# Children and young people's rights in the digital age: An emerging agenda

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## Abstract
Rights-based approaches to children's digital media practices are gaining attention offering a framework for research, policy and initiatives that can balance children's need for protection online with their capacity to maximize the opportunities and benefits of connectivity. But what does it mean to bring the concepts of the digital, rights and the child into dialogue? Arguing that the child represents a limit case of adult normative discourses about both rights and digital media practices, this article harnesses the radical potential of the figure of the child to rethink (human and children's) rights in relation to the digital. In doing so, we critique the implicitly adult, seemingly invulnerable subject of rights common in research and advocacy about digital environments. We thereby introduce the articles selected for this special issue and the thinking that links them, in order to draw out the wider tensions and dilemmas driving the emerging agenda for children's rights in the digital age.

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## Introduction

In 1989, Sir Tim Berners-Lee released the code that would underpin the foundation of the World Wide Web, which now boasts over 3 billion users worldwide. In the same year, the United Nations (UN) adopted the *Convention on the Rights of the Child* (UN CRC), the most widely ratified human rights treaty in the history of the UN. For the past quarter of a century, this coincidence was little noticed. Although children and young people are simultaneously hailed as pioneers of the digital age and feared for as its innocent victims, the World Wide Web – and the Internet more generally – has been largely conceived, implicitly or explicitly, as an adult resource in terms of provision, regulation and ideology. Meanwhile, mainstream research and policy concerned with children's wellbeing have paid remarkably little attention to the Internet, tending to regard it as a neutral extension of long-standing opportunities or risks that merits little analysis in its own terms. Open a handbook on Internet governance, and children rarely feature, except in relation to illegal sexual abuse online. Open a handbook on childhood, and the Internet is unlikely to make the index. But all this is clearly poised to change.

The coincidence of digital and child rights anniversaries in 2014 was seized upon by scholars, policy-makers and activists keen to draw attention to the potential transformations – positive and negative – in the conditions underpinning children's rights in what we here term 'the digital age', referring to the profound shift from the Internet as a useful tool to society's reliance on global digital networks for its very infrastructure. The timing was right: influential policy and standards-setting child rights organizations are now paying attention, ready to take action in the interests of advancing children's information, education and participation rights while also concerned with online infringements of these rights in relation to their privacy, safety and development. But given their common-sense tendency towards decontextualized universalizing or technologically determinist claims regarding 'impacts', effort is needed to convince these organizations of the value of critical social scientific analysis such as that published in *New Media & Society* and cognate journals. On the other hand, many critical social scientists are not convinced that a focus on human rights has intellectual and political merits that outweigh the problems. Furthermore, those concerned with state and commercial infringements of free speech, privacy and identity rights in digital environments tend to regard children's interests as marginal at best and problematic, even obstructive, at worst.

In this introductory article, we examine three keywords – child, rights and digital – for their productive intersections, recognizing that tensions arise within the domain of child rights, most notably between rights to protection and participation; between child rights and adult rights in the digital environment; between rights as asserted offline and online; and between principles, policy and practice at multiple levels, from the global to the local.

## The turn to rights in the digital age

To celebrate the 25th anniversary of the World Wide Web, Berners-Lee called for a universal Bill of Rights to guarantee users' rights and freedoms online.[1] Several countries have followed suit, notably Italy,[2] France[3] and Brazil,[4] as have some key organizations

including the ongoing Dynamic Coalition on Internet Rights and Principles of the Internet Governance Forum,[5] Ranking Digital Rights[6] and the NETmundial initiative of 2014–2016.[7] Some assert as a matter of principle that the 'rights that people have offline must also be protected online' (NETmundial, 2014), while others refer to (or, arguably, invent) new and specifically 'digital rights' (the right to delete content, for instance). Each initiative surely emerges from the imaginative efforts of a well-intentioned community. Yet in practice, each has proved simultaneously controversial and relatively ineffective, at least so far, leaving significant struggles over Internet users' rights to be fought out in national law courts, relying largely on pre-digital legislation.

With the benefit of hindsight, we can see that what Phillips and Moyn (2011) term the 'rights turn' in Western democracies – an intellectual and an activist shift towards fundamental human rights in the 1970s (building on the 1948 Universal Declaration of Human Rights) – framed the culture that gave birth to the digital. Discursive claims for and contestation about the World Wide Web typically prioritize freedom of speech, association, privacy, information and equality as an ethical-political alternative to the assumption of state and/or commercial power online, thereby countering the dominant political economy that defines society offline (and, increasingly, online; see Mansell, 2012; Turner, 2006; Van Dijck, 2013). For Phillips and Moyn (2011), reframing political struggle in terms of human rights is utopian in its imaginary, but hazardous in that it may 'depoliticise what ought to be real fights over principles' (p. 3), leaving activists with 'no way to move from announcing formal entitlements to securing real conditions for their enjoyment without acknowledging different possible paths and controversial political choices' (p. 4).

While acknowledging such critical doubts, especially since in the field of child rights many wrongs have been done (Hanson, 2014), we nonetheless suggest that before identifying practical pathways one must imagine desired goals and then build sufficient consensus by discursive means to pursue them collectively. Thus, the growing interest in rights in relation to digital environments is valuable for its imaginative and aspirational vision and its capacity to frame and mobilize action, even if significant matters of practical politics are still to be resolved. Indeed, it is precisely in the absence of 'lived' rights that an idealistic vision – a manifesto for the digital age – is most needed (for where the state already supports rights claims, the public can rely on existing regulation).

Several decades on from the birth of the World Wide Web, claims for equality, privacy, dignity, speech and protection appear more contested than ever, with possible paths remaining elusive and political choices as controversial as ever. Intriguingly, but surely not accidentally, many of these claims and controversies concern children. A daunting array of rights-related problems are becoming pressing – think of hacked data from the 'Internet of toys', the surveillance of children's online privacy by anxious parents, the exploitative practices of age-blind commercial bodies, the heavy-handed criminalization of teenage explorations of sexuality, the amplification of child sexual abuse through image sharing and paedophile networks, the restrictions placed on children's freedom of information (health, sexual and political) by censorious governments, and the seeming refusal of companies to provide comprehensible terms and conditions or child-accessible rights of redress. All these and other cases hit the headlines, it seems, on a daily basis.

Yet, although the figure of the child is commonly referenced in public expressions of concern over rights in the digital environment – to call attention to that which is threatened: innocence, privacy, freedom and human frailty – current Internet provision and regulation, including the emerging Internet bills of rights, pay children little specific attention (Livingstone et al., 2015). Is this just a gap that could be repaired if society so decided? Or does it reveal deeper problems in society's digital imaginary, in which the 'digitally enabled child' is configured as a site through which cultural anxieties about both 'children' and 'the digital' play out (Third and Collin, 2016)? Thus far, child rights bodies seem to be hoping that if they draw stakeholder attention to infringements of children's rights in digital environments, solutions will be forthcoming. Meanwhile, Internet governance activists seem to hope that if they can underpin rights for the general public with some specific provision for illegal child sexual abuse activity online, any remaining problems can be safely left to parents. But it is possible that such problems have deeper roots, and their consequences may transform the nature and ideology of the digital altogether.

## Why children? Critiquing the normative subject

The child is simultaneously a rigid and a slippery category. According to the UN CRC (UN, 1989), a child is anyone under the age of 18. However, the seeming clarity of such a definition is betrayed by the complex discursive operations of the child as imagined in the largely Western-influenced research, policy and practice. Arneil (2002) argues that the figure of the child is the site of discursive labour, constituted as 'a tool to illuminate the nature of the autonomous adult citizen by providing the perfect mirror within which to reflect the negative image of the positive adult form' (p. 74). This figure projects both forwards and backwards in time. Looking forward, the child is the subject who shall inherit the earth and bear the mantle of our legacy, and thus, adults invest the category of the child with all their hopes and aspirations as well as their dystopian fantasies (Beck and Beck-Gernsheim, 2002). As such, the child invites recognition of human possibility and yet, by the same token, represents a site of necessary containment, and her proper socialization must be secured in order to preserve the future (see Third and Collin, 2016). Looking backwards, the figure of the child highlights the difference between today's childhood and the childhood that adults experienced, pointing to cultural transformations over which we have little control.

As a boundary-marking figure, the digitally enabled child threatens to exceed the limits through which they are disciplined and co-opted into securing and ordering the future. In addition to being the mirror that reproduces the legitimacy of the normative adult subject, the child also represents a limit case for thinking about the subject of rights, with ever greater intensity in the digital age. Some digital Internet governance does make minimal or passing reference to children as vulnerable and in need of protection. But such exceptionalism doubly reinforces the conception of the child as exceptional to rather than part of the wider frame of rights and the digital. Doubly, because, first, it positions the child as vulnerable by comparison with an implicitly invulnerable subject of bills of rights (think how that subject, in discussions of speech rights, always already knows what to say, how to stand their ground). Possibly it is

anxiety about adult vulnerabilities that explains the emotional hostility that mere mention of children can occasion in free speech circles, resulting in a strong desire to silence children and those speaking for them. Or, more straightforwardly, children are seen as introducing dangerous complications into Internet governance debates (dangerous, because there is no doubt that censorious governments mask repressive policies by claiming child protection; see La Rue, 2014). Hence, it is often argued, though we contest such views here, that children need no particular recognition in debates about the digital because they are accorded speech and all other rights implicitly, insofar as they are included tacitly in the 'human' of human rights instruments. But as this special issue and the wider literature amply demonstrate, in practical terms children do not enjoy such rights, and over and again, efforts to protect them unthinkingly curtail their participation rights in ways that they themselves are unable to contest, given the nature of Internet governance organizations.

Second, an exceptionalist approach constructs the child as precisely unlike adults in being developmentally inferior and more vulnerable, thereby denying children rights that go beyond vulnerability, notably the right to participate in society as agents, let alone citizens (Lister, 2008) or, even, recognizing their agency only to burden them with an excessive responsibility – for self-protection, for peer responsibility, for acting 'better' than the adults around them, under the banner of 'digital citizenship' (Third and Collin, 2016). Such arguments explain why we contest the widespread positioning of children's concerns as an exception to a tacitly (or unmarked) adult focus on 'Internet users' or 'the public' or 'human' rights in new media theory generally and, more specifically, in relation to Internet provision and governance. 'Othering the child' stands in for all the other othering that excludes what is, taken together, the majority of the population (the old, poor, disabled, displaced or marginalized). An exceptionalist strategy, in short, undermines critical debate and constructs a problematic subject (implicitly adult, able-bodied, English-speaking, privileged), blinding research to the rising clamour of problems that should and do concern us not as anomalous but as central to the normative subject. The positive implication is that rethinking the subject opens up a space for diverse rights claims rather than a single normative voice (itself inherently unstable and vulnerable to contestation) by which rights claims are asserted. More politically, one might endorse

> … progressive universalism [in its ] determination to ensure that people who are poor gain at least as much as those who are better off at every step of the way towards universal coverage, rather than having to wait and catch up as that goal is eventually approached. Establishing the principle that the most marginalized children should be first in line for enhanced provision of health, nutrition, education and other services is the starting point for a strengthened commitment to equity. (Watkins, 2014: 68)

## Researching children and young people's rights in the digital age

In preparing this special issue, our goal was to examine the intellectual, empirical and policy claims for children's rights in the digital age. As stressed in the foregoing, while our concern is with children and young people, the aim is not primarily reparative, albeit

that recognizing children's needs, desires and experiences is a crucial aspect of the discussions we hope to inspire. Rather, we argue for a conception of the child as a category that simultaneously marks the limits of dominant framings of both rights and the digital and that problematizes such limits. As such, the child – as a cypher for our cultural anxieties and a focus of investment for our future desires – represents an important figure through which to (re)think the digital and human rights, one in which there is almost too much at stake.

Many questions motivated our open call for this special issue, and even more emerged from the enthusiastic but somewhat overwhelming 150 abstracts we received from many countries and disciplinary perspectives, together indicating a dynamic community of scholarship and practice in the making. Rather than aiming for immediate consensus, we invite a research agenda that can, in the coming years, generate fresh thinking about children's rights in the digital age first and foremost and, more ambitiously, critically examine the figure of 'the child' to illuminate the intersection of the digital and human rights more broadly.

We invited our authors for conceptual analyses of dilemmas and tensions or for illustrative case studies (or, in the event, a mix of these) organized around the articles of the UN CRC as they relate to digital environments. Important here are its four guiding principles – children's right to life, survival and development (Article 6), to have their best interests respected (Article 3), to non-discrimination (Article 2) and to be heard (Article 12) – as well as many specific rights, notably the right to identity (Article 8, including for children from minority/indigenous groups – Article 30), information and media of their choice (Article 17), education (Articles 28 and 29), play (Article 31), privacy (Article 16), protection from violence (Article 19) and sexual exploitation (Article 34), and freedom of expression (Article 13), thought (Article 14) and association (Article 15).

In practice, children's rights are the responsibility of parents and care-givers, and this is especially so for positive rights (provision and participation), with the notable exception of the state's responsibility for education. This makes it easy for some to argue that there is little problem with the tacit assumption that Internet users are adult. But parents may falter or fail in their responsibilities to guarantee children's rights – indeed, this was precisely why the UN CRC was formulated, to ensure that states would step in to underpin children's rights as and when needed. Thus, in public policy regarding children, the right to protection (a negative right, removing impediments more than defining positive outcomes) tends to take priority in theory, policy and practice, now online as, traditionally, offline. But online, once parents have provided access to the hardware and connectivity (itself becoming recognized as a right;[8] see La Rue, 2014), protection tends to trump participation in their minds too, especially in risk-averse cultures where even children 'have inherited a popular discourse that is characterized primarily by fear – if not moral panic [which] potentially inhibits their capacity to imagine and articulate the opportunities digital media affords them' (Third et al., 2014: 40). Moreover, both parents and the state struggle with the particular demands of ensuring children's rights in digital environments.

One result is the tension between their children's right to participate and to be protected online. This was clearly seen when the General Data Protection Regulation adopted in the European Union (EU) in 2016, which introduced a range of enhanced

protections for citizens' rights over their data, added the stipulation that those under 16 must have verifiable parental consent to access 'information society services', effectively banning many from social networking sites, online gaming, health forums and more. As Macenaite discusses (this volume), this raises a host of issues about how to implement children's rights in practice, from the competence of both children and parents to grasp the ways in which personal data are used, the degree to which companies can be required to respect child rights online and the lack of ground rules over how to weigh protection against participation.

One reason to rely on parents is that the UN CRC requires decisions to be taken in each child's best interests, with their voices taken into account, which parents are uniquely positioned to undertake. But the realities of global networks render this impractical; hence, the Internet is a largely age-blind (or implicitly adult) space. This becomes starkly problematic for vulnerable children. In a practitioner-focused case study, Aroldi and Vittadini (this volume) dissect the dilemmas faced by adoption professionals who are trying to respect both a child's right to privacy and their right to know their origins, in a social media landscape where, on one hand, children can explore networks to search out their origins, but, by the same token, potentially troubled or abusive parents can contact them unpredictably, despite adoption agencies' considerable efforts to protect children or to manage such contacts in the best interests of the child.

Tensions among rights also occur when teenagers – in ways that have always characterized adolescence – enact transgressive practices that, online, leave digital traces that render their practices newly visible to the adults who regulate their lives. 'Teen sexting', notably, has attracted huge debate over the tension between participation and protection rights. Until recently, teenage sexual practices – both voluntary and coercive – have remained to an extent 'under the radar' of public visibility and, thereby, regulation. But the digital has changed all that, unleashing an avalanche of moralizing judgements that, Albury (this volume) argues, reveal and exacerbate a double standard in society's response to adult and adolescent sexuality. While adults can and do claim legitimacy through discourses of free expression and privacy, for teenagers online sexual expression is widely framed through 'gendered pedagogies of shame and regret', as evident in the burgeoning e-safety curricula on 'sexting'. In her analysis, Albury invites us to reimagine online norms and practices in ways that could enable the (still-contested) right to (consensual) sexual expression among youth.

The child's right to protection from sexual and aggressive harms has long been embedded in a host of regulations instituted by parents, schools and law enforcement. Historically, only the most egregious cases would become sufficiently visible to necessitate intervention, allowing adult society to persist in its vision of children as 'innocents'. As Bulger, Burton, O'Neill and Staksrud (this volume) show, in today's digital environments, every experimental or transgressive act, significant or trivial, leaves a trace that cannot be ignored. As a result, society's very efforts to protect children risk infringing their positive rights to expression, participation and privacy. Policy-makers have struggled to come to terms with this conflict of rights, possibly because it is often precisely in the realm of the digital that children's practices extend beyond the sphere of adult influence and 'push back at existing structures of power and authority' (Ito et al., 2008: ix).

Swist and Collin (this volume) argue that we may be witnessing the moment when the very meaning of children's rights, always context-dependent, is being shaped by the digital context as digital platforms redefine identity, privacy, sociality and need in ways determined by the interests of the platform owners (Van Dijck, 2013). To critique such developments and to marshal an alternative ethical discourse of children's rights in the digital age, Swist and Collin draw on Sen's (2005) capabilities approach which, newly combined with the analysis of the network society and networked self, yields an alternative conception of agency (and capabilities, indeed of human rights) as emergent from the located and interdependent nature of human interactions (online and offline). In reflecting on their case study in which youth participated in co-designing an online campaign for the wellbeing of their peers, they try to show how issue-based platforms can advance child rights even as commercial platforms tend to undermine them.

But such platforms are rarely straightforward. In discussing a citizens' protest movement in Beirut, for example, Khalil (this volume) counters both protectionist and celebratory accounts of youth online by showing how children and young people are positioned ambiguously – valued for their media-literate expertise, standing side by side with adults in facing risks that can lead to rights violations (being beaten or arrested, for instance), and celebrated by adult protesters for symbolizing their idealistic goals (as in the construction of children as 'the future' worth fighting for). Particularly, we see young activists exploiting the potency of their own images in media representations of their generational outrage at the rights violations perpetrated against them by an unhearing society. What is not ambiguous, therefore, is the refusal of these young protestors to be sequestered in safe or protected spaces, online or offline for, as they also see it, their future is indeed at stake.

It was, perhaps, our effort to encompass the global diversity of children's lifeworlds that proved most difficult within the 64,000 words at our disposal. For while child rights are articulated in universalizing terms, they can only be recognized and defended in particular contexts. And although the Internet is an increasingly global network, the digital environments accessible to children are heavily shaped by differences in language, geography, culture and power – as defined by the state, commerce or, most locally, family and community. There is an important temporal shift underway here, even within the few decades of the Internet's history, for the tipping point has already passed, in terms of numbers of Internet users – including child users – from an Internet concentrated in the Global North to an Internet also of the Global South (Livingstone et al., 2015). But research has not yet caught up, with much to be done in terms of basic evidence-gathering and new thinking informed by diverse epistemologies and globalizing political and cultural transformations in childhoods in particular and societies more generally.

The gulf between abstract universalist statements of rights and 'lived rights' in particular contexts has preoccupied both theorist and practitioner. In his ethnographic exploration of digital storytelling initiatives among Palestinian children, Asthana (this volume) shows how children themselves undertake the translational work needed to bridge this gulf and, thereby, compellingly articulate their rights claims through manipulating the hermeneutic potential of the digital resources available to them. They do this by expressing a collective identity that reflects the moral economy of their lives, rather than in terms of the individual rights-bearer who is the legal subject of (arguably,

Western-influenced) human rights declarations and conventions. The deeper message of his analysis, therefore, is that in finding ways to express and convey their rights to those with power, children can point the way for experts, too, to reimagine rights in social and contextualized terms.

In this regard, the UN CRC may not defend children as well as it might. Through a comparison of the UN CRC and the UN Convention on the Rights of Persons with Disabilities, Alper and Goggin (this volume) show how these conventions ground their rights claims in the principles of non-discrimination and inclusion, respectively. The principle of inclusion, they argue, demands that society explicitly eschews a deficit (or 'incompetence') model of 'vulnerability' (implicit in the UN CRC, they contend), instead recognizing and addressing the ways in which society – and now the Internet – shapes possibilities for action and interaction, including possibilities for in- or exclusion. The principle of non-discrimination, by contrast, can reinforce deficit models which spawn policies that ultimately fail to meet genuine need – for instance, online protection policies that implicitly assume, provide for and prioritize being able-bodied. Thus the persistent exclusion of children living with disability illustrates a host of challenges associated with intersectionality online as offline. Such challenges are particularly acute online because of the hitherto lack of flexibility or contingency in the regulation of digital resources and infrastructure by comparison with the nuanced possibilities for shaping social norms and opportunity structures offline.

The digital environment may be in its infancy in terms of the evolution of social norms, but it is developing apace in its capacity to commodify its users. Focusing on the right to privacy, Lupton and Williamson (this volume) reveal how contemporary processes of datafication and dataveillance of children challenge modernist assumptions about the individual subject as essentially functioning in private unless they step, as a deliberate act, into the public realm. Today, the digital brings both public and private sector forms of surveillance into the intimate space of a child's life, tracking their gestation, sleep, play, talk, learning and much more. While the overt offer is seemingly empowering – gain control, express yourself, even exercise your rights – Lupton and Williamson's view is more dystopian: 'children are configured as algorithmic assemblages' primarily for the benefit of powerful others. Individual agency is reframed reductively in terms of optimizing the choice among pre-set options, based on both personal and algorithmic calculations generally far from grounded in the child's best interests. Children become ever more spoken for rather than speaking subjects. And while state and, especially, commerce bear most culpability for thereby undermining such agency as a child can harness, their parent – positioned generally by the UN CRC as their primary protector but, in the digital age, heavily disempowered in this traditional role – often takes the lead role in giving away their data, misunderstanding the conditions for its use or otherwise infringing children's rights.

## Conclusion

Rights-based approaches to children's digital media practices have recently emerged as an antidote to the limitations of the risk and safety paradigm that, to date, has dominated much research, policy and practice globally. We do not suggest that the risk and safety

agenda be jettisoned. The rapid uptake of digital media globally presents a range of new risks of harms to children (Third, 2016). These are especially acute in the Global South where 'fast-paced, widespread growth often occurs far ahead of any understanding of what constitutes safe and positive use in digital contexts' (Livingstone and Bulger, 2014: 3). Children are frequently at the vanguard of digital adoption trends, and their uptake often outpaces that of their adult counterparts (International Telecommunication Union [ITU], 2013). This means that many children do not have the benefit of appropriate forms of adult guidance from parents, teachers and other caregivers. Nor do appropriate policy, legislative and regulatory mechanisms always adequately support and protect children online (Livingstone and Bulger, 2014: 3). Given these challenges, research, policy and practice relating to children's digital practices globally have focused primarily on mapping key uses, identifying the risks children encounter, and quantifying the harms they experience online.

Nonetheless, amid the concerns about children's online safety, new research is beginning to demonstrate and document a broad range of benefits associated with children's online participation. This work shows that digital engagement can have benefits for children's formal and informal learning; health and wellbeing; literacy; civic and/or political participation; play and recreation; identity; belonging; peer, family and intergenerational relationships; individual and community resilience; and consumer practices (Swist et al., 2015). The key question confronting the policy and practice community is thus, 'How can we foster children's protection from harm online while simultaneously empowering them to maximize the opportunities of the digital age?' Authors in this special issue are committed to exploring routes to enhance child agency by mobilizing the affordances of the digital to counter rather than reinforce the tendency to sequester children to the purely private sphere (Khalil, Albury, Asthana, Swist and Collin). In so doing, some adopt the human rights conception of the subject as an individual rights-bearer potent in the Western imagination (and, therefore, in Western systems of regulation; see Aroldi and Vittadini; Bulger et al.; Macenaite). Some contest the individualism of classic approaches to human rights, seeking a more social (and thus diversified, contextualized, collective) subject (see Swist and Collin; Alper and Goggin). Some further embrace the shift from human subject to data subject, examining in terms of theory (Lupton and Williamson) and regulation (Macenaite) the emerging ways in which digital environments work to control and exploit the child in terms of the data they generate and that others generate about them.

In different ways, too, the authors show how rights depend on making (and now, in digital environments, remaking) discursive claims in particular contexts rather than constituting pre-given and universally recognized facts. This is both effortful and risky. Thus, the new visibility of teenage sexual practices spurs Albury (see also Bulger et al.) to develop a claim for children's sexual rights. Alper and Goggin contrast the discursive claims that underpin different human rights conventions – for children and for people with disabilities – depending on how one thinks about human vulnerability. Asthana traces how youths themselves claim their rights in convergent digital cultures that enable the necessary translation of the universal to the particular (or 'vernacular'). Others examine how rights claims may be poorly encoded in formal institutional terms, either because laws predate the digital (Bulger et al.; Aroldi and Vittadini) or because they are made too hastily to fit the demands of the digital (Macenaite).

Sen (2005) argues that, just as his capabilities approach emphasizes the importance of 'what a person is able to do or be' (p. 153), 'human rights are best seen as rights to certain specific freedoms' (p. 152). He means to signal that what a person is able to do or be, and therefore the freedoms to which they can claim the right, will differ by time and place. Moreover, such claims must be achieved through a deliberative or discursive process that closely involves those concerned and yet also takes place across borders, for mutual distancing and critique (see also Hanson, 2014). How can this occur within and through digital environments? Clearly, it is unhelpful when technology is talked of in determinist, asocial ways (in terms of what technology can or cannot do, for instance), as if there were no actors and institutions shaping the Internet in accordance with their economic and political interests.

Equally, it is problematic that while the opportunities and risks of Internet use are grounded in the social or the collective dimensions of digital media (hence we talk here of children, emphasizing their plurality across contexts), it is the sovereign individual (the isolated and decontextualized child) who is the subject of rights claims. Indeed, a common critique of the human rights turn is its instantiation of a universalized subject, grounded in a blindness to 'the localized', to 'the contextual' and to the structural differentials of race, class, gender and age. Such critiques of universal rights have, unsurprisingly, compelled a tendency towards exceptionalism – the generation of a (potentially endlessly proliferating) series of 'new' claimants whose needs are not captured by – and in some cases, contradict those laid out under – the umbrella of universal human rights and who are thus constructed as requiring specific safeguards. Such exceptionalism has resulted in protection-dominant legal frameworks that seek to secure the rights of so-called marginal groups.

In this article, we have argued that the figure of the child marks the limits of normative framings of both rights and the digital. How might we work productively with this 'troublesome' boundary-marking figure? Can we mobilize the radical potential of the child, not (or not only) to 'liberate' the child but to channel competing investments into the reimagination of (both children's and human) rights for the digital age? And how might a focus on the child help us to grapple with the marginalized status of other forms of difference in relation to rights and the digital? It is hard to say – yet – what role the digital could play in securing and guaranteeing children's rights in such a situation. It is one thing to claim the unprecedented possibilities of digital practices to support children's rights, when the children in question have their basic needs met and access to the protections and guarantees of state institutions. But it is another thing entirely to claim that the digital might be able to play a role in promoting the rights of children whose lives are overdetermined by, for example, statelessness, military violence, poverty, starvation or a history of genocide.

But this is precisely the magnitude of the questions that confront us. Can the digital be mobilized to support the full range of children's rights? And how might the digital open up opportunities for the most vulnerable or disadvantaged? To address these questions, we cannot pit the digital against fundamental rights. Instead, we must ask how the digital might support diverse children to become aware of, claim and enact their rights. We need to move beyond the idea that children's digital practices constitute a specialized set of activities cleaved off from the so-called 'real world'. We must concern ourselves

not only with 'what happens online' but also with how what happens online is entwined with the conditions and possibilities of children's everyday lives.

This requires that we be wary of descending into technophilia, and, at the same time, we must resist the impulses of technophobia. We must proceed with caution, generating the necessary evidence and centring the insights and experiences of children as we do so. It requires that we open towards the imaginative vision that drives rights frameworks. We must move beyond current framings of children, the digital and rights, and begin to play – as children might – with the possibilities that these three terms open up when brought into dialogue and with the possibility that this might prove constructive not only for children but also for the wider public.

## Funding

## Notes

1. See www.ted.com/talks/tim_berners_lee_a_magna_carta_for_the_web/transcript?language=en
2. See http://webfoundation.org/2015/08/italys-internet-bill-of-rights-a-step-in-the-right-direction/
3. See www.france24.com/en/20150928-french-digital-rights-bill-published-open-democracy-first
4. See www.opensocietyfoundations.org/voices/online-bill-rights-brazil
5. See http://internetrightsandprinciples.org/site/
6. See https://rankingdigitalrights.org/
7. See www.netmundial.org/
8. Indeed, children in some parts of the world still face significant challenges going online:

   They cite poor electricity and telecommunications infrastructure; lack of access to hardware; and the cost of connectivity as key barriers…. Equally, many children cannot access online resources in a language they can speak, or they have limited access to age-appropriate and quality information and entertainment, highlighting that children's provision rights are not being adequately met. (Third, 2016)

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Amanda Third is principal research fellow in the Institute for Culture and Society at Western Sydney University. Her research explores the socio-cultural dimensions of young people's technology use. From 2011-2016, she was Research Program Leader in the Young and Well Cooperative Research Centre, leading research on marginalized young people's use of technology and its role for their wellbeing. She is a founding member of the Australian-based Technology and Wellbeing Roundtable; a member of Digitally Connected, and an Expert Advisor to Global Kids Online.