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Protecting Children's Privacy Rights: A Preventative Measure for Suicide Among Children

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Around the World

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Article 16 of the United Nations Convention on the Rights of Child (UNCRC) broadly entitles children to protections of their privacy and reputations. Under the UNCRC, nations have pledged to uphold any protections necessary to protect children against such attacks or interference regarding their honor and reputation. Among the 196 member states of this convention, very few have specific legislation dedicated to protecting children's privacy rights. As the cyberworld has increasingly become heavily accessible to children, so has the notion that their reputation and honor revolve around how they are perceived on the internet. Nevertheless, throughout most member states, privacy legislation strictly focuses on cyber dangers regarding sexual exploitation and abuse of children. However, cyberbullying and even fraud are also cyber dangers that are increasingly common among children and are often left unaddressed by countless nations.

Data shows that many children that have committed or attempted suicide have been wholly or partly affected by cyberbullying or other influences that stem from internet activities. Current international privacy agreements and legislation within individual nations are vague about cyberbullying and protecting children's information or digital footprints. Children are susceptible to hacking, identity theft, and catfishing, which in turn can become mechanisms for cyberbullying that render a child vulnerable. This oftentimes leaves children to feel no other alternative beyond suicide. Although there are many triggers for suicide among children, the lack of effective and specific privacy laws protecting children's information and the accessibility to the cyberworld is appalling and certainly contributes to child suicide rates worldwide. Thus, this article will discuss the role the cyberworld plays in children's lives and the consequences of lax privacy laws worldwide, particularly provisions meant to protect children.

I. BACKGROUND

Early in the twenty-first century, the cyberworld became much more accessible to minors, including the use of technology in schools. In nations across the world, including the United Kingdom, United States, and Canada, many schools restricted children from using the internet at school. However, as technology became a more integrated tool not just in learning but in society, these restrictions became less stringent. Particularly during the COVID-19 pandemic, where nations worldwide were forced to shut down, the internet became the main vehicle of communication.

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Unfortunately, alongside the prevalent use of the internet among children also came dangers including identity theft, fraud, catfishing, and cyberbullying. In a study performed by Ipsos Public Affairs from 2011 to 2018, India, Brazil, and South Africa had some of the largest rates of cyberbullying resulting in 37%, 29% and 25% of youths having experienced cyberbullying in these nations, respectively. As a result, suicide and self-harm have been one of the largest consequences of cyberbullying. Currently, suicide is the second largest cause of death among youth from ages 10 to 24, with the cyberworld playing some role in the suicide idealization and attempts. Nevertheless, the United Nations continues to uphold its vague provision on privacy laws for children, which does not even include any specific guidelines on how nations can respond to this cyber issue.

In turn, many nations worldwide lack privacy rights protecting children's information and accessibility from dangerous information, and the nations that do have broad legislation only encourage parental consent to access the internet. With this, mechanisms of cyberbullying and influences of social media among children worldwide are not specifically addressed and often go unregulated by parents. This ultimately calls for pressure on not just nations but the United Nations to enforce more direct, effective, and specific guidelines to address cyberbullying and media impacts on children.

II. HOW LACK OF CYBER PROTECTION IMPACTS SUICIDE AMONG CHILDREN

A. Cyberbullying: A Factor in Child Suicide

The internet and cyberbullying have increasingly been part of defining the personalities and behaviors of youth around the world since the mid-height of the digital age in the mid-2000s. According to a recent study done by the United Nations Educational, Scientific, and Cultural Organization's (UNESCO) Institute for Statistics and another by Ipsos Public Affairs, one-third of youth worldwide experience cyberbullying. Societal pressures regarding one's image and reputation have been heightened through cyber platforms, and so has bullying. Further statistics demonstrate that 26% of youth who experienced cyberbullying have had thoughts of suicide, 41% developed social anxiety, 9% began abusing drugs or alcohol, and 14% developed eating disorders. All these consequences are factors that can impede a child's self-esteem and reality. Furthermore, these factors have been proven to be indicators for possible suicidal ideation.

Suicidal ideation from cyberbullying is rooted in the idea of tainting and attacking one's identity, sometimes to the extent where many youths feel that it is beyond repair. Although cyberbullying can occur on many platforms, such as text messaging or video games, a large majority of cyberbullying occurs through social media platforms including Facebook and Instagram. These platforms allow information about an individual to be easily accessible to over thousands of people worldwide. Social scientists have consistently concluded that many children feel compelled to share various personal

information on social media due to normal tendencies of youth being trusting, adventurous and eager for attention, affection, and acceptance from their peers.

As children can better connect to peers worldwide and tap into endless information, the more pressure they feel to uphold a certain social image and reputation. To fulfill these expectations from their peers and uphold their social image, children often overshare information about themselves, or curate information that may not be necessarily true. However, information shared on the internet, whether it is real or not, does not permanently disappear. This is where many concerns about reputation arise as children are often susceptible to having their information manipulated. The mere option to delete information is insufficient because many children do not understand that their digital footprint has already been recorded by the websites they visit or by someone they know keeping track of their activities. Screenshots and recordings have been one of the largest mechanisms in cyber-attacks, where children are often threatened by information that was unknowingly recorded and saved.

Furthermore, as easily accessible as this information is, it is just as easy to manipulate one's information for purposes of tainting or attacking one's identity. In 2019 alone, over 1 million children worldwide were affected by identity theft and two-thirds of those are children under the age of thirteen. Identity theft is not restricted to financial fraud but among youth, fake profiles on various social media platforms have increasingly become an issue and a concern for those impacted. Worldwide, 1 in 5 children, particularly in Brazil and the United Kingdom, who have ideated suicide root their cyberbullying experience to fake profiles including untrue or explicit information about their image. Despite efforts in reporting or deleting the damaging information, the child's reputation has already been smeared.

B. Social Media Influence & Its Correlation to Child Suicide

As the digital world has become a large platform for many trends that essentially shape the values, goals, and identities of children, they become engrossed by cyber influence. Consequentially, the more children stray away from these accepted social norms, the more they are ostracized or bullied. Due to the constant exposure to the cyberworld and its publicizing of these norms, children are highly susceptible to these influences. The purpose of this is to attain the acceptance and affection that many children look for from their peers, which studies have shown causes 47% of depression and anxiety rates among youth worldwide. Generally, children that are within this statistic have idealized suicide or practiced self-harm.

One powerful example of the media's influence was the world-famous Blue Whale Challenge on YouTube, that encouraged children to practice self-harm to pass each level of the game and ultimately commit suicide to finish the last level of the game. The results of many youths that participated in this game demonstrated how powerful the cyberworld's influence is on children and how vulnerable their information can be.

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Oftentimes, websites that we use also track our activities and interests, which is then used to give users suggestions or advertisements; children are not an exception to this. Many who accessed the Blue Whale Challenge were sent notifications of the trending game or were made more aware through advertisements that would appear on the child's sidebar when using the internet. Children's curiosities are then peaked by the advertisement and lured into a dangerous activity disguised as an internet game. As a result of pure interest, or the need to be part of the trend or gain acceptance from peers who were also playing the game, many children participated in the Blue Whale Challenge not understanding its consequences. Most importantly, more than 65% of the children who accessed the game were given parental consent to use the internet. Through these seemingly normal websites, the horrific game hid behind the façade of a harmless game, masking its true dangerous nature from parents.

In general, beyond games like the Blue Whale Challenge that encourage self-harm, trends are also an extremely dangerous way to influence children. Trends relating to body image and the ideal lifestyle to gain internet popularity have encouraged eating disorders, paranoia, anxiety, and depression. This often leads children to self-harm and suicidal ideation when they cannot attain their desired image. Without participating in these social norms, children often feel ostracized, causing them to participate in these norms regardless of dangerous consequences to their well-being. Ultimately, social media is not only a vehicle for bullying, but it also encourages and exposes children to negative influences impacting their well-being.

III. CURRENT CYBER LEGISLATION IN PROTECTION OF CHILDREN

A. *The European Union's General Data Protection Regulation*

In 2016, the European Union enacted the General Data Protection Regulation (GDPR), that enabled protection of personal data. It also updated the European Union's Data Protection Directive, explicitly recognizing children's rights for their data to be protected. However, a dilemma regarding the GDPR is that although privacy legislation aims to protect children's well-being, pursuit of life and identity, it is difficult to distinguish whether these protections would suppress children's ability to develop their own identity. For instance, very strict internet guidelines will not allow them the freedom to explore information such as history, science, or politics that could shape their interests. Living in a digital age, children often utilize the internet beyond school-based work and as a vehicle for communication. In the last decade, youth perform most of their communication and have created communities through social media. Nevertheless, the cyberworld also persisted as a vehicle for cyberbullying. When the United Kingdom was still within the European Union, they published The Annual Bullying Survey of 2017, one of the largest bullying surveys worldwide, which revealed that 37% of youth experience depression because of cyberbullying relating to pressures of societal norms, and 1 in 4 youths have turned to forms of self-harm to cope with cyberbullying and identity crises that stemmed from the bullying. This ultimately demonstrated that even

after the passage of the GDPR, rates of cyberbullying and self-harm among children remained high in the United Kingdom.

Furthermore, the GDPR guidelines outline the prohibition of profiling. Profiling is when personal data is automatically processed and assessed of one's interests, personal preferences, and behavior, which can be used for advertising. This is important because many trends that influence children are proliferated through advertising that has been curated from the data that is collected when they are using the internet. This was one of the main drivers of spreading the Blue Whale Challenge and its successor, the Momo Challenge. The Momo Challenge is a replica of the Blue Whale Challenge that replaced it once it was removed, just with different challenges. However, one weakness is that the European Union has yet to see how prohibiting profiling will play out in practice. It is uncertain whether acting against profiling will effectively protect children from targeted advertising. Even in this digital age, it is still difficult to recognize whether a user is a child or an adult, which prevents protection of children from possible dangerous advertising targeted at them.

Leaders do not deny that the internet has become a large part in children's lives and plays a large role in shaping their identities and interests. Therefore, enacting provisions within the GDPR to further restrict media use could impede on children's pursuit of life and identity. Ultimately, the European Union still struggles with how to better implement privacy protection laws for children that do not also harm their potential growth by using the internet safely.

B. *India's Personal Data Protection: The Beginning of Privacy Legislation*

In 2019, India's Srikrishna Committee put forward the Personal Data Protection (PDP) Bill, where under Chapter IV, children under the age of 18 are entitled to have their personal data protected and must have parental consent to access the internet. Unlike its counterparts, the European Union's GDPR (which caps the age of protection to around up to 16 years old), and the United States' Children's Online Privacy Protection Act (COPPA) (that caps the age of protection at 13), India's proposed PDP Bill encompasses a wider age range. This allows protection of children up to the age in which they graduate high school, where many studies indicated are the prime years for children. These are formative years for identity creation, especially through the media's increased influence the past decade. Studies have demonstrated that it is during these prime years when children often experience various forms of bullying, including cyberbullying. However, lawmakers are concerned about the different age groups covered by this legislation, as a 13-year-old's privacy needs differ from a 17-year-old's privacy needs. Currently, the PDP does not specify the different protections of these age groups, which can be a barrier to its effectiveness for all children covered under the proposed legislation.

Although the PDP is currently vague in implementation of these privacy laws for children, they also have included a provision addressing profiling and targeted

advertisement. This is to protect children from possible harmful information that could come across their radar as they scroll through the internet. However, the Indian government is still unsure on how these privacy laws can be effective in practice. Currently, the PDP is being contemplated by the Joint Parliamentary Committee.

IV. CONCLUSION

In a growing digital world, children are the most vulnerable to the dangers of the internet. Among many, these dangers include identity theft and advertising of trends or ideologies that can induce self-harm and suicidal ideation among youth. However, provisions regarding privacy protection of children outlined by the UNCRC, GDPR, and COPPA are so broad that the only true safeguard they have is parental guidance over children's use of the internet. Yet, when looking at cyberbullying and media influence that can be disguised as child friendly, these cyber consequences are difficult for parents or guardians to detect.

Despite the statistics that clearly demonstrate a correlation between cyber influence and suicidal ideation and self-harm among children, nations still turn a blind eye to the ineffectiveness of their privacy laws. Especially with the increased rates of cyberbullying worldwide, protecting children's information from being manipulated and advertising of age-inappropriate material should be paramount to their legislative agenda. However, children's lives are not politics, neither is the subject of suicide and the dangers of the internet that perpetuate it. Thus, in our modern society that is heavily influenced by the cyberworld, effective privacy laws encouraged by more specific United Nations guidelines are one way to start addressing the epidemic of suicide and self-harm affecting our children.

SOURCES

Aditi Chaturvedi, *Children's Online Privacy Must Be Protected, But Not All are Equally Vulnerable on Internet,* THE PRINT (Jan. 21, 2021), https://theprint.in/opinion/childrens-online-privacy-must-be-protected-but-not-all-are-equally-vulnerable-on-internet/577165/.

Ann John et al., *Self-Harm, Suicidal Behaviours, and Cyberbullying in Children and Young People: Systematic Review,* 20 J. OF MED. INTERNET RSCH. 129 (2018).

Directorate General for Internal Policies, *Cyberbullying Among Young People,* POL'Y DEPT. C: CITIZENS' RIGHTS AND CONST. AFFAIRS (2016).

Ditch the Label, *The Annual Bullying Survey 2017* (2017), https://www.ditchthelabel.org/wp-content/uploads/2017/07/The-Annual-Bullying-Survey-2017-1.pdf.

Elizabeth Hoge et al., *Digital Media, Anxiety, and Depression in Children,* 140 PEDIATRICS S76 (2017).

Kelli Grant, *Identity Theft Isn't Just an Adult Problem. Kids are Victims, Too,* CNBC (Apr. 24, 2018), https://www.cnbc.com/2018/04/24/child-identity-theft-is-a-growing-and-expensive-problem.html#:~:text=More%20than%201%20million%20children%20were%20victims%20of,know%20the%20perpetrator.%20Hero%20Images%20%7C%20Getty%20Images.

Lara Kobilke & Antonia Markiewitz, *The Momo Challenge: Measuring the Extent to Which YouTube Portrays Harmful and Helpful Depictions of a Suicide Game,* 86 SN SOC SCI 85 (2021).

Mallory Newall, *Cyberbullying: A Global Advisor Survey,* IPSOS PUB. AFFAIRS (2018).

Milda Macenaite, *From Universal Towards Child-Specific Protection of the Right to Privacy Online: Dilemma in the EU General Data Protection Regulation,* 19 NEW MEDIA & SOC'Y 765 (2017).

Mina Vesal, *The Effect of Social Media Use on Depression in Adolescents: A Systematic Review and Meta-Analysis,* 24 J. OF ARAK U. OF MED. SCI. 2 (2021).

Naman Sherstra, *Online Privacy and Rights of Children,* PLEADERS (Dec. 30, 2020), https://blog.ipleaders.in/online-privacy-rights-children/#Incidences_in_India_that_exposed_the_vulnerabilities_of_childrens_data_privacy.

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Niall McCarthy, *Where Cyberbullying is Most Prevalent*, STATISTA (Oct. 30, 2018), https://www.statista.com/chart/15926/the-share-of-parents-who-say-their-child-has-experienced-cyberbullying/.

Rosemary Sedgwick et al., *Social Media, Internet Use and Suicide Attempts in Adolescents,* 32 CURRENT OPINION IN PSYCHIATRY 534 (2019).

Sanjeev Kumar & Deeksha, *Crime Against Children in Cyber World*, 5 J. ON CONTEMP. ISSUES OF LAW 28 (2021).

Sonia Livingstone & Tink Palmer, *Identifying Vulnerable Children Online and What Strategies Can Help Them*, UK SAFER INTERNET CTR.(June 2012), https://core.ac.uk/download/pdf/8792184.pdf.

Terri Williams, *The Role of Social Media in Adolescent/Teen Depression and Anxiety*, CTR. FOR DIGITAL ETHICS & POL'Y (Apr. 3, 2018), https://www.luc.edu/digitalethics/researchinitiatives/essays/archive/2018/theroleofsocial mediainadolescentteendepressionandanxiety/

The Personal Data Protection Bill (2019) (Ind.).

UN Commission on Human Rights, *Convention on the Rights of the Child*, CN.4/RES/74 (1990).

New SDG 4 Data on Bullying, UNESCO INST. FOR STATISTICS (Jan. 10, 2018), http://uis.unesco.org/en/news/new-sdg-4-data-bullying.