shaping digital spaces.²⁵

¹⁶ 2018 SCC OnLine SC 2111.

¹⁷ Government of India, *Department of Telecommunications Committee Report on Net Neutrality* ¶¶5.6, 15.8 (2015); Mary Gray, *Why LGBT Communities and Our Allies Should Care about Net Neutrality*, HUFFPOST (February 2, 2016); Alice Wong, *Net Neutrality, Accessibility and the Digital Community*, CENTRE FOR MEDIA JUSTICE (2017).

¹⁸ Sarah Wilson, *Digital technologies, children and young people’s relationships and self-care*, 14(3) CHILDREN’S GEOGRAPHIES 285-292 (2016).

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*; This refers to appropriating the technological, linguistic and hermeneutic aspects of digital spaces for themselves.

²⁴ *Id.*

²⁵ *Id.*; This concern is heightened since “necessary” adult supervision and control are even lesser in such digital spaces. See William Corsaro, *Interpretive Reproduction in Children’s Play*, 4(4)

Such an antinomy in legal and policy frameworks is occasioned by the normativization of two dichotomous yet equally potent imageries of children in Virtual-Citizenship Discourses ('VCDs').²⁶ VCDs, which encompass analytical thought, political debate, consensus-formation, good governance and everyday praxis of citizenship in the virtual sphere, are thus often beleaguered by dual contrasting conceptualizations of children, similar to those found in popular rhetoric in the offline world. The first Apollonian imagery envisions children as impressionable, gullible inhabitants of essentially unregulated, amorphous digital polities.²⁷ Whilst they may possess a certain guileless appreciation of the technical intricacies of such landscapes, they are not conceptualized as being equipped to independently navigate the multifarious hazards in such spaces.²⁸ This sanctions the State rhetoric that privileges children's protection rights over other rights.²⁹ The second Dionysian imagery visualizes children as more dynamic actors but nonetheless "lawless hellions", who re-appropriate digital spaces for challenging and transgressing social edicts and diktats evolved by adults.³⁰ Such spaces interrupt the traditional hegemony accorded to adults in children's socialisation³¹ by affording children the latitude to create alternative political, social and cultural communities.³² Consequently, the dominant VCD policies seek to curb such nihilistic potential of digital spaces in facilitating children's resistance against adult-oriented hegemonies.³³ These policies produce amoral and pedagogic praxis that endorses adult-led moral policing, parental control and curbing of children's digital autonomy and participation in VCDs.³⁴ This is because such control and policing by adults are perceived to be critical to marshalling the disruptive, rebellious energies of children towards "idealistic", "virtuous" citizenship-practices, which they are expected to faithfully perpetuate as future ethical citizens of the State.³⁵

Thus, both of these imageries- the "*current passive subject*" and the "*socially conscious, prudent future citizen*"- effectuate limited and reductive conceptualizations of children, inhibiting their *present* potential to determine the contours of VCDs.³⁶ Therefore, it is critical to re-visualize children in more empowered terms to ensure that such normative proclivities towards age-based

AMERICAN J. OF PLAY 488-504 (2012).

²⁶ Phillipa Collin & Amanda Third, *Rethinking (Children's and Young People's) Citizenship through Dialogues on Digital Practice*, in *Negotiating Digital Citizenship: Control, Contest and Culture* (Sonja Vivienne & Amelia Johns, eds.) 25-35 (2016).

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.* The adult-preponderance in children's socialisation may occur through State-regimes, or at the school or at home.

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

discrimination in digital policy-making and law-making are eschewed.³⁷ The theoretical grounding for child-friendly VCD regulatory structures would recognize children's agency and capabilities in asserting and exercising their rights in digital spaces.³⁸ Thus, for instance, such structures would enable children to act as interpretive reproducers of online-safety agendas as framed by adults, which predominantly govern the gaming and virtual worlds they often inhabit.³⁹ For instance, the incorporation of children's voices in negotiating, formulating and implementing privacy and user-safety policies of Massively Multiplayer Online Role-Playing Games ("MMORPG"),⁴⁰ can immensely help in simplifying and clarifying the complex legalese typically used in these policies, which is often incomprehensible to layperson adults, let alone children. Encouraging children's active involvement in framing the terms and conditions of utilization of such popular gaming platforms thus enriches the tenor of an accessible, transparent, pluralistic, open and healthy discourse. Similarly, in a broader regulatory framework, it may be apposite for regulators which frame and enact policies regulating children's use of digital media,⁴¹ to host children's parliaments. Here children's ideas and advocacy about how digital spaces should function, how their own safety should be addressed and protected by regulators using both legal and avant-garde technological best-practices, how and when Intermediaries should be held accountable to enable children to participate freely in digital spaces, etc. should be given equal credence and legitimacy. This would enhance good-governance, representativeness, inclusiveness and consequently, the democratic tenor of deliberative-discourses.⁴² Furthermore, the imperative for adopting *multi-stakeholder* digital-governance approaches that incorporates *both* State and non-State actors becomes clear upon acknowledging the versatility of children's *digital-communicative roles and modalities*, whether as "content-consumers,"³⁴³ "contractual-parties,"³⁴⁴ "communication-participants,"³⁴⁵ and "social constructionist communication-promulgators."³⁴⁶ ⁴⁷ These facets are discussed in detail below.

³⁷ *Id.*

³⁸ *Id.*

³⁹ See William Corsaro, *Interpretive Reproduction in Children's Play*, 4(4) AMERICAN J. OF PLAY 488-504 (2012).

⁴⁰ An example of this is Fortnite.

⁴¹ Examples of such regulators are the Ministry of Electronics and Information Technology ("MeitY") and the Ministry of Women and Child Development.

⁴² Gitte Stald, *Children as digital rights agents*, IAMCR CONFERENCE ON CHILDREN'S AND YOUNG PEOPLE'S RIGHTS IN THE DIGITAL AGE (26-27 July, 2016).

⁴³ This is insofar as they access prior generated knowledge in virtual spaces.

⁴⁴ For instance, this can be seen whilst utilizing SNS and engaging in e-retail transactions.

⁴⁵ This is visible whilst engaging in online interaction in simulation-gaming and music-streaming websites.

⁴⁶ This is seen whilst engendering content-production such as blogging, Instagramming, Snapchatting, etc.

⁴⁷ Uwe Hasebrink and Claudia Lampert, *Content, contract, contact, conduct: translating a risks and opportunities classification into a children's rights framework*, IAMCR Conference on Children's and Young People's Rights in The Digital Age (26-27 July, 2016).

While the UNCRC was formulated in an era when VCD was not at the forefront of deliberations on children's rights, this paper seeks to demonstrate its continued relevance, as a starting point for undertaking meaningful and fruitful realization of children's rights in digital spaces.⁴⁸ The following parts thus seek to analyse the potential of, and key legal and policy calibrations required in, adapting and supplementing its rights-frameworks to effectuate children's rights in virtual polities.

III. RE-IMAGINING CHILDREN'S PARTICIPATION RIGHTS IN DIGITAL SPACES

Article 12 of the UNCRC ensconces one of the most remarkably distinctive rights accorded by this text to children. As the General Comment No. 12 (2009) on "*the right of the child to be heard*" recognizes, by mandating States to enable children with requisite maturity and capability for forming their own ideas and opinions, to voice these without inhibition in "*all matters affecting*" them,⁴⁹ Article 12 proffers a general principle, a core fulcrum and a broad mandate for empowering children to actively interact, engage and create communities where their voices are heard and their views acted upon.⁵⁰ This inclusive mandate thus enables children to push for more political participation not only in conventional brick-and-mortar legislation-processes, by for instance organizing youth parliaments; but also for engaging in meaningful advocacy and praxis with respect to VCDs.

For instance, certain core facets of the "right to be heard" as recognized by the aforementioned General Comment,⁵¹ may be extended and effectuated by concerted actions of State and non-State actors (as a best practice), to give full meaning to the ripe potential of children's participation in VCDs. Thus, the creation of a technocratic milieu where children are encouraged to liberally exercise their participation rights⁵² may entail re-programming proclivities of an adult-dominated society to ignore children's views in relation to thorny issues of Internet-access and cyber-security. As the General Comment postulates, incorporating children's perspectives and experiences can contribute towards more holistic formulation, implementation and assessment of laws

⁴⁸ Sonia Livingstone & Brian O'Neill, *Children's Rights Online: Challenges, Dilemmas and Emerging Directions* in MINDING MINORS WANDERING THE WEB: REGULATING ONLINE CHILD SAFETY (S. van der Hof, B. van den Berg, & B. Schermer, eds.) 22-34 (2014).

⁴⁹ UNITED NATIONS, COMMITTEE ON THE RIGHTS OF THE CHILD (FIFTY-FIRST SESSION), *General Comment No. 12 (2009): The right of the child to be heard*, CRC/C/GC/12 (July 1, 2009) [hereinafter "UNCRC GC 12"].

⁵⁰ Aisling Parkes, CHILDREN AND INTERNATIONAL HUMAN RIGHTS LAW 23-24 (2013).

⁵¹ UNCRC GC 12, *supra* note 49, Part III.

⁵² *Id.*, Point 11.

and policies.⁵³ Thus, for instance, the blanket ban hastily imposed on installation and use of the TikTok app by the Madras High Court, owing to concerns regarding its misuse as a breeding-ground for paedophilia as also for inimically affecting cyber-safety of children, which was later overturned by the court upon recognizing concerns regarding chilling effect on users' freedom of speech,⁵⁴ illustrates the depredatory impacts of excluding children from adult-led conversations, policies and decisions in VCDs. While the incorporation of children's voices in such a VCD does not guarantee that such hegemonic decision-making will no longer continue, the embracing of a diverse set of stakeholders could have alerted the court to the nature of the issue being more policy-oriented,⁵⁵ involving intricate negotiations between children's protection rights vis-à-vis participation rights of both children and adults, and thus potentially leading it to more appropriately relegate it to the policy-making and law-making domain, rather than misguidedly attempting to impose an indiscriminate and short-sighted ban. Such prudent and judicious deliberation would also have been in line with the significant normative recognition of the aforementioned General Comment that espousing children's participation rights should not be a solitary token exercise, but a continual "intense exchange" at all levels of "policies, programmes and measures" affecting their lives and well-being,⁵⁶ consequently mandating children's participation as a default non-negotiable element of all such processes, rather than as a half-forgotten afterthought.

Drawing from what Aisling Parkes notes as one of the most fitting participation-paradigms in the modern era,⁵⁷ this paper espouses Laura Lundy's model of child participation which seeks to conceptualise children's participation rights, as enshrined in Article 12 of the UNCRC, in terms of four core elements: *space* -affording children the fullest scope and security to express their views freely; *voice* - enabling and empowering children to give fullest expression to their perspectives and viewpoints without fear of being excluded or undermined simply because they do not accord with adults' views; *audience* -enabling children to access the widest audiences, polities and constituencies to ensure that their "right to be heard" is meaningfully achieved; and *influence* -ensuring that the views of children thus expression have tangible impact and are materially considered by the stakeholders involved, and are actuated by the decision-making authorities where relevant and appropriate, as consensually

⁵³ *Id.*, Point 12.

⁵⁴ Megha Mandavia & Anandi Chandrashekhar, *Madras High Court lifts ban on TikTok*, THE ECONOMIC TIMES, <<https://economictimes.indiatimes.com/tech/internet/madras-high-court-lifts-ban-on-tiktok/articleshow/69027422.cms?from=mdr>> (accessed August 5, 2019).

⁵⁵ *Id.*

⁵⁶ UNCRC GC 12, *supra* note 49, Point 13.

⁵⁷ See Aisling Parkes, CHILDREN AND INTERNATIONAL HUMAN RIGHTS LAW 23-24 (2013).

decided.⁵⁸ Adapting Lundy's model to digital contexts, digital-governance discourses must deploy the unique, age-blind, democratic nature of the Internet to enhance children's participation rights online. Thus, the Internet can afford children new transnational public 'spaces' for formation and expression of their views online ('voice'), for disseminating their ideas through digital media ('audience') and asserting and exercising their agency as "virtual-citizens" in their own right ('influence') without discrimination. Rather than adopting overtly hierarchical and formalistic participation-frameworks,⁵⁹ it is critical that relational, grassroots participation models are adopted, which acknowledge social and demographic inequities that inhibit children's participation, and which foster diversity in children's everyday lived experiences of navigating the Internet.⁶⁰

For instance, Rangaswamy et al. emphasise the ingenuity of ICT-deployments by adolescent urban slum-inhabitants in Hyderabad, as a fitting exemplification of the beneficial impacts of fostering children's participation rights in digital spaces.⁶¹ Thus, while these adolescents adopted *preliminary* ("thin") *Internet-access* as a portal for primarily escapist-entertainment, they also utilized such Internet-access to gradually forge empowered and aspirational ("thick") digital-connectivity-engagements.⁶² For instance, the profusion in low-cost mobile phones in the locality, and ease of access to the Internet owing to competitively priced mobile-data packs, enabled youths in the area to explore entrepreneurial avenues and revenue-streams such as establishing "street-startups" for trading in such mobile devices and connectivity plans. Moreover, the spectrum of options available for customizing device settings and mobile apps in vernacular languages enabled teenagers to make a foray in a hitherto inaccessible realm of political participation - i.e. Virtual-Citizenship discourses - by directly engaging with regional political leaders so as to attract their attention to oft-ignored community-issues through viral tweeting. These exemplify the extent to which digital-connectivity engagements have enriched and augmented the social, economic and political participation of these adolescents and youths.

Moreover, the potential of digital-media for digitally connecting pluralistic publics, for enriching civic-engagement, and new, postmodern forms

⁵⁸ Laura Lundy, *Voice is not enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child*, 33(6) BRIT. EDU.RES. J. 927-42 (2007).

⁵⁹ See Roger Hart, *Children's Participation: From Tokenism to Citizenship*, UNICEF (1992).

⁶⁰ Deirdre Hogan et al., *Children's participation: moving from the performative to the social*, 15 CHILDREN'S GEOGRAPHIES 275-280 (2016).

⁶¹ Nimmi Rangaswamy et al., *Anthropology, Development, and ICTs: Slums, Youth, and the Mobile Internet in Urban India*, 9(2) ICTD 51-63 (2012).

⁶² *Id.*

of Habermasian deliberative-democracies,⁶³ must be actuated.⁶⁴ Such a discourse-theoretic necessitates jettisoning children's exclusion from opaque, obscure statute-enactment processes, so as to enable children to participate in inclusive, transparent law-making and policy-making discourses.⁶⁵ Thus, consensus-mobilization through online-petition-circulations has invigorated children's digital rights-agency. For example, after a six-year old's rape by a teacher in a school in Karnataka, an overwhelming number of teenagers signed a 2014 Change.org petition demanding child-safety guidelines for educational-institutions, which were speedily effectuated as norms by the state-government.⁶⁶ This illustrates the rich texture and meaning that children's participation rights in digital spaces can attain,⁶⁷ should they be afforded requisite space, voice, choice and influence to do so.⁶⁸

Similarly, the policy insights from the micro-context of the "living-laboratory" experiment undertaken by the 'Young & Well Co-operative Research Centre' can be applied to broader modern democratic regulatory paradigms as well.⁶⁹ This Australian-based international research centre⁷⁰ -which undertakes long-term collaborative partnerships with over seventy-five partner organizations, across industry, policy, academic and governmental sectors so as to evolve creative solutions to intergenerational issues inhibiting the social, political, economic and cultural emancipation of youth- co-instituted the longitudinal Young and Resilient Living Lab to *inter alia* promote children's inclusion, safety and participation in digital spaces.⁷¹ Thus, in one of the "living-laboratory" experiments on online safety, the adolescent-participants were endowed with relatively high autonomy and "generagency"⁷² in devising, agenda-setting

⁶³ Jürgen Habermas, BETWEEN FACTS AND NORMS: CONTRIBUTIONS TO A DISCOURSE THEORY OF LAW AND DEMOCRACY 25-175 (1998).

⁶⁴ Regina Kreide, *Digital spaces, public places and communicative power: In defense of deliberative democracy* in PHILOSOPHY AND SOCIAL CRITICISM 1-11 (2016).

⁶⁵ *Id.*

⁶⁶ See KOER, *Guidelines issued by Bangalore Police to all Schools* (2014); DipankarSarkar, *What Change.org tells us about India*, LIVEMINT (June 17, 2016).

⁶⁷ An example of this is their right to participate in political discourses and demand civic-political change (be it through the mode of online petitions, child parliaments, etc.).

⁶⁸ This would be in accordance with the aforementioned model proposed by Lundy.

⁶⁹ Collin & Third, *supra* note 26.

⁷⁰ See WESTERN SYDNEY UNIVERSITY (INSTITUTE FOR CULTURE AND SOCIETY), *Young and Well Cooperative Research Centre*, <<https://www.westernsydney.edu.au/ics/research/projects/yaw-crc>> (accessed August 5, 2019).

⁷¹ FUTURE-MAKERS *Young People and Digital Technologies: Finding a Common Domain*, July 2018, <https://www.westernsydney.edu.au/__data/assets/pdf_file/0004/1451641/10_Digital_technologies_and_the_Young.pdf> accessed August 5, 2019.

⁷² MADELEINE LEONARD, THE SOCIOLOGY OF CHILDREN, CHILDHOOD AND GENERATION, Ch.5 (2015). As a portmanteau of the words "gener" (i.e. structural order of "generations" and hierarchical relationships therein, denoting the static aspect) and "agency" (i.e. children's capabilities, autonomy and independence to carve out their own spaces and create and constitute norms, culture and expression, denoting the dynamic aspect), "generagency" suggests that children do not merely reproduce and blindly imitate the norms, behaviour and cultural expressions of

and presenting modules on SNS cyber-safety strategies, to a group of parental-participants.⁷³ This enabled a wide spectrum of reciprocal thought-production, view-formation and attitude-reshaping amongst the participants, as contrasted with didactic lectures on the risks of virtual spaces, which tend to dominate conventional pedagogic and State rhetoric.⁷⁴ Thus, the adolescent-initiated, bottom-up, grassroots, shared deliberations led to dispelling and recasting of parents' prevalent misapprehensions regarding use of digital media, and their proclivities to obviate children's agency in utilizing virtual-security ICTs themselves.⁷⁵ Such research demonstrates the imperative for actuating child-participation in wider contexts, so as to facilitate better synergies in oft-conflicting paradigms of children's protection and participation rights. Thus, for instance, a holistic, symbiotic rapprochement between children and parents, regulators, cyber-safety experts and other adult stakeholders involved, regarding the benefits and dangers of online gaming cultures, can be effectuated. This enables delineation of more inclusive-cum-effective MMORPG user-policies, which simultaneously safeguard child-users' privacy and participation-rights. Such rapprochement can also prove useful for child-friendly negotiation of child-specific cyber-security policies framed by regulators such as the Ministry of Electronics and Information Technology, as discussed in Part II of this paper.

Article 12,⁷⁶ read with Article 17 of the CRC,⁷⁷ has significant participation-rights-bolstering implications, especially for children from marginalized diasporas. Evidence shows that utilisation of digital-databases and virtual-knowledge-resources empower refugee-children in multitudinous ways.⁷⁸ These enable such children to research, educate and understand their

adults as percolating through generational structures, but also actively decide which of these to imbibe, as also to create and innovate their own peer culture/other cultures through distinctive interpretive processes.

⁷³ Collin & Third, *supra* note 26.

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ UNCRC, Art.12 (*Respect for the views of the child*): "1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. 2. For this purpose the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law."

⁷⁷ UNCRC, Art.17 (*Access to information; mass media*): "Children have the right to get information that is important to their health and well-being. Governments should encourage mass media – radio, television, newspapers and Internet content sources – to provide information that children can understand and to not promote materials that could harm children. Mass media should particularly be encouraged to supply information in languages that minority and indigenous children can understand. Children should also have access to children's books."

⁷⁸ Lisa Trujillo, *Contextualizing Voice in Refugee Youth Research*, MEDIENIMPULSE-ONLINE, BMB No.3/2017 (2017).

rights, and to thus more effectively navigate hostile nationality and citizenship-grant processes in alien milieus, in their own language (e.g. using Google-Translate).⁷⁹ Similarly, such digital tools can help them adapt to and evolve new educational and socio-political-economic contexts.⁸⁰ For instance, refugee children have used digital spaces to problematize their homogenous, cliché, hackneyed depictions/representations in mainstream-discourses, by blogging unmediated personal accounts, memories and experiences online.⁸¹ They have resisted against authority-abuses by social-workers and hegemonic State-structures through live-tweeting, Insta Story-streaming, and utilizing other digital mediums that can reach millions at the same time, to share their experiences, thus availing of new avenues for realizing their right to be heard.⁸² However, at the interstices of multiple axes of social disadvantage, for instance in the case of refugee-children with disabilities, the potential of ICT-advancements in overcoming States' institutional disenfranchisement of, and refusal to extend assistive health-care services to such children, remains yet untapped.⁸³

A holistic realization of child-participation rights in this sphere also entails deconstruction of notions of neutrality, freedom and unfettered democracy typically associated with cyberspaces.⁸⁴ Although Internet-access facilitates wider collective-formation processes, consensus-building, etc., SNS still remain pervasively by-products of refashioned global knowledge-mercantilist, neo-capitalistic and hegemonic political interests.⁸⁵ This has been argued to inhibit authentic activism and free participation of individuals who hold and express truly subversive and non-conforming political beliefs.⁸⁶ For instance, research shows that the contestations in reinforcement of information-bias by “alternative-facts” in a post-truth cultural-landscape, has depredated *inter alia* U.S. adolescents' meaningful access to non-partisan political information and civic-participation.⁸⁷ Similarly, digital-media framings are often coloured by strategic profit-driven interests. This is evinced from the ostensible willingness of teen-fashion brands such as H&M, Brandy Melville to employ plus-size teenage models in opportune social-media publicity campaigns and vacuously co-opt #Body Positivity tags to connect with younger audiences online; whilst continuing to resist allowing such models to participate in mainstream

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ Meryl Alper, *Digital technology and rights in the lives of children with disabilities*, 19(5) *NEW MEDIA & SOC.* 726-740 (2017).

⁸⁴ Marlia Banning, *Shared Entanglements- Web 2.0, Info-liberalism and digital-sharing*, 19 *INFO. COMM.& SOC.* 490-500 (2015).

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ Jay Owens, *The Age of Post-Authenticity and the Ironic Truths of Meme Culture*, *MEDIUM* (2018).

adult-dominated fashion-shows.⁸⁸ These show that the attainment and realization of children's participation rights in digital spaces are fraught with multifarious nuanced challenges, which may undermine the tenor and texture of the full spectrum of their digital freedoms and rights. Consequently, concerted regulatory and policy measures are necessary to ensure that children's agency to demand accountability and transparency from a variety of State and non-State stakeholders impinging upon their rights, is adequately fostered.

Similarly, the aftermath of the pervasive criminalization rhetoric surrounding IPR-discourses in the Global North- as evinced from the deliberations on, and the text of the Anti-Counterfeiting Trade Agreement⁸⁹-on children's digital participation is yet to be interrogated. This is particularly true of the overeager haste with which developed countries have sought to attribute criminal liability to private behemoth ISPs for hosting copyright-infringing content online, in *inter alia* Article 23 of the ACTA.⁹⁰ However, what remains completely ignored in such neo-mercantilist discourses bent on criminalizing violations of intellectual property rights, is the deleterious ripple effects of such punitive sanctions on children's digital participation and content-creation. The lack of a nuanced approach towards balancing the protection of IP-holders' rights, with ingenuity of ideas, innovations, inventions, and freedom of expression, has led treaty-regimes such as ACTA to mandate ISPs to disclose Internet-subscribers' personal data in case of alleged IPR-violations, to impose criminal sanctions, and to even suspend Internet-access in case of unrelated and remote IPR-transgressions, even though such infringements lead to no concomitant financial gain.⁹¹ The chilling effect of such criminalization rhetoric results in pre-emptive take down of digital content with even a sliver of copyrighted-information, by ISPs which act as primary gatekeepers to Internet access.⁹² Compounded by the dearth of initiatives by State and non-State actors to spread awareness about and educate young users about the significance of IPRs, children thus find themselves at the short end of the stick whilst engaging in legitimate participative practices online,⁹³ as they are now rendered susceptible to pervasive State control and non-State ISP-interventions, without being equipped with the tools necessary to interrogate and defend against such practices.⁹⁴

⁸⁸ Lauren Peters, *When Brands use Plus-Size Models and don't make Plus-Size Clothes*, Vox (2018). This is because in such fashion shows, proponents of dominant, adult-centred notions of classical beauty are the target-audience.

⁸⁹ Opened for signature May 1, 2011, 50 I.L.M. 243 (2011).

⁹⁰ See Kimberlee Weatherall, *Politics, Compromise, Text and the Failures of the Anti-Counterfeiting Trade Agreement*, 33 Sydney L. Rev. 229 (2011).

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*; This can be seen right from converting YouTube music-covers to mp3-formats, to content-creation on personal SNS profiles shared privately amongst friends

⁹⁴ *Id.*

The clear privileging of hegemonic capitalism in the IPR-regime thus risks immense denudation of their right to participate in digital cultural life (CRC, Article 31) and to access online educational tools (Article 28). As held by the Indian SC in *Myspace v. Super Cassettes Industries Ltd.*⁹⁵ if the ISPs are vested with wide-ranging powers of filtering out IP-infringing content,⁹⁶ or if they are foisted with the liability for hosting such content, such sanctioning of privatized censorship may oft-lead the ISP to over zealously take down all such materials ostensibly containing even a whiff of IP-infringing content, so as to avoid facing liability and burden some litigation. Such privatized censorship thus denigrates the quintessence of constitutionally guaranteed freedom of speech and expression. Consequently, it is essential that the best interests of children (Article 3) be effectuated in restraining the over broad regulatory sweep of private-ISPs and consequent chilling effect on children's online freedom of expression (Article 13). Furthermore, drawing from the unequivocal espousal of informational privacy in *K.S. Puttaswamy. Union of India*,⁹⁷ it is essential that Internet-governance regimes afford due credence to digital spaces' imbricate capacities⁹⁸ to facilitate independent expression and consummation of children's digital-selves. Consequently, overbroad provisions such as those in ACTA which extensively encourage ISPs to share personal information of users and subscribers with governmental authorities in cases of alleged-IPR violations even where no commercial loss or gain is involved, must be wholly eschewed so as to uphold the sanctity of children's digital-privacy (Article 16). While these multifarious facets of children's digital-rights, inveigled by narrow parochial legal regimes are discussed in more detail in the following parts, the foregoing analysis is undertaken to demonstrate the domino effect of inhibition of these rights in curtailing children's participation-rights as well.

IV. CONCEPTUALISING CHILDREN'S PROVISION, SURVIVAL AND DEVELOPMENTAL RIGHTS IN DIGITAL SPACES

Re-imagining children's "provision" rights ensconced in the CRC in light of the distinctive contexts of digital spaces, it is possible to enumerate certain key rights as follows. These may typically involve children's rights to uninhibited access to ICTs and digital-resources requisite for their survival, development and maintaining living-standards (Article 6). Rights of children from minority and indigenous communities to access context-specific information, and to

⁹⁵ *Myspace Inc. v. Super Cassettes Industries Ltd.*, 2016 SCC OnLine Del 6382.

⁹⁶ This includes for example, posts by unsuspecting children on private SNS profiles containing IP-infringing content as discussed above.

⁹⁷ *Id.*; (2019) 1 SCC 1.

⁹⁸ As discussed in Part I of this paper, digital spaces offer hitherto unprecedented access to transnational, unfettered digital spaces for forming and expressing identity, views and cultural selves.

enjoy autochthonous cultures, practise religious, ethno-linguistic and cultural freedoms (Articles 17 and 30), must be protected. Such provision rights may also include children's rights to be cognizant of and to preserve their identities, names, familial-connections (Article 8). Moreover, the rights of child-victims to access rehabilitative and reintegration measures promoting their well-being, self-esteem and sense of dignity (Article 39), etc. must be fostered.⁹⁹ Furthermore, children's developmental and provision rights to education, play and leisure promoting their personality-development and self-actualization (Articles 28, 29 and 31) must be safeguarded. Thus, education and awareness about holistic digital practices is critical to fostering children's digital provision rights, so that their participation in VCDs and engagement with digital spaces is actuated in a more positive direction and productive manner. As the General Comment No. 1 on "The Aims of Education" in relation to Article 29(1) of the UNCRC notes, the *raison d'être* of education is *inter alia* fructifying the immense potential reposed in children's capabilities and personalities, and promoting values of harmony, peace and tolerance among these citizens of the polity.¹⁰⁰

One practical application of such approach is framing dynamic curriculum that incorporates techno-linguistic vocabulary relevant and known to modern-age children and educates children about the benefits and dangers of the Internet in a non-patronizing, more inclusive manner.¹⁰¹ This can not only increase the appeal and resonance of the curriculum, but also enable children to avoid blind reproduction of harmful behaviours they may observe, both in online and offline spaces.¹⁰² Instead of mundane cyber-security modules with little ground-level connection to the challenges children may face in their everyday praxis of "doing-the-Internet", it would be more holistic to initiate and maintain child-friendly dialogues both in formalistic pedagogic and non-pedagogic educational settings.¹⁰³ This would bolster children's confidence in being perceived as equals rather than the voiceless constituents they have hitherto remained, and would far more effectively realize the aims of cyber-safety education in rendering children consciously and proactively willing to refuse to engage in risky and abusive behaviours online, such as cyber-trolling, cyber-bullying etc.¹⁰⁴ Digital literacy and education hence constitute a core element of building children's resilience towards resisting cyber-violence, both as

⁹⁹ Livingstone et al., *supra* note 3.

¹⁰⁰ UNITED NATIONS, COMMITTEE ON THE RIGHTS OF THE CHILD, *General Comment No. 1 (2001): Article 29(1) – The Aims of Education*, CRC/GC/2001/1, 1(April 17, 2001).

¹⁰¹ Response from the Young Scot 5Rights Youth Leadership Group in relation to the UN Committee on Rights of Child – Consultation on General Comment on children's rights in relation to the digital environment, Pages 3-6 (March 2019), <<https://www.ohchr.org/EN/HRBodies/CRC/Pages/GCChildrensRightsRelationDigitalEnvironment.aspx>> (accessed August 8, 2019).

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.*

victims and perpetrators, and in becoming more empowered, participative citizens in navigating risks in digital spaces.¹⁰⁵ Certain key illustrative themes and issues in realizing these rights in digital spaces are discussed below.

One normative-epistemological stance found in media-studies usually frames the advent of ICT and pervasiveness of digital spaces, as inherently inimical to “happy childhoods”, since they ostensibly result in quintessential modern predicaments of consumerist self-indulgence, screen-addiction and anarchic thrill-seeking.¹⁰⁶ This is argued to exacerbate the withering away of children’s capacities to form social connections and engage in “true” intimacy in the “real world”.¹⁰⁷ However, as recent sociological and childhood studies evince, such narrow, parochial, essentialist configurations tend to ignore children’s social constructivist-capacities and quotidian acts in autonomously reclaiming and refashioning such spaces for evolving their own unique virtual-citizenship praxis.¹⁰⁸

Thus, any *a priori* adoption of a short-sighted lens towards digital-landscapes, which are viewed as precipitating children’s social exclusion and culture-degeneration, must be eschewed.¹⁰⁹ It is argued that virtual-governance discourses must first grasp the materiality of “deep-embeddedness” of ICTs and digital resources throughout modern social existence, leading to seamless digital-culture-participation that staves off neat generational-distinction markers and hierarchies.¹¹⁰ These must re-imagine digital spaces as exploratory and creative avenues for children’s interpretive-reproduction and creative-culture-production through “digital-mediaplay”.¹¹¹ Furthermore, the potential of digital spaces for developing children’s radically distinct but inter-connected digital-social selves must be recognized.¹¹² Thus, such spaces help children to transcend geographic, spatial and temporal boundaries in fructifying their aspirations and ideas; in developing cross-border social, technological and intellectual relationships; and in forming their identities and selves.¹¹³

For instance, cyber-ethnographic accounts of the lived experiences of Tumblr-users, and counter-hegemonic impulses of meme-cultures, “vines” and fandom-communities¹¹⁴, demonstrate the versatility of robust digital spac-

¹⁰⁵ *Id.*

¹⁰⁶ SUE PALMER, TOXIC CHILDHOOD 100-150 (2006); ZYGMUNT BAUZHMAN, POSTMODERNISM AND ITS DISCONTENTS 56-94 (1997).

¹⁰⁷ *Id.*

¹⁰⁸ Wilson, *supra* note 18.

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ One such fandom community is Archive of our Own.

es.¹¹⁵ In these spaces, the fluid interchange in children's digital-communicative "agentic" roles-i.e. whether in content-production, content-consumption, or content-propagation¹¹⁶ help produce new interconnectivities, fresh meanings and valued content for involved users.¹¹⁷ A befitting illustration is the upheaval caused by a teenage artist's depiction of the character of Hermione from the Harry-Potter book-series, as a person of colour on the Deviant Art website.¹¹⁸ Despite lack of textual evidence to support the "white-by-default" framing, the resistance from ostensibly progressive white fans to such intersectional feminist re-imaginings, demonstrates the complexities of *deconstruction* and *reconstruction* of echo-chambers of social discrimination, in digital spaces.¹¹⁹

This illustrates the remarkable thought-control and social pressure exerted by such digital-communities over children's identity-formation and self-representation. It furthermore indicates that even in an ostensibly egalitarian space such as the Internet, co-optation of dominant offline hierarchies and axes of social discrimination as evolved by adults, is common.¹²⁰ This has significant impacts on children's construction of their social worlds, as also their constructions of privacy insofar as they choose to remain inconspicuous or to reveal their most intimate details online.¹²¹ Thus, research shows that whilst micro-blogging on Twitter, Muslim girls from Muslim-majority States often choose to remain anonymous and not disclose their nationalities.¹²² This is because they tend to face greater prejudicial discrimination and online-hate than their counterparts from non-Muslim majority States, who are perceived to be less fundamentalist and extremist by the non-Muslim communities.¹²³ Such realities of children's digital-engagement establish the dangers of adopting a limited protectionist rhetoric whilst guaranteeing children's provision rights in digital spaces; and highlight the necessity for adopting nuanced multi-stakeholder, participatory internet-governance approaches instead.¹²⁴

The autonomy-praxis engendered by digital spaces in circumventing conventional adult-delineated limitations to social interaction,¹²⁵ thus empow-

¹¹⁵ Allison McCracken, *Tumblr Youth Subcultures and Media Engagement*, 57(1) CINEMA J. 151-160 (2017).

¹¹⁶ *Id.* Children may themselves produce such content; or be the target audience of such content; and/or propagate such content through commiserative assemblage and re-blogging.

¹¹⁷ *Id.*

¹¹⁸ Noah Berlatsky, *Harry Potter and the contradictions about racial justice*, THE GUARDIAN (December 24, 2015).

¹¹⁹ *Id.*

¹²⁰ Rosemary Pennington, *Social media as third spaces? Exploring Muslim identity*, 80(7) THE INT'L COMM. GAZETTE 622-634 (2018).

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.*

¹²⁴ Livingstone et al., *supra* note 3.

¹²⁵ *Id.* These limitations are especially prevalent in familial, pedagogic and conventional public settings.

ers children, especially from marginalized contexts, in a variety of ways.¹²⁶ These include enabling children to develop intimacy and social-cultural capital on their own terms; to articulate their digital-dignity in a relational ethic-of-care; and to freely participate in digital-socio-cultural life.¹²⁷ These exercises aid children in realizing their provision-rights with a degree of holistic efficacy which they would be unable to undertake offline.¹²⁸ Thus, studies show that children with “socio-emotional and behavioural difficulties” find it far easier to utilize therapeutic digital-resources, online gaming-worlds,¹²⁹ and music-streaming sites,¹³⁰ to forge supportive social experiences, as opposed to traditional offline pedagogic and psychotherapeutic resources.¹³¹ Early Internet-participation and concomitant exposure to virtual tools, products and services, and online-multiplayer-gaming-worlds¹³² enable better socio-cultural adjustment of global immigrant “Third-Culture-Kids” to alien contexts.¹³³ This occurs through maintenance of familiar digital-practices, attachments and online-ava-tar-identities, and opportunities for exploration of hitherto-unknown socio-cultural and geographic terrains, e.g. Foursquare City-Guides.¹³⁴

Similarly, digital spaces afford children the safe-space to securely access information about, to explore and to perform alternative identities, away from prying eyes of parents and reified hetero-normative State and school settings.¹³⁵ The ease, anonymity and privacy imbricate in accessing free online LGBT-educational tools and resources have proved especially significant. Instances include the highly user-friendly Trans-Student Educational Resources website; several free LGBT-focused healthcare-information modules available on YouTube; Tumblr “safe-spaces” which enable community-wide discussion of lived experiences of LGBT youth; the Queer Eye TV-series streaming on Netflix; etc.¹³⁶ These have led LGBT youth to utilize such ICTs to develop positive self-representations; to form “empathetic interest-driven subcultures”; to engage freely in both identity-deconstruction and identity-formation; and to redefine terms of civic-participation.¹³⁷ Thus for instance, LGBT teenagers in the U.S.A. undertook a leading, active role in online political campaigning on

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ Examples are Second Life and the Sims.

¹³⁰ Examples are SoundCloud, and Spotify.

¹³¹ Wilson, *supra* note 18.

¹³² Some online multiplayer gaming worlds are Club-Penguin, Webkinz, etc.

¹³³ Jeanette Hannaford & Catherine Beavis, *When will the Internet be connected? Digital worlds and belonging in the lives of globally mobile children*, 52(1) LITERACY UKLA 47-50 (2018).

¹³⁴ *Id.*

¹³⁵ Kay Siebler, *Transgender Transitions: Sex/Gender Binaries in the Digital Age*, 16 J. OF GAY & LESBIAN MENTAL HEALTH 75-88 (2012).

¹³⁶ Jacob Pitre, *I Think We Made Something Entirely New: Steven Universe, Tumblr Fandom and Queer Fluidity* (Master’s Thesis, Carlton University) 68-84 (2018).

¹³⁷ *Id.*

SNS for recognition of the fundamental right of same-sex couples to marry.¹³⁸ Such digital “queering” of “wokeness” helps in combating LGBT children’s erasure in mainstream discourses.¹³⁹ It also enables resistance against their subjugation through antiquated hetero-normative regulatory-structures, and engenders realization of their participation and provision rights.¹⁴⁰

While the foregoing analysis demonstrates the critical importance for recognizing digital-developmental rights of children, it must be noted that in certain Global South diasporas, such discourses need to first address the grave inequities in even accessing the primary entry-point to digital spaces through ICTs.¹⁴¹ As a 2017 UNICEF Report shows, the digital-divide between the Global North and the Global South has exacerbated extant socio-economic and developmental inequalities, and has led to near-complete digital exclusion of children in the latter.¹⁴² For instance, nearly 60% of African children do not have Internet-access, as compared with only 4% in the corresponding demographic in Europe.¹⁴³ Such digital-divides are further compounded by the replication of socio-economic-cultural discrimination-axes across digital spaces, as can be seen from the fact that women constitute only 1/3rd of Indian internet-users.¹⁴⁴ Children in such developing and underdeveloped States are uniquely placed as stakeholders who most urgently require, and have the capability of utilising ICTs to their greatest advantage.¹⁴⁵ Yet, owing to such digital-divide and disparities in Internet-access, they are systemically deprived of their aforementioned developmental, provision, and education rights.¹⁴⁶ This deprivation has comparable disempowering effects in today’s information-economies, akin to prohibitions on land-ownership in the agrarian era.¹⁴⁷

For instance, the inclusion of dynamic business-studies course-modules in Indian school-curricula has been hailed as a progressive step towards instilling India’s distinctive “start-up culture” in its youth.¹⁴⁸ However, several Indian teenage inventors and app-developers note lack of accessibility to sophisticated and expensive digital-interface instrumentalities, and lack of State financial

¹³⁸ This ultimately fructified in *Obergefell v. Hodges*, 2015 SCC OnLine US SC6 : 192 L Ed 2d 609 : 576 US (2015).

¹³⁹ Andre Cavalcante, *Tumbling Into Queer Utopias and Vortexes: Experiences of LGBTQ Social Media Users on Tumblr*, 65 J. OF HOMOSEXUALITY 3-20 (2018).

¹⁴⁰ *Id.*

¹⁴¹ Assafa Endeshaw, *Intellectual Property Enforcement in Asia: A Reality Check*, 13(3) INT’L. J. OF L. & TECH. 378-412 (2005).

¹⁴² UNICEF, *The State of the World’s Children 2017: Children in a Digital World* 5(2017).

¹⁴³ *Id.*, 10-12.

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ Endeshaw, *supra* note 141.

¹⁴⁸ Vishal Dutta, *CBSE looks to open a fresh chapter on entrepreneurship*, ECONOMIC TIMES (August 28, 2017).

support for utilising the same, especially where their Western counterparts typically consider such support as a non-negotiable and assured requisite, to be important factors inhibiting actuation of their entrepreneurial spirit and potential.¹⁴⁹ From the inter sectional standpoint, a common theme underlying the interviews of Indian teenage girls at the frontier of digital innovation, is the intermingling of axes of race, gender, class and age-discrimination that undermines their digital-citizenship rights. This may be abstracted from the views of the 16-year old Harshita Arora who developed a highly regarded crypto-currency value-admeasuring app, hailing from an affluent, urban community;¹⁵⁰ as also from the standpoint of the group of teenage girls hailing from the Dharavi slum, who invented autochthonous mobile-apps for pre-programmed distress calls for women in emergencies.¹⁵¹ Such compounding discrimination and disadvantage produce further socio-technocratic barriers to their earning due credit for their innovations, such as unwarranted scepticism and dubiousness of parents, elders and adult-inventors in the local community.¹⁵² These also escalate to unfounded accusations of misappropriation and plagiarism, as also vicious abuse by First-World adults dominating online forums, who typically constitute leading voices in adjudging such innovations.¹⁵³ Thus, the general principle of non-discrimination enshrined in the CRC (Article 2) must be implemented to remedy both formal and substantive inequalities in access and use of ICTs by children in distinctive socio-cultural-political contexts, so as to fortify their developmental rights.

Consequently, it is necessary to move beyond rudimentary binaries of digital-divides, which are limited only to evaluating basic Internet-access and ICT-uptake.¹⁵⁴ Rather, it is necessary to comprehensively assess the acclimation potential of such marginalized States in leveraging such digital spaces to the fullest benefit of their citizens.¹⁵⁵ For instance, expeditious ICT-developments in innovating assistive virtual-aids, synthesized voice-to-text functionalities and GPS-aided mobility, tailored to persons with disabilities, have been undertaken in recent times. Yet data evinces that barely 15% of children and adults with disabilities in Global South countries are institutionally and “technocratically” equipped to effectively deploy such assistive ICTs for digital-citizenship,

¹⁴⁹ See e.g. Prانبिहंगा Borzupari & Ashutosh Bhattacharya, *India's youngest app developers Shravan & Sanjay Kumaran shows us how to hustle*, ECONOMIC TIMES (January 21, 2016); Sam Stalin, *14 year old Chennai boy who won an MIT award last year develops i-Safe app* (January 29, 2014).

¹⁵⁰ Jamie Redman, *This 16-year old Crpto-App Developer Fights Back against Reddit Hate*, NEWS.BITCOIN.COM (February 12, 2018).

¹⁵¹ Sarah Ruiz-Grossman, *Teen Girls Create Apps To Tackle Gender Violence, Clean Water Access In India Slum*, HUFFPOST (May 11, 2016).

¹⁵² *Supra* notes 135 and 136.

¹⁵³ *Id.*

¹⁵⁴ Endeshaw, *supra* note 141.

¹⁵⁵ *Id.*

participation and development.¹⁵⁶ Thus, instead of undertaking merely quantitative studies on the number of computers that children have access to in schools, it is necessary to conduct deeper qualitative investigations into the computers' interoperability and concomitant intermediation of children's utilisation of the digital-device.¹⁵⁷ Such intermediation can occur due to multifarious socio-political, economic-institutional and individual factors, such as digital-literacy levels, class, culture, skills, individual's own barriers to adjust to avant-garde ICTs owing to a disability, and overarching techno-governance structures and relevant legal barriers.¹⁵⁸ This helps explain the wide gap in official-estimates lauding widespread numerical percolation of "Aakash tablets" in Indian schools, and the widespread public critiques of its lack of technical sophistication, user-friendliness and comport with children's digital-development needs.¹⁵⁹ Focused educational interventions, pedagogical-training, and equipping children with both information and skills to navigate the Internet, can help bridge such gaps and effectuate their provision-rights in digital spaces.

V. RE-INVIGORATING CHILDREN'S PROTECTION RIGHTS IN DIGITAL SPACES

A re-reading of children's protection rights enshrined in the UNCRC for adaptation to digital spaces would typically involve the assurance of rights including the right against online and offline discrimination (Article 2).¹⁶⁰ As a complement to the positive facet of informational privacy discussed above, such rights-repertoire should also include right to protection from unreasonable and illegal transgressions on children's digital privacy and reputation (Article 16); and safeguarding against information and content depredatory of their well-being and best interests (Article 17 read with Article 3).¹⁶¹ Furthermore, such protection rights should entail rights to protection from all conjugations of physical and psychological violence, abuse, neglect, torture, cruel, inhuman and degrading treatment/punishment (Articles 19 and 37).¹⁶² Particularly, these should involve protection from sexual exploitation, abuse and trafficking perpetuated through online-pornography, coercing children into prostitution and engaging in other illegal sexual practices (Articles 34 and 35 read with the 'Optional Protocol to the UNCRC on the Sale of Children, Child Prostitution

¹⁵⁶ Meryl Alper, *Digital technology and rights in the lives of children with disabilities*, 19(5) NEW MEDIA & SOC. 726-740 (2017).

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ See Prasanto Roy, *Why India's Cheap Tablet may not work out*, CIOL NETWORK-PCQUEST (2011).

¹⁶⁰ Livingstone et al., *supra* note 3.

¹⁶¹ *Id.*

¹⁶² *Id.*

and Child Pornography').¹⁶³ When formulated in an all-encompassing manner, such rights-repertoire should include protection from all other exploitative acts impinging on children's welfare (Article 36).¹⁶⁴

The foregoing analysis has demonstrated the dangers of privileging mainstream child-protection rights-discourses over largely ignored child-participation and provision rights-discourses. Nonetheless, it is an inescapable axiom of modern digital existence that significant risks and threats in these spaces which render children especially vulnerable, indubitably exist.¹⁶⁵ Consequently, proposals for proffering more nuanced, calibrated protection-rights frameworks in digital spaces are sought to be hereinafter examined.

Digital-risks necessitating children's protection, as enumerated in Part II above, can be broadly classified into content-risks,¹⁶⁶ contact-risks,¹⁶⁷ and conduct-risks.¹⁶⁸ Socio-cultural and demographic factors mediate experiences of such risks. Research shows that older boys are likelier to engage in the most significant conduct-risks of meeting online strangers offline, etc., while older girls typically tend to be the most common targets of content-risks.¹⁶⁹ Particularly, in child-protection contexts, online risks appear to be inextricably intertwined with offline abuse, leading to multiplicities of harms caused to children.¹⁷⁰

Nonetheless, narrow, invidious protectionist conceptualizations of digital spaces that completely ban children's digital participation must be eschewed.¹⁷¹ These are blind to the reality of ICTs' embedded socio-technocratic rootedness in sociality-production.¹⁷² Furthermore, these frameworks unwarrantedly foreclose children's autonomous cyber-safety risk-management practices, in critically adjudging harm-prospects and hazard-magnitude, in logical decision-making whether to accept and engage with such risks, and in addressing and reducing such risks over time.¹⁷³ Moreover, by oft-positing such protection rights of children as antithetical to adults' digital freedoms, these paradigms

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ An example of content risk is receiving unwelcome sexual advances, susceptibility to online-stalking.

¹⁶⁷ An example of contact risk is susceptibility to online-grooming, data-protection transgressions through unwitting visits to spam websites).

¹⁶⁸ An example of conduct risk is engaging in cyber-bullying, generating and downloading online child pornographic materials themselves). See Elisabeth Staksrud et al., *Children and online risk: powerless victims or resourceful participants?* LSE RESEARCH-ONLINE 5-10 (2009).

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ *Id.*

lead to redundant trade-offs and undue curtailments of both groups' rights in digital spaces.¹⁷⁴ It is only through children's judicious, balanced, prudent exposure to digital spaces; and through learning from their personal individualized experiences in negotiating with the hazards therein; that they can develop the critical risk-resilience capabilities to effectively deal with such hazards.¹⁷⁵ This also helps train them in taking optimal self-reflexive measures to protect themselves in adulthood as well, and in reducing their fears and anxieties associated with Internet-use.¹⁷⁶

In the Indian context, while a plethora of disaggregated cyber-safety legislations and policies exist, inter-sectoral coordination between the relevant multiple State nodal agencies¹⁷⁷ and the establishment of dedicated monitoring-cells¹⁷⁸ are required.¹⁷⁹ For instance, at present, there is no dedicated governmental agency to undertake focused surveillance and response-management relating to Child Sexual Abuse ('CSA') online-content.¹⁸⁰ Online CSA-materials form one of the gravest online-risks to children, comprising swathes of illegal content in the dark-web, thus requiring technocratic proficiency and resources for effective redressal and prevention.¹⁸¹

Furthermore, the legal processes envisaged for institutionally addressing such content suffer from several lacunae.¹⁸² The embargo placed on police cybercrime units from suspending websites hosting such unlawful online-materials- until receipt of dual bureaucratic approvals from the DoT¹⁸³ and DEITY¹⁸⁴- inhibits speed and efficacy of State-responses to violations of children's protection-rights.¹⁸⁵ Coupled with institutional failures to mobilize public awareness of such State-modalities in the first place, such lacunae materially detract from the child-victim's willingness and ease in navigating these State-mechanisms.¹⁸⁶ In the rare instances where such offences are reported, poor justice-deliverance and low conviction-rates are exacerbated by several factors.¹⁸⁷ These include pervasive lack of cyber-forensic training of State law-enforcement officials in equitably implementing child-friendly procedures

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*; Livingstone et al., *supra* note 3.

¹⁷⁶ *Id.*

¹⁷⁷ For example, the National Technical Research Organization, the Intelligence Bureau, police cybercrime-cells. See UNICEF, *Report on Child Online Protection in India* 50-104 (2016).

¹⁷⁸ This is required so as to separately monitor the different types of digital-risks as classified above, necessitating gradation and customization of State-responses.

¹⁷⁹ UNICEF, *Report on Child Online Protection in India* 50-104 (2016).

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

¹⁸² Vakul Sharma, INFORMATION-TECHNOLOGY: LAW AND PRACTICE 56 (2011).

¹⁸³ Department of Telecommunications.

¹⁸⁴ Department of Electronics and Information Technology.

¹⁸⁵ UNICEF, *supra* note 177.

¹⁸⁶ *Id.*

¹⁸⁷ *Id.*

in consonance with the Juvenile Justice (Care and Protection) Act, 2015 and the Protection of Children from Sexual Offences Act, 2012;¹⁸⁸ dereliction in complying with evidentiary procedures, for instance, in enclosing certificates attesting authenticity of secondary digital-evidence copies (§65B of the Indian Evidence Act, 1872); etc.¹⁸⁹

Additionally, a judicial-order is required under the Information Technology Act, 2000 for removal of such CSA online-content,¹⁹⁰ which itself takes at least a week to obtain.¹⁹¹ Consequently, the timeline envisaged in this statute-to undertake final removal of such CSA and pornographic online-materials within thirty-six hours from the time of reporting the offence-remains a utopian dream in the Indian adjudicatory-setting, and further legitimizes transgression of children's guaranteed protection-rights under the CRC.¹⁹² It is recommended that in light of the grave nature of threats and denudations of the child-victim's dignity involved, such bureaucratic and judicial prerequisites for approval be instituted ex-post reporting of the offence, as a default rule (admitting exceptions on a case-by-case basis), akin to Anton Piller interlocutory orders under Order XXXIX of the Civil Procedure Code, 1908. Moreover, the limits of territorial jurisdiction and their seamless obviation by ICTs imply that where the hosting-ISP operates through foreign servers, or where routes such as live-streaming of child sexual abuse in real-time are adopted, State-mechanisms fail miserably in extending their regulatory reach to facilitate removal of such content.¹⁹³ Consequently, greater mutual collaborative information-exchanges and cooperative cyber-safety processes between States are absolutely imperative in light of the transnational nature of digital spaces.¹⁹⁴

As posited by the SC Women Lawyers Association in its intervention-application in *Kamlesh Vaswani v. Union of India*,¹⁹⁵ it is critical that highfalutin deliberations on the supremacy of rights such as freedom of speech ensconced in the Constitution, which largely centre around adults (and which led to the revocation of the ban on the ISPs hosting pornographic material besides child-pornography), must also give due credence to substantial empirical evidence and feminist critique that highlight the proclivities of such graphic content to normalize violence and abuse against children and women, typically

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*; See *Myspace Inc. v. Super Cassettes Industries Ltd.*, 2016 SCC OnLine Del 6382.

¹⁹¹ *Id.*

¹⁹² Sruti Chaganti, *Information Technology Act: Danger of Violation of Civil Rights*, 38(34) EPW 3587 (2003).

¹⁹³ Livingstone et al., *supra* note 3.

¹⁹⁴ *Id.*

¹⁹⁵ (2014) 6 SCC 705.

depicted as vulnerable and weak therein.¹⁹⁶ While initiatives such as the Cybercrime Reporting Portal set up by the Home Ministry in 2018 are laudable,¹⁹⁷ a recognition of ground-realities is required to fructify their goals. For instance, where data demonstrates that most CSA-perpetrators are familiar with the child-victims/survivors and often form part of their familial circles,¹⁹⁸ it is essential that the immense psychosocial pressure on such children to not report CSA,¹⁹⁹ online or otherwise, be recognized, despite the greater promise of anonymity reposed in digital CSA-reporting platforms. Consequently, more holistic curriculum pertaining to cyber-safety, along the lines of inclusive education and praxis as discussed in Part IV above; as well as greater number of accessible, inexpensive, child-friendly spaces for counselling and rehabilitating CSA-survivors, are necessary as bottoms-up complements to such top-down initiatives, which can *inter alia* together counter act the inexorable institutional, developmental, cultural and social forces perpetuating secondary victimization of CSA-survivors.²⁰⁰ This also demonstrates the imperative for synergizing children's protection rights with their provision rights such as right to education and healthy development, as also the need for symbiosis with their participation rights, which institutionalize a culture of "speaking up" and "demanding to be heard" among children, thus activating and stimulating their agency and capability in opposing cyber sexual abuse.

The National Cyber-Security Policy 2013 read with the National Plan of Action 2016, ensconce lofty policy-aspirations involving recasting of digital spaces as safety-nets for digital education and skill-building; augmenting children's smooth and uninhibited access to decentralized online-complaint portals in CSA cases; and improving children's access to digital de-addiction therapies.²⁰¹ Yet, ex post facto redressal rather than *a priori* prevention appear to be the thrust of these frameworks, thus detracting from fulfilment of their ambitious aims.²⁰² Consequently, capacity-building and resource-augmentation in relation to State cybercrime agencies is an inextricable corollary of actuating lofty visions of protecting children's rights in digital spaces.²⁰³

¹⁹⁶ LIVELAW, *SC Women Lawyers Association moves Apex Court seeking blocking of all Porn sites, formulation of National Policy on Pornography to curb Child Porn* (September 20, 2015), <<https://www.livelaw.in/sc-women-lawyers-association-moves-apex-court-seeking-blocking-of-all-porn-sites/>> (accessed August 8, 2019).

¹⁹⁷ Trisha Jalan, *Home Ministry launches portal to report online sexual abuse*, MEDIANAMA<<https://www.medianama.com/2018/09/223-report-abusive-content-anonymously-india-cybercrime-portal/>> (accessed August 8, 2019).

¹⁹⁸ Vikas Choudhry, *Child Sexual Abuse in India: A Systematic Review*, 13(10) PLoS ONE (2018), <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6177170/>> (accessed August 8, 2019).

¹⁹⁹ *Id.*

²⁰⁰ *Id.*

²⁰¹ UNICEF, *supra* note 177.

²⁰² *Id.*

²⁰³ *Id.*

Furthermore, extant Indian legal and policy frameworks do not comprehensively address how the dissonances between children's protection and other rights in digital spaces can be synergized.²⁰⁴ For instance, §11(vi) of the Protection of Children from Sexual Offences Act, 2012 and §67b(c) of the I-T Act together render the practice of "child grooming" illegal in India. However, difficulties exist in implementation, not simply because of the lack of explicit heuristic-formulation of the term "grooming" in either legislation.²⁰⁵ As seen in practice, it is often very complex to clearly differentiate between abusive online interactions with the objective of CSA,²⁰⁶ and bona-fide authentic conversations and connections in consonance with children's online-participation and provision rights discussed above, thus leading to potential conflicts in these rights-domains.²⁰⁷ Similarly, POCSO's outright refusal to negotiate with issues of sexual consent of children, and its concomitant overzealous attribution of criminal sanctions to children's consensual sexting and exchange of intimate "nude-selfies", raise questions of conflicts between the aforementioned rights-paradigms.²⁰⁸ Thus, such protection-rights approaches often clash with children's "positive sexual rights" to safely practise sexualities as "pleasurable aspects" of their identities, which may be envisioned within both participative and provision rights paradigms.²⁰⁹ These narrow, parochial protectionist frameworks also engender deliberations on the wisdom of such rigid criminalization, and the need for adopting more restorative counselling and guidance processes in such cases.²¹⁰ In line with such evolving understanding, the General Comment No. 20 on the implementation of the rights of the child during adolescence also acknowledges that State Parties must eschew repressive criminalization of consensual sexual activities which adolescents may engage in.²¹¹

Internet-governance discourses in India must also foster wider deliberations on the role of SNS MNCs in undermining children's digital citizenship.²¹² Where these non-State actors have violated children's rights, they must no longer be permitted to circumvent regulatory scrutiny by shifting responsibility

²⁰⁴ *Id.*

²⁰⁵ *Id.*

²⁰⁶ *Id.* Such interactions are laden with pernicious intent to reduce children's reservations so as to foster their consent and submission to CSA.

²⁰⁷ *Id.*

²⁰⁸ *Id.*

²⁰⁹ *Id.*; Sonia Livingstone & Jessica Mason, *Sexual rights and sexual risks among youth online*, LSE-ENASCO REPORT 8-12 (September 2015).

²¹⁰ *Id.*

²¹¹ United Nations Committee on the Rights of the Child, *General Comment No. 20 (2016) on the implementation of the rights of the child during adolescence*, CRC/C/GC/20, Point 40 (December 6, 2016).

²¹² Tijana Milosevic, *Social Media Companies' Cyberbullying Policies*, 10 INTL. J. OF COMM. 5165-5184 (2016).

to other actors.²¹³ Drawing from *Planned Parenthood of Central Missouri v. John C. Danforth*,²¹⁴ the constitutional right to privacy does not abruptly germinate upon attaining the age of majority- it is an everyday reality to be practised, enjoyed and jealously safeguarded. Consequently, such SNS which frequently profit from insidious corporatization of massive online data-sharing by children must concomitantly take legal responsibility for protecting children against invasions of their privacy and unauthorized data-leaks.²¹⁵ These sites and intermediaries must adopt best practices in data-protection, and must afford age-appropriate information on user-policies, so as to enable children to meaningfully exercise their capacity to consent to such services.²¹⁶

Furthermore, it is recommended that dedicated ombuds persons for monitoring and addressing cyber-risks faced by children across a range of digital spaces are appointed, so as to ensure judicious harmonization of children's protection rights with their provision and participation rights.²¹⁷ Whether it is in the realm of data-protection, social-networking, SNS-utilization, etc., the corporate social responsibility of non-State actors operating in such digital spaces towards promoting the 3 P's of children's rights as enshrined in the UNCRC, must be incentivized by the States.²¹⁸ Laws mandating the formulation of child-safety policies among e-commerce players, SNS, ISPs and other such non-State actors in digital spaces; conducting regular statutory cyber-risk audits and data-protection-compliance assessments of these actors who have unmitigated access to children's sensitive, confidential personal information online; policies enhancing inter-sectoral collaboration among such actors to monitor and report perpetrators of CSA and other forms of cyber-violence; etc. must be institutionalized.²¹⁹ These laws, policies and measures must thus be consciously and continually informed by a judicious rapprochement of children's protection, provision and participation rights in digital spaces, to fully realize the aims of a rights-based approach towards addressing the risks and challenges children face in such spaces.

²¹³ *Id.* Such circumvention may occur through several ingenious routes, be it through their utilization of AI-enabled content-filtering ecosystems, reporting-interfaces, cloud-computing database-records, or suspension of repeat-offenders' user accounts.

²¹⁴ 1976 SCC OnLine US SC 167 : 49 L Ed 2d 788 : 428 US 52 (1976).

²¹⁵ Milosevic, *supra* note 212.

²¹⁶ An example of such best practices is the norms from the 2016 EU General Data Protection Regulation; UNICEF, *supra* note 177.

²¹⁷ COUNCIL OF EUROPE, RECOMMENDATION CM/REC(2018)7 OF THE COMMITTEE OF MINISTERS, *Guidelines to respect, protect and fulfil the rights of the child in the digital environment*, 25 (July 4, 2018), <<https://childrens-rights.digital/assets/includes/sendtext.cfm?aus=4211&key=1568>> (accessed August 8, 2019).

²¹⁸ UNICEF, *Guidelines for Industry on Child Online Protection* (2015)<https://www.unicef.org/csr/files/COP_Guidelines_English.pdf> (accessed August 8, 2019).

²¹⁹ *Id.*

VI. CONCLUSION

While the analysis in this paper has been broadly divided under the 3 P's of children's rights under the UNCRC for ease of discussion, it is clear that fluid overlaps and dissonances between these rights-domains exist. These produce new sites of realization and contestations between children's various rights in digital spaces. The foregoing discussion demonstrates the need for re-imaginings of virtual spaces. These spaces have the potential for forging transnational interest-driven collectives, augmenting children's right to be heard, as well as positing new frontiers of harm and exploitation of children.

Internet-governance discourses, and law-makers and policymakers framing norms governing children's inhabitation of digital spaces, must thus acknowledge the unique role of digital spaces in fulfilling as well as undermining children's rights. Thus, the distinctive nature of the Internet in facilitating children's participative capabilities in culture-creation, sociality-production and civic engagement must be recognized. Simultaneously the reproduction of "adultistic" offline hierarchies of discrimination in these digital spaces, leading to undermining of subjectivities and generation of new sites of subjugation, must also be appreciated. Thus, such digital-governance paradigms must be judiciously and holistically calibrated to recognize not only the 3 P's of "Participation", "Provision", "Protection" and allied rights, but also the guiding principles enshrined in the UNCRC. Furthermore, these frameworks must transcend limited textual conceptualizations in the UNCRC, and comport with avant-garde frontiers of children's digital citizenship-praxis, as emerging in academic and mainstream discourses.

Thus, in macro-contexts, children's political participation and citizenship-praxis must be mandatorily fostered, so as to ensure that such digital-governance paradigms do not undermine the spectrum of their freedoms and rights as discussed above. As the foregoing analysis demonstrates, while it is certainly important to consult cyber-security experts, technocrats and other adult-stakeholders, any deliberation regarding children's digital-citizenship rights without duly according for their views, only impinges on realizing such rights. Thus, regardless of how well-meaning such a cyber-security legislation or policy measure may be, or that it may be intended for children's own protection, the full promise of such a measure cannot be achieved without fructifying children's participative stake. This is because adult-centred governance paradigms have often ignored children's agency, autonomy, creative potential and capabilities in constituting and reconstituting digital spaces for themselves. Consequently, whether in the arena of public reason and deliberation, or in more limited contexts of SNS' evolution of user-policies, etc., the overwhelming importance of children's digital-citizenship cannot and should not be denied or ignored. Rather, as demonstrated throughout this paper,

empowering children to articulate and realize such rights can enable in fulfilling the eudemonic potential of these regulatory, legal and policy exercises with regard to the polity. Furthermore, this can also enable a plethora of individualized expressions and rights-attainment in micro-contexts, which only enrich and fortify the synergy and mutual symbiosis of such measures in broader contexts.