

# CHILDREN'S RIGHT TO PRIVACY, INDEPENDENCE, AND AUTONOMY

*Report to the  
UN Special Rapporteur  
on the Right to Privacy*

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# EXECUTIVE SUMMARY

- Threats to child privacy come in many different forms and are prone to discriminate against the most vulnerable. One's right to privacy is the hallmark of liberal democracy, and yet, children are increasingly facing threats to their right to privacy as well as autonomy.
- Increased usage of online platforms and social media have helped perpetuate violations against children's rights to privacy. Due to a lack of awareness and regulation, children are subjected to online harassment and privacy violations.
- Discriminatory practices leave many children vulnerable to rights violations. Children from lower-income families and communities face disparate infringements and require different solutions. Promoting child privacy through the lens of race, gender, and nationality, among others, is a critical aspect if such violations are to be addressed.

# RECOMMENDATIONS

1. An increase in regulations that protect children from discrimination as well as protect their autonomy

1.1 Children are encouraged at a young age to align themselves with discriminatory gender stereotypes which belittle individuality and self-autonomy. Schools need to adopt educational programs and expose children to varying types of roles and experiences in order to break down gender stereotypes.

- Young girls are continually being influenced by gender roles within schools and other social interactions. Enforcement of gender roles denigrates the rights of children and their ability to be who they are.

1.1.2 Lower-income children are more susceptible to have their rights violated. Poorer school districts are more likely to have decreased protection of children who use online services. Child information must be protected regardless of socioeconomic differences among children and their schools. Regulations should be put in place to increase data security and funding for marginalized schools.

1.1.3 Discrimination on the internet is just as real as if it were happening in front of you, yet children are hardly protected from online prejudice. One group of people who face such discrimination is that of indigenous peoples. Rules and regulations should be encouraged to protect children who fall within this group.

# RECOMMENDATIONS

1.2 All undocumented minors must have fair access to the right to due process and the right to an attorney. Realistically, children cannot be expected to find their own legal representation. The federal government must provide an attorney to represent the needs of the minor and explain all legal documents provided to the child.

1.3 Children need to have the right to a translator at any point during their supervision under immigration proceedings. The language barrier makes it impossible for children to concisely express their needs and protect their right to privacy. A translator will ensure that the child is fully aware of all information regarding their status, health, records, and questions of consent.

2. Children's right to privacy is violated through the internet and social media; increased regulation is needed to protect children from harmful sites and to protect their personal information

2.1 Social media regulation is needed to protect children's right to privacy and self-autonomy.

2.1.1 Due to a lack of online restriction, harmful information finds its way to too many young children. Current age restrictions of social media sites are ineffective in protecting children from dangerous and harmful information that can profoundly damage their self-identity and privacy. Media platforms need to be more effective and should be held accountable for filtering age-appropriate information.

# RECOMMENDATIONS

2.1.2 Social media is also a hotbed of unsolicited data harvesting, in which children fall victim. Children being unaware of their digital footprint are likely to have their right to privacy violated. Increased regulation and awareness is needed to prevent children from being victims of such violations.

2.2 Schools and online learning programs should be required to protect children's right to privacy.

2.2.1 Increased use of online learning due to COVID-19 has led to increased violations against children. Student learning profiles contain sensitive information and can be subject to data leaks and information gathering from businesses that provide online learning tools.

-Many businesses and corporate platforms used for online schools are limited in the privacy policy for their information. Some don't even post such policies, increasing risks against students who need to use their programs for school.

3. Personal information of victims from child trafficking and child marriage must be protected in order to secure children's right to privacy

3.1 Child trafficking victims experience threats to their personal autonomy

3.1.1 The privacy of child trafficking victims should be guarded at the highest degree and increased care towards such victims should be encouraged. Many victims of child trafficking experience long term psychological effects which can get worse if their personal information isn't kept confidential.



# RECOMMENDATIONS

3.1.2 Child trafficking victims are extremely vulnerable and in desperate, dire need of having their identities protected, in the event that their traffickers come after them. Increased efforts are needed in order to protect these children's rights as well as their safety.

3.2 Child marriage laws need to be enforced and applied universally

3.2.1 Even though federal law within the U.S. makes 18 the legal age at which peoples can get married, many state laws still apply differently. Legal loopholes in states that can lead to child marriage need to be dealt with, such as legal loopholes that can create child marriage exceptions. Without a universal baseline age requirement, the privacy and autonomy of young children will continue to be at risk.

## KEY RECOMMENDATIONS

4.1 Discrimination needs to be a factor in solving privacy rights.

4.2 Online sites and social media platforms need to be held accountable for violating right to privacy rules and regulations, as well as encourage age appropriate privacy guidelines.

4.3 Online schools need to update child privacy and security due to increased usage of online schooling. An increase in safeguard testing for online platforms that will be used in online schools.

4.4 Governments need to abolish loopholes which allow child marriage. Such action must also be effective in protecting the privacy of children put in such circumstances.



## Section 1

# GENDER DISCRIMINATION: CHILDREN'S RIGHT TO PRIVACY, INDEPENDENCE, AND AUTONOMY

1.1.1 Children experience gender roles from a young age. During childhood, the immediate environments of children form these gender roles, such as family, neighbors, and classmates, as well as education, media, and entertainment. Growing up, children may categorize women and men having different roles in society. Although they don't realize early on, we see this through their passions and career choices. However, without agreeing to the social norm, there are ways children can be exposed to non-traditional roles. And this is happening in other countries through initiatives such as "Mind the Gap", "Discover!", and The Norwegian Government's gender equality action plan (Olsson, 2018). These initiatives are based upon a gender-counterstereotypical role model. A "gender-counterstereotypical role model" is an individual who engages in a role that is antithetical to gender stereotypes. The world views a role model as someone children or the younger generation can look up to.

1.1.2 Various role model initiatives have different goals set in mind when establishing their interventions:

- Promoting women's interest in science, math, engineering, and mathematics
- Exploring roles in leadership and politics

1.1.3 Many young women shy away from these topics as they feel they may lack the skills to get far in these career paths. Exposing young women to the opposite will allow them to explore unanticipated topics and gain a variety of skills for different career focuses. With the idea that other countries have adopted this method, this will allow young professionals in the making, to gain a sense of autonomy when choosing career paths. In addition, young professionals seek to gain independence when moving from forced career goals by their parents.

1.1.4 Many interventions succeeded in reducing exposure to traditional gender stereotypes:

- Pingree's study presented third and eighth-graders displays of non-traditional women roles and traditional women roles. Findings of the study concluded that the school-children reported less traditional stereotype roles when viewing non-traditional television commercials (Pingree, 1978).
- In another study, third graders reported less traditional stereotypes roles when listening to a man and women speak about their careers, which were outside of the social norm (Tozzo, 1990).
- Girls were less likely to picture scientists as male when experiencing a 10-day long camp of female scientists (Gulsen, 2011).

1.2 Many elementary and high schools have adopted programs where the push is to get more young women into science and math fields. The issue is that schools don't provide real-world experience as interventions have done. More adaptive and hands-on programs will allow young women to experience male-dominated career paths. Also, allowing young women to explore government topics at a young age. For example, teaching about democracy and doing mock-voting exercises. The United States can benefit from viewing how other countries have implemented interventions for the younger generation

## *Section 2*

# **RACIAL DISCRIMINATION: CHILDREN'S RIGHT TO PRIVACY, INDEPENDENCE, AND AUTONOMY**

### 2.1 Introduction

2.1.1 Covid-19 has drastically altered the way millions of American children are educated. While the pandemic has pushed schools to innovate in many ways, it has also exposed and exacerbated longstanding inequalities that exist throughout society. In addition to their academic mandate, schools function as one of society's largest safety nets; they provide meals, as well as social and medical services to some of the most vulnerable populations. They also have legal custody of children for a significant portion of the day. As a result of the pandemic, all of these functions have been drastically altered, if not eliminated. As those responsibilities shift exclusively to families, their abilities to cope and provide stability in a time of increased instability will worsen inequalities and society's response will expose underlying inequalities, up to and including the legal system.



## 2.2 Racism in Education and the legal system.

2.2.1 There are longstanding concerns about unequal treatment for black youth in the judicial system. In 1998, The Juvenile Justice and Delinquency Act of 1974 was amended to require states to address the growing concern regarding the disproportionate confinement of minority youth. Despite these efforts black youth account for 35% of juvenile arrests in 2016, yet they only account for 15% of the adolescent population (Puzzanchera, C., Sladky, A. and Kang, W. (2017). Easy Access to Juvenile Populations: 1990-2016; OJJDP Statistical Briefing Book). As school disciplinary issues become increasingly treated as delinquent acts, the inherent racism in the U.S. legal system will lead to children of color experiencing discriminatory outcomes that can have lifelong consequences.

## 2.3 Recommendations

2.3.1 The question remains, how can students—particularly minority students— be protected from the far-reaching power of the legal system once a school case becomes an issue of the courts? Without specific provisions or laws, children of color are more susceptible to the many discriminatory practices that plague the United States legal system, which in and of itself, violates children's basic rights to equality. To fully prevent excessive and unfair punishment, students need more privacy rights to educational records. According to the Family Educational Rights and Privacy Act (FERPA), transfers most of the rights to the parent until the student is 18, but schools still have disproportionate discretion to disclose information without consent. This poses a threat to students of color because America, as previously stated, is still very racist, so these children are put at a higher risk of being treated unfairly. Students having rights to more privacy rights to records will lessen the number of arbitrary cases that do make it as far as court.

## 2.4 Conclusion

2.4.1 As Covid progresses without a vaccine, and online learning becomes the new norm, schools have to take into consideration the disruption and displacement of their students. Many families relied on school not only for educational purposes but for shelter, safety, and food. Some students simply cannot adjust without the stability of in person learning and feel as though they cannot participate. While school officials should not ignore this behavior, it certainly does not warrant judicial interference of any kind- the very least being a punishment of jail time. In order to prevent injustice and violence from even being a possibility students should have more access and privacy to educational records.

### *Section 3*

## **CLASS DISCRIMINATION: CHILDREN'S RIGHT TO PRIVACY, INDEPENDENCE, AND AUTONOMY**

3.1.1 In the United States, children's online privacy rights are disparately affected across socioeconomic statuses, particularly in lower-income families. Their privacy and information are exploited and violated worse than that of children in a higher socioeconomic status. There must be significant protections for the privacy, independence, and autonomy of impoverished children, such as ensuring that they understand consent, especially when it comes to their data privacy. For instance, the terms and conditions should be written at an 8th-grade level, because most of the time they are too extensive and technical for their reading level.

3.1.2 Now more than ever, we are seeing that there needs to be an improvement for children's online privacy due to schools being online. According to a study, children ages 2 through 11 make up 9.5% of online users. That is nearly 16 million children and the numbers are only rising. There must be more educational provisions with online data and usage. For example, educational tech companies are gathering up to 10 million unique data points on each child. These educational tech companies should delete and regulate the data used by students. There must be more restrictions on the internet with inappropriate words or images, or even some websites. By ensuring regulations are in place on a state, local, and national level to protect and inform these children of their rights, we can warrant they are no longer unknowing participants to tech giants that are sharing their data and privacy.

3.1.3 Due to the COVID-19 pandemic, more schools are going online, which means more children will be utilizing their computers, iPads, and iPhones for school. Underprivileged children are more at risk because of this. One problem is that the onus of protecting privacy is mainly all on the child and their parents. Impoverished children and parents have fewer resources to take all the extensive steps necessary to negotiate and ensure privacy. The same goes for schools with fewer resources. Khan Academy, an educational company, still allows third-party users such as Youtube and Google, to place "cookies" on students to collect and store their information about their web usage as well as share personal information with app developers and other external partners with students' consent.

3.1.4 Over 16 million children's rights are violated because of personal information being disclosed by educational technology companies. The U.S. stands at its current peak in the digital era, which is dominated by men in the tech industry who are creating more threats to privacy and data, especially for children. Companies must be held accountable for their actions to ensure there is privacy for all children, despite their socio-economic status, especially during the time of virtual schools. Companies must stop taking advantage of children from lower-income areas and stop using their data for their gain but need to ensure every child is protected from pop-up pages that may track information.



3.1.5 Zoom is widely used for virtual learning. Being able to see into a child's living space can exploit privacy, even with someone walking in the background. "Students are tracked as they play online games, watch videos, read books, take quizzes, and run laps in physical education. The monitoring continues as they work on assignments from home, with companies logging children's locations, homework schedules, Web browsing habits, and their academic progress." This prevalent issue on low-income children's data, privacy, and autonomy being taken away is not only detrimental to children today and tomorrow, but also the children of the future because it takes away their rights and damages their future interests through possible exploitation.

3.1.6 Appropriate protection must be achieved for the privacy, independence, and autonomy of children from low-income families and schools with fewer resources. Other restrictions for children on the internet must be put forth on a state, local, and nation-wide level, so we can ensure these educational tech giants are not taking advantage of children from all socio-economic levels. Technology's power in society is not equal, especially when it comes to the privacy and protection of children in communities who are at a disadvantage. Online educational organizations are exploiting poor children to increase the inequality that is already harming these disadvantaged communities. While this might give children more online autonomy it also puts them more at risk for exploitation and shared data.



## 3.2 Recommendations

Wealthier schools can afford more protections and poorer schools aren't always able to afford those same protections. Schools and districts must have protections for their students and make it a requirement for the rights of students. Providing funding is one way to ensure online security so that the risk of unlawful activities that affect children is decreased. The schools and districts must ensure that their privacy policies are separated and secured from educational tech companies. Children's data is being stolen, and their autonomy is being undermined. Who is going to profit from this? How will this affect children as they get older? How can this affect the future world?

## Section 4

# DISCRIMINATION AGAINST INDIGENOUS PEOPLES: CHILDREN'S RIGHT TO PRIVACY, INDEPENDENCE, AND AUTONOMY

### 4.1 Introduction

4.1.1 The world is changing everyday with new laws and technology being created. When we think about privacy today what comes to mind is surveillance, digital rights, and the internet. Along with the use of technology comes the importance and protection of our right to privacy. When it comes to privacy, it is essential to our independence and autonomy. But as we think about our privacy there are some factors that present an issue. Discrimination is a problem that occurs everywhere from online to social welfare. Discrimination in the digital age is becoming a problem that continues to stretch as newer forms of communication and sharing become available. When it comes to discrimination one group that faces enough of it just as much as any other is Indigenous People.

4.1.2 The internet has become an important part of the world. In a society that is glued to being online day in and out, discrimination has an open floor. Children are the most vulnerable in the effects of discrimination and the privacy rights of many indigenous children are violated. It is of utmost importance that indigenous children's privacy is protected when it comes to the digital age. Aside from digital discrimination governmental control has created a rift in the autonomy of indigenous children's rights.

4.1.3 It is important to respond to these issues with the goal of implementing protections and better policy changes for ethnic groups. Privacy is essential as it helps to create boundaries. These boundaries can include places, things, and even our very own identity. Privacy is a right that is afforded to many and should be protected. Along with our right to privacy comes independence and autonomy. The information presented within this section should make aware to the Australian reports research the importance and need to ensure that Indigenous children's right to privacy allows for independence and autonomy with protection against discrimination and rights violations.

### 4.2 Privacy in an online social sphere

4.2.1 Social media is used by almost everyone around the world today. Through social media we can communicate with others across the globe, share moments from our lives, and express who we are. Social media not only acts as a bridge bringing different people together, but it also helps to connect those who are similar. Indigenous children use social media to connect with other Indigenous children. With platforms such as Facebook and Instagram, indigenous children have a chance to present their identities through their own voices (Haynes). They can speak to and share with others their culture and language, as well as connect with older generations, thus creating an intergroup relation amongst their Indigenous identity.

4.2.2 Although social media and the internet have created a space for this group, it has also opened doors to racial and ethnic discrimination from others on the outside. Social media being an open public platform allows for the sharing of many things. Some of the things that are shared online include racial commentary to violent and traumatizing videos, some these including their people (Carlson).

4.2.3 The open discrimination against children who identify as indigenous has affected the ability for privacy within a safe space. It leaves many feeling anxious and overwhelmed with some watching what they put up with fear that it may stir up racial troubles for them (Carlson). Indigenous children need to be able to participate online where they have independence and autonomy to be themselves, post what it is they wish to post, and can freely voice their opinions not only as citizens but as human beings. Current social media community standards and policies are not enough as these hurtful posts continue to be posted. As social media technicians (Gerster) work to remove those who bring harm to the social community, it can be difficult to keep up with people making new accounts under different names in order to further spread their disgraceful posts and commentary. The mental health of indigenous children online is what is at stake in the need to understand the importance of protecting children's rights to privacy and their ability to practice independence and autonomy.

### 4.3 Recommendation

4.3.1 When it comes to privacy rights and discrimination, new policies and online community safety measures should be put into place, ensuring that all groups including indigenous people (children) are protected further from racial commentary and photographic images and audio. Some policies that could be included are the automatic blocking or suspension of a user's account through the company, so that the person who disrespects community safety guidelines cannot continue to harm ethnic or racial groups.

### 4.4 Conclusion

4.4.1 Discrimination against indigenous peoples when it comes to children's rights to privacy, independence, and autonomy is important to understand and research. Laws are changing everyday as new issues continue to arise. When it comes to the following topic governments must ensure that changes are made to the following issues by recommending nations work with their governments to see what can be done about discrimination.



## Section 5

# INTERSECTIONAL DISCRIMINATION: CHILDREN'S RIGHT TO PRIVACY, INDEPENDENCE, AND AUTONOMY

### 5.1 Introduction

5.1.1 The lack of privacy and safety of children in the current world of technology and social media is at an all-time high, as online databases and social media platforms are hugely unregulated sources of information for children who have access to almost any form of technology. According to a study conducted on the United States youth, “about half of kids have some form of social media by age 12” (Howard, 2018). Technology, social media, and the internet are not inherently negative or malicious forms of information or entertainment; however, due to their vast and unregulated nature, they can not only infringe on the privacy of children but also their safety and wellbeing.

5.1.2 Although many types of social media and websites have an age verification process, they are typically not difficult to bypass. Further, Congress officially mandated under the Children’s Online Privacy Protection Act (COPPA) that websites could not collect data on children under 13, therefore, many forms of social media also prohibit usage of those under age 13 (O’Keeffe, 2011). However, not only is the age of 13 still incredibly young, but children under this age are likely to ignore or evade the age prohibition. Furthermore, children in different demographics may try to educate themselves or access resources on issues surrounding aspects of their identity through the internet, only to come across dangerous, malicious, or otherwise harmful content that could profoundly damage their safety and privacy.

### 5.2 How Children of Various Demographics Could be Affected by Unregulated Internet Access and Social Media Platforms

5.2.1 K-12 Education in the United States often does not fully educate students on various aspects that define and affect one’s identity. This is especially true for marginalized groups, such as women, people of color, LGBTQIA+ students, low-income students, students with mental health issues or disabilities, and even more so for students who are part of two or more of these demographic groups. Therefore, students may try to find alternate resources or information through websites, social media platforms, or influencers. In doing so, these students of marginalized groups are at a potentially higher risk of unintentionally inflicting harm on themselves through accessing these resources.

5.2.2 For example, students who are suffering from eating disorders like Anorexia or Bulimia only have to look so far to access “Pro-Ana” and “Pro-Mia” sites and social media pages, among countless others, which glorify and endorse these eating disorders through unhealthy tips, tricks, images, and affirmations all filtered through the lens of a unified “community”. Those who may be trying to understand an aspect of their identity like their sexual orientation, gender identity, or race, may come across harmful websites or social media pages that actively spew hate-speech, give false information, or even directly threaten this aspect of one’s identity. Children’s brains are still underdeveloped, malleable, and easily influenced and impacted, therefore, those children who are least privileged based on their demographics are at an incredibly high-risk of coming across information that could be extremely harmful to their wellbeing, safety, and even privacy.

### 5.3 The Digital Footprint – What it is and Why it is Problematic for Children

5.3.1 Along with all of the potentially harmful information easily accessible to children, there is another aspect of the online world that can be negative and have huge impacts on a child’s future – their “Digital Footprint”. The Digital Footprint is a public data collection of all things related to our online usage, which can also be utilized by advertisers, third-party data consumers, and potential future employers (Ambry). For this Digital Footprint to be imposed and utilized on children under the age of 18 is a total breach of privacy on children who are unaware of the impact their online roaming may have on their future.



### 5.4 Recommendations

5.4.1 Parents and children alike need to be made aware of how their Digital Footprint can impact them on a long-term scale, as well as how harmful and dangerous certain areas of the internet and social media can be. Although it is impossible to protect children from these issues entirely, there can be enhanced education to better inform parents, children, and their decisions– especially through an intersectional and inclusive lens. Furthermore, campaigns can be funded to push legislation towards upgrading and properly authenticating the age-verification process as well as heightened levels of regulation for children on the internet and social media platforms. Through greater education on a national scale as well as a general push for legislation changes, children who identify with all different demographic groups can be better protected from online harm and their information and digital footprint kept more private.

## Section 6

# LGBTQIA+ DISCRIMINATION: CHILDREN'S RIGHT TO PRIVACY, INDEPENDENCE, AND AUTONOMY

## 6.1 Introduction

6.1.1. Children in the LGBTQIA+ community have their rights to privacy, independence, and autonomy violated when conversion therapy is used against them. Although the issue has improved, there is still a good amount of young adolescents who are receiving conversion therapy. There's an estimate that "698,000 LGBT adults (ages 18-59) in the U.S. have received conversion therapy, including about 350,000 LGBT adults who were subjected to the practice as adolescents. (Mallory, 2019)" Shock treatment in the United States is still a relevant issue that needs further legislation to ban in order to preserve the LGBTQ's privacy, as well as protect their overall health and well being.

6.1.2 Although big medical organizations reject the practices of conversion therapy, there are a number of practitioners that still conduct this sort of therapy. Shock treatment therapy has no evidence or factual data that accurately backs up its claims that it changes a person's sexual orientation or gender identity. "As of June 2019, 18 states and the District of Columbia had passed statutes limiting the use of conversion therapy."

## 6.2 The Negative Impacts of Conversion Therapy

6.2.1 Conversion therapy has been put into practice in the U.S. since the early 20th century. There are a number of techniques that professionals and religious figures have used in regards to providing this type of therapy such as "inducing nausea, vomiting, or paralysis; providing electric shocks; or having the individual snap an elastic band around the wrist when the individual became aroused to same-sex erotic images or thoughts." This violates the very rights of children in Article 24 of the CRC which states, "the right of the child to the enjoyment of the highest attainable standard of health (UN Human Rights, 1990)" In 2007 the American Psychological Association did extensive research on the efficacy of conversion therapy and found that, "there is clear evidence that conversion therapy does not work, and some significant evidence that it is also harmful to LGBTQ people (Human Rights Campaign)."

6.2.2 Research shows that conversion therapy dramatically harms individuals. In addition to all of the physical effects that come from receiving any of the treatments, there is also a psychological effect that usually affects a child who is usually forced into the treatment. A family or community that forces a child to change their identity can cause the child to have a feeling of failure which can ultimately force one to feel disconnected from their family.

### 6.3 Why is Conversion therapy still being practiced?

6.3.1 According to a poll done in 2019 by Ipsos/Reuters, “56% of US adults support making conversion therapy on youth by mental health practitioners illegal as compared to a minority (18%) who think that it should be legal.” Although there is about half of people who think it should be illegal, there’s still a good amount of people who think that it should be legal, even though there is no supporting benefit behind this practice of therapy.

6.3.2 The problem with many of the laws that are in place right now regarding conversion therapy is that the statutes only apply to health care professionals as well as people who provide it for payment. “The laws generally do not apply to religious or spiritual advisors who engage in sexual orientation or gender identity change efforts within their pastoral or religious capacities.” Even in states where spiritual conversion are banned, religious advisors or counselors can still provide this type of therapy. The Williams Institute estimates that “57,000 LGBT youth across all states will receive conversion therapy from religious or spiritual advisors.”

### 6.4 Recommendations

The entire country, adults, teenagers, and children need to be better informed on this topic of conversion therapy. Although a number of statistics point out the improving numbers that states are making with banning the practice, there is still the loophole of religious advisors or counselors being able to provide the therapy. Educating people on the effects of the therapy as well as the overall statistics that show that there are no positive benefits could ultimately change peoples attitudes. Conversion therapy must be banned in the United States to secure children's rights to privacy, independence, and autonomy.

## *Section 7*

# **CHILDREN'S RIGHT TO PRIVACY, INDEPENDENCE, AND AUTONOMY AND "CONVERSION THERAPY"**

7.1 “Conversion Therapy” Law prohibits our licensed mental health practitioners from subjecting the LGBTQ+ minor community to harmful conversion “therapy” practices that attempt to change their sexual orientation or gender identify. When defining conversion therapy its given any attempt to change a person’s, in this case minors sexual orientation, gender, identity, or gender expression. Considering the harms that caused when being a victim of conversion therapy (GLAAD< 2020); San Francisco State University found that “compared with LGBTQ+ young people who were not rejected or were only a little rejected by their parents and caregivers because of their identify were 8.4x’s more likely to report having attempted suicide, 5.9x’s more likely to report high levels of depression, 3.4x’s more likely to use illegal drugs, and likely to have high risk to HIV and STDs (GLAAD). In the United States there are 13 States including California (2012), New Jersey (2013), Illinois (2015), Oregon (2015), Vermont (2016), Connecticut (2017), Nevada (2017), New Mexico (2017), Rhode Island (2017), Washington State (2018), Maryland (2018), Hawaii (2018), and New Hampshire (2018) that have passed laws protecting the LGBTQ+ youth community (GLAAD).

In addition to these 13 states Washington D.C. has also passed this same law as well. While one state in particular has not passed a law, New York State's Governor Cuomo has signed an executive order that protects youth from conversion therapy in which this prohibits the public and private health care insurers to any kind of coverage. In addition this Governor Cuomo has also set in place that his order also prohibits numerous mental health facilities from conducting the practice on minors. Taking into consideration that over 57,000 LGBT youth across our nation will or have received conversion therapy; these vulnerable children have rights to their autonomy.

7.1. Conversion Therapy has been practiced in the United States for over a century with a range of techniques this way of therapy has been used by both health care professionals and religious figures. While the most common technique is talk therapy, considering that some practitioners have also tried (Williams Institute, 2020) "aversion treatment such as inducing nausea, vomiting, or paralysis; providing electric shocks; or having the individual snap an elastic band over their wrist when the individual becomes aroused to same-sex images and thoughts" (Loyal). Thinking of our children would these specific methods and taking into consideration of our youth, Would you let your child be a subject to these methods? These methods are inhumane; it doesn't justify the implications of someone identifying themselves to be a part of the LGBTQ+ Community even as a minor. When choosing the routes of therapy for a minor it should be asked if the child wants it and it is really needed, in reality parents accept the fact that times are changing and it is okay to be a part of any community; in this crazy world we live it support from loved one go a long way.

## 7.2 Recommendations

7.2.1 Although, lesbian, gay, bisexual, and transgender youth and those who are questioning their sexuality or gender identity experience both health and behavioral health disparities; (SAMSHA, 2015). The Substance Abuse and Mental Health Services Administration (SAMHSA) is committed to eliminating health disparities facing vulnerable children first and then our adults. When reporting to Ending Conversion Therapy: Supporting and Affirming LGBTQ is provides our mental health professionals and nevertheless families with current accurate information in regards to the effective and ineffective therapeutic practices in relation to children and their sexuality.

7.2.2 When thinking about the accessibility technology the children have today, it would only better their future to only feel comfortable in who they choose to be. While times are always changing it only is right to give the right information on how to be accepted in today's society. While our laws have come a long way, it is still growth that needs to be placed. Our children's educational system is also expanding and everything that it happening in today's society should be taught, especially identity and gender, it plays a huge part in acceptance.





## Section 8

# IMMIGRANT CHILDREN'S RIGHT TO PRIVACY, INDEPENDENCE, AND AUTONOMY - DETENTION

### 8.1 Introduction

8.1.1 At the end of 2019, an estimated 79.5 million individuals were forcibly displaced from their homes (UNHCR). These displacements are the result of persecution, conflict, violence, and/or human rights violations. In 2018, children accounted for approximately 31 million of the global displaced population (UNICEF, 2020). In many nations, migrants are subjected to family separations, poor living conditions, disease, and losses of liberty upon being held in detention centers at national borders. Climate change, violence, and conflict are forcing families to vacate their homes in search of improved conditions in other nations.

8.1.2 Family separation at the Mexico-U.S. border received the global attention in April of 2018 after the Trump Administration's announcement of its "zero tolerance policy" for illegal immigration (Human Rights Watch, 2018). Shortly after the policy's implementation, it was discovered that undocumented parents and their children were being separated at the border (Southern Poverty Law Center, 2020). An estimated 3000 children had been separated from their parents at the time President Trump signed an 2019 executive order halting the separation of families.

8.1.3 Despite having signed the executive order, reports of family separations continued in cases where parents were believed to "pose a threat" to their children. Parents with records of misdemeanors such as marijuana possession were reportedly separated from their children. Harsh immigration policies such as the "zero tolerance" policy left already vulnerable children exposed to manipulation and abuse in detention centers.

8.1.4 The journey of a migrant is difficult and often traumatic. For children, this experience is enhanced even more so. The trauma experienced by children throughout the process of migration varies based on the child's age, family presence, economic status, and conditions under which the family fled (Perreira, 2013). After the process of migration is complete, children often display symptoms of Post-Traumatic Stress Disorder. Global governments have the power to alter the migrant experience for young people through policy reformations. Undocumented children's right to privacy is being impeded upon by current policies in nations like the United States.

## 8.2 Immigration Detention in the United States: Improper Use of Confidential Documents

8.2.1 In March of 2003, Section 462 of the Homeland Security Act of 2002 transferred the responsibility of the care and placement of unaccompanied, undocumented children to the Director of the Office of Refugee Resettlement (ORR). The ORR fell under scrutiny in 2018 after the publication of an article from the Washington Post detailing the illegal and unethical distribution of confidential therapy records between the ORR and U.S. Customs and Border Patrol (CBP) (Washington Post, 2020). The details of the article sparked concerns among various mental health rights, immigrants' rights, and children's rights groups. Over forty organizations belonging to the Mental Health Liaison group, including non-governmental organizations such as the American Psychological Association (APA), petitioned the Chairmen of the U.S. Committees on Homeland Security, Governmental Affairs, and Oversight and Reform to halt the use of confidential records in the cases of undocumented minors (Mental Health Liaison Group, 2020).

8.2.2 The ORR argues that because medical/therapeutic records of undocumented persons are not protected by HIPAA, the records are therefore eligible to be used as evidence in court (Nilsen, 2018). Organizations such as the APA argue in favor of undocumented minors; APA President Sandra L. Shullman argues that "[the] ORR's sharing of confidential therapy notes of traumatized children destroys the bond of trust between patient and therapist that is vital to helping the patient (American Psychological Association, 2020)."

8.2.3 As expressed in 9.1.4, undocumented minors can be exposed to dangerous conditions, traumatic experiences, and abuse during the process of immigration. The relationship between the patient and therapist is dependent on trust. This lack of trust, which the ORR and CBP have created, will result in undocumented minors withholding their complex emotional struggles from therapists. This can potentially lead to higher rates of depression, anxiety, PTSD, self-harm, and suicidal thoughts among undocumented minors in the care of ORR. Under Article 24 of the Convention on the Rights of the Child, the child has the right "to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. (OHCHR)" Failure to provide a child with safe access to mental health services under the promise of confidentiality effectively prevents the child from receiving adequate health resources.

## 8.3 Immigration Detention in the United States: Administration of Psychotropic Medication

8.3.1 In April of 2018, the Center of Human Rights and Constitutional Law filed a suit, alleging that undocumented children held at the Shiloh Treatment Center in Texas were forcibly administered psychotropic drugs such as Benztropine and Latuda (Smith, 2018). Testimonies from minors and their families suggest that the Shiloh Center administered psychotropic drugs without the consent of parents or the assent of the minor. Children who do not understand English expressed being unaware that the medication they received was anything other than vitamins. The Shiloh Center purposely misled the children in an effort to control and sedate them. The ORR contributed to the cover-up of this violation of the right to bodily autonomy.



## 8.4 Conclusions

8.4.1 The unethical distribution of confidential information in court hearings is detrimental to the well-being of undocumented children. Therapy services offered by detention centers are meant to help undocumented children cope with trauma. Instead, confidential documentation is being utilized by governmental officials to continue detaining and deporting undocumented children. Without their parents or other trusted adults around, attributed to family separation policies, therapists and doctors have arguably assumed the role of a trusted adult in the life of the child. It is illogical to suggest that minors, particularly younger minors, have the capability to decipher complex legal jargon pertaining to their rights when meeting with therapists, doctors, or other professionals employed by the ORR, CBP, or Department of Homeland Security. The use of said documents in proceedings relating to the status of the minor is a violation of the child's right to privacy.



8.4.2 The administration of psychotropic drugs without the assent of the minor or consent of a parent or legal guardian violates the right to bodily autonomy. Individuals have the right to make decisions regarding their own health and bodies. It is immoral of the Shiloh Center to administer drugs to unknowing children. Children often blindly trust adults; children are put at a disadvantage not only because of a language barrier, but because of a lack of knowledge regarding their own rights.

## 8.5 Recommendations

8.5.1 All undocumented minors must have fair access to the right to due process and the right to an attorney. Realistically, children cannot be expected to find their own legal representation. The federal government must provide an attorney to represent the needs of the minor and explain all legal documents provided to the child.

8.5.2 Children deserve the right to request a translator at any point during their supervision under ORR. The language barrier makes it impossible for children to concisely express their needs and protect their right to privacy. A translator will ensure that the child is fully aware of all information regarding their status, health, records, and questions of consent.

## Section 9

# IMMIGRANT CHILDREN'S RIGHT TO PRIVACY, INDEPENDENCE, AND AUTONOMY - EDUCATION

## 9.1 Introduction

9.1.1 There are many obstacles that immigrant children face as they acclimate to attending school. These challenges include learning a new language, meeting new people, and becoming familiar with a new learning environment. In the United States, there are challenges that immigrant students should not have to face in their efforts to pursue an education. Unfortunately, many immigrant children's rights to privacy are violated within the school system. Although the 1982 Supreme Court case *Plyler v Doe* ensures immigrant children the right to an education (Modan, 2019), there are still factors that the law doesn't protect, including certain rights to privacy.

## 9.2 Immigration raids cause fears of privacy violations

9.2.1 According to teachers and administrators nationwide, immigrant children live in fear while they attend school (Jones, 2018). Professor Patricia Gandara, co-director of the UCLA Civil Rights Project stated that "some kids are catatonic. Some kids won't eat. Some kids have given up trying. The horror that's raining down on these kids is stunning" (Ibid.). The results of immigration raids have caused debilitating anxiety for immigrant students. They believe their own privacy is at risk and that their families are at risk of deportation (Sanchez, 2019).

9.2.2 The fear of coming home to their whole family gone intensifies when they witness nearby raids (Ibid.). Children feel a sense of invasion which has been shown to have a direct impact on their academics. "Immigration crackdowns are having a widespread harmful impact on children's academic performance, school attendance, and classroom behavior (Jones, 2018)." The UCLA Civil Rights project produced a survey for 730 schools nationwide. They found that ninety percent of administrators noticed behavioral or emotional problems, seventy percent saw a decline in academics and a sixty-eight percent saw an increase in absences (Jones, 2018). These results show that immigration services like Immigration and Customs Enforcement (ICE) have indirectly violated immigrant students' privacy and have become invasive enough that children's academic performances are declining. Children have the right to a focused education and as long as ICE is invading their privacy with intimidation from nearby raids, their education will stay at risk.

### 9.3 Students lose interest to education due to privacy violations

9.3.1 ICE has not only created a decline in immigrant children's education, but has also made them question if the risk of education is even worth it. There have been instances in which ICE officers have waited for kids to be dropped off at school or at the bus stop, only to arrest their parents. "Immigration rights activists said three incidents occurred in Colorado...involving fathers detained before or after dropping off their children (Coleman, 2020)." This form of arrest invades the children's privacy; ICE uses their school schedule to prey upon their parents. As these occurrences continue, children might wonder if getting an education is worth all the risk. "Fear is heightened when schools allow Immigration and Customs Enforcement (ICE) agents to search the grounds or collect personal student information (Saxon, 2019)." Although ICE being allowed on school grounds is rare and requires a judicial warrant (ACLU), there is still a chance that it can happen. ICE being permitted on campus violates children's privacy and safety.

### 9.4 Recommendations

9.4.1 The government needs to make an announcement to the American people that makes it clear that all children are safe when they attend school. They must clarify that children face no threat of being deported and they have the right to continue to pursue an education. They must ban immigration services from coming onto school grounds to arrest students and their families.

9.4.2 The government must not only ensure that students are safe in school, but that their families will not be affected while they are learning. It must be a priority to not stoke unnecessary fear in children while they pursue an education. Immigration services should not target families after dropping off their kids at school. This will ensure that the child's education and their family's privacy are not threatened.

### 9.5 Conclusion

9.5.1 It should be a top priority that we do not cause fear in immigrant children. We should not threaten their safety, stability, and privacy in terms of an immigration arrest. Invasion of privacy is extremely harmful to children mentally, emotionally, and academically. Immigrant children must feel that their privacy is respected, and their education is valued. Once we make immigrant children's privacy a priority in and around school, they will feel a greater sense of safety and protection, which will make them hopeful about their educational futures.

## Section 10

# SOCIAL MEDIA AND CHILDREN'S RIGHT TO PRIVACY, INDEPENDENCE, AND AUTONOMY : TIK TOK

## 10. Social Media, “TikTok”, and Children’s Right to Privacy

### 10.1 Background

10.1.1 TikTok is a Chinese social networking service that is used for creating, sharing, and discovering short-form videos (Kaur, 2018). The app was formally known as Musical.ly, but was relaunched as TikTok after a Beijing based internet technology company called ByteDance bought the app (Tik Tok, 2020). Videos on TikTok are 60 seconds or shorter, and most users post videos of themselves lip syncing or dancing to popular songs or video snippets called ‘sounds’ (Ibid.). TikTok does not have a minimum age requirement, but it does specify it is intended for users over the age of 13. A child under 13 can still make an account by falsifying their date of birth, something that is not difficult. TikTok has been under fire regarding issues of data-stealing by the Chinese government, while other problems garner less media attention. One of the most concerning and overlooked issues is the privacy of young children, especially against pedophiles. With the average age of TikTok users being between 16 to 24, these young adolescents are at grave risk of being sexually preyed upon (Beer, 2019).

### 10.2 Privacy on TikTok

10.2.1 A large majority of TikTok users are minors, but the young age demographic has not encouraged TikTok to put strict privacy guidelines in place to protect their child users. When signing up for TikTok, a profile is automatically made public, which means anyone can access your videos, send you direct messages, and use your location information (Ucciferri, 2020). This lack of privacy means that an older individual could access videos of young children dancing and singing. TikTok dances or lip child users. When signing up for TikTok, a profile is automatically made public, which means anyone can access your videos, send you direct messages, and use your location information. This lack of privacy means that an older individual could access videos of young children dancing and singing. TikTok dances or lip syncing videos usually involve the most popular songs, which can contain swearing and sexual content that is not appropriate for children. Minors may wear revealing clothing and performing sensual dance moves, and any person could access their videos if their profile is public. Not only can predators view and like this type of content posted by young users, but they also can create videos with the child in the form of a ‘duet’ video. The predator can create a duet video with the child’s content, and there have been instances where an older man licks his lips to a video of a young girl. TikTok has a tool that allows users to report predation and abuse but is described as being “wildly inconsistent”, leaving minors vulnerable to predators (Broderick, 2020).

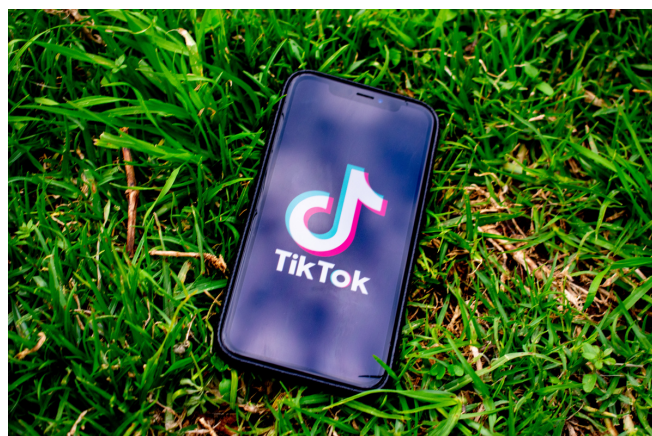
10.2.2 TikTok, like a number of other social media platforms, has an algorithm to learn what its users like in order to promote more videos with similar content. This means a pedophile could continually view and like videos of young girls dancing and singing, and TikTok will continue to recommend similar content from different users. The “For You” page, the place where algorithmically suggested videos appear, allows predators to prey upon large numbers of children without their knowledge.

### 10.3 Sex Offenders and Social Media

10.3.1 Registered sex offenders are allowed on social media spaces where minors are commonly active. Back in 2017, the Supreme Court struck down a North Carolina law that prohibited registered sex offenders from accessing various websites, where minors are known to be active and have accounts (*Packingham v. North Carolina*, 2020). The North Carolina law, which forbid registered sex offenders from accessing social media platforms like Instagram and Facebook, was ruled unconstitutional (England, 2019). The decision made by the Supreme Court means that registered sex offenders are allowed on a social media platform like TikTok, where minors are active users.

### 10.4 Victimization of Children on TikTok

10.4.1 The father of a 7-year-old girl reported a predator who contacted his daughter on TikTok, pretending to be a child and asking for explicit pictures. The predator claimed to be a 9-year-old, and repeatedly asked for pictures of the 7-year-old girl without clothes on, saying it would be a “secret between us only (ABC7, 2017.)” The young girl told her parents about the messages, knowing it was not okay, but other children may not be as aware of these dangers. An online predator could message any child with a public account or pose as a child and befriend other children using a private account. When online predators get access to a child’s TikTok account, they can view their videos, which may contain explicit dances or children in minimal clothing such as swimsuits, dance uniforms, or leotards. These predators can send direct messages to the children and gain access to their location information. It is evident the young users of TikTok are vulnerable to victimization by pedophiles.





## 10.5 Recommendations

10.5.1 The most obvious and the harshest recommendation is to ban TikTok in the United States. TikTok is already under fire and at the risk of being banned in the United States because it poses a threat to national security. If the app were to be banned, it would resolve the issue of minors being preyed upon.

10.5.2 TikTok is a beloved app by people throughout the world and the United States and banning it would create an uproar amongst its millions of users. Instead of banning TikTok, which would just prompt pedophiles to move to another social media platform, a U.S. company should purchase the app and add stronger security measures to protect its young users. There should be a 24/7 helpline that is monitored by people, not robots, that allows users to message concerns about online predators.

## Section 11

# SOCIAL MEDIA AND CHILDREN'S RIGHT TO PRIVACY, INDEPENDENCE, AND AUTONOMY : YOUTUBE

## 11. YouTube's Recommended Videos: Privacy Concerns and Content Exposure

### 11.1 Introduction

11.1.1 Today's kids are growing up in an age of technology where it is rare to see young children without some kind of device. Some children have tablets and even phones, and children who do not have their own devices use their parents' phones to play games and watch videos on sites like YouTube. The Google-owned social media platform has become the most popular website used by children in the world. (Cutchin, 2019) The website does not permit children under the age of thirteen to view their platform due to data collection rules and content exposure. YouTube created Youtube Kids for the underage users, but this platform has come under scrutiny for their data collection and inappropriate content issues. Youtube's use of data collection and age verification needs to be examined in order for children to maintain their autonomy and independence online. The concern stems from data collection through recommended videos that pose a risk to children due to privacy concerns and content exposure practices that allow the platform to profit.



## 11.2 Recommended Videos:

11.2.1 YouTube and YouTube Kids both use data collection to suggest the next video that a viewer should watch. They do this by tracking the user's activity path, such as their watches, demographic information, and searches. Their system then compares these filters to other users with a similar profile and creates a recommendation ranking. (Ferreira, 2020) The problem with the recommended videos feature is that YouTube makes a profit from children by collecting their data and suggesting videos from sources that are the most profitable. The platform exploits children using their user information to turn a profit. They take advantage of the children's inexperience suggest products that they see in these videos, whether it is the form of an advertisements or a product posed in video content.

11.2.2 YouTube has addressed some privacy issues when collecting data from children for personalized advertisements, but they can still recommend personalized videos to children. US digital rights organizations filed complaints to the Federal Trade Commission about the overt commercialization and deceptive advertising practices embedded in the site, especially influencer marketing. (Smith & Shade, 2018) Using the recommendations, YouTube can show kids many toy reviews and influencers using products that make children want them too.

11.2.3 Influencers' entire purpose is to influence their audiences. When children watch their videos, they are purposefully swayed towards whatever products the influencers are using, whether they are aware of it or not. Ferreira (2020) discusses how YouTube encourages its users to watch videos that are already popular, videos with high advertising visualizations raise advertisers' commissions and generate a high profit to YouTube as a corporation. Even if Youtube cannot personalize ads directed towards children, they can overwhelm them with ads and influencers and still profit off the youth without their knowledge.

## 11.3 Risky Content

11.3.1 Another concern for children's privacy is exposure to inappropriate content for their age on YouTube. According to Ferreira (2020), "81% of parents of children aged 11 years or younger let their kids watch videos on YouTube, and 34% of these parents reported that this is a regular habit. However, the same research found that 61% of the parents reported having identified inappropriate content for their children on the YouTube platform." Although the Internet provides suggestions for parents to filter or lock YouTube content, some sites instruct youth to disable such safeguards. As previously mentioned, Youtube is intended for children over the age of 13, and younger viewers can use Youtube Kids, where their content is a little more filtered. Thirteen-year-olds are not adults, so Youtube has the option of parental controls for minor's accounts, but there are websites out there that tell you how to remove those blocks. (Ahern, 2015)



11.3.2 Videos containing dangerous and inappropriate behavior appear on Youtube, like smoking, drinking, and self-harm. This social media platform allows millions of youth as young as six to watch and mimic these behaviors (Ahern, 2015). Music videos and vaping videos show smoking and drinking positively; both are very popular with the younger populations. Self-harm videos come in different forms. One example is the cinnamon challenge where young people, ages 13 to 24, try to swallow a teaspoon of cinnamon with no liquids. (Ahern, 2015) Another example is the Fire Challenge where young people cover themselves in flammable liquid, light themselves on fire, and try to extinguish it as soon as possible. Exposing children to these dangerous behaviors puts them at risk and could lead to serious consequences.

#### 11.4 Recommendations

11.4.1 Social media sites like Youtube bring about a privacy risk for young people due to their collection of data and content exposure without age verification, therefore:

- Children should be protected from information tracking until they are old enough to consent to these data collections themselves.
- Children should be spared from being exposed to inappropriate content that makes them vulnerable to risky behaviors without real age verification
- Children should not be exploited as an economic tool for corporations like Youtube to make money

### *Section 12*

## **ONLINE EDUCATIONAL PLATFORMS AND CHILDREN'S RIGHT TO PRIVACY, INDEPENDENCE, AND AUTONOMY**

#### 12.1 Introduction

12.1.1 Within the United States, the shift of education to digital platforms due to COVID-19 restrictions has exacerbated the detrimental effects of corporations building and selling data profiles of minors. As K-12 schools are pushed online in order to comply with distance learning requirements, companies continue to profit from the collection and redistribution of data profiles they build of child users.



12.1.2 Article 16 of the Convention on the Rights of the Child that came into force in 1990 states that “no child shall be subjected to arbitrary or unlawful interference with his or her privacy”. The Article further elaborates that “the child has the right to the protection of the law against such interference or attacks” (UN, 1990). The collection and sale of children’s digital information directly violates a child’s right to privacy. Although restrictions established by the Family Educational Rights and Privacy Act (FERPA) in 1974 were intended to provide additional safeguards to children’s right to privacy within the educational sector, FERPA falls short of protecting children’s privacy in the digital age (Simon, 2014). As corporations continue to build data profiles of students using online educational platforms, additional regulations that protect against the collection of digital data profiles of children are essential to upholding children’s right to freedom and autonomy today.

## 12. 2 Impact of online educational platforms on children’s right to privacy

12.2.1 With the technological boom, school districts had already begun shifting more of their learning to online platforms, even before the COVID-19 pandemic forced many schools to participate in distance learning. In 2014, POLITICO found that nonprofits such as Code.org were offering free online training sessions and other materials to school districts. Additionally, a survey by NPR in 2015 found that more than half of the computers being used within classrooms in the US are Google Chromebooks and many additional students and teachers use Google Apps. When using Google devices, Google continues to gather information and record a child’s browsing history, this information can then be resold and monetized through targeted advertisements (NPR, 2015). These “free” services come at a much higher cost -- the collection and reselling of data. By building data profiles of student users and reselling them to companies, online learning platforms infringe upon the protections of a child’s right to privacy.

12.2.2 The infringements on the right of a child to privacy are further marked by the lack of transparency in corporations’ privacy terms. Many online learning platforms hide behind lengthy, convoluted privacy terms that take advantage of users not reading or questioning them. A survey into large companies’ data collection policies by POLITICO found that some companies, such as eScholar, which helps manage the records of over 20 million students, do not even have a posted privacy policy. Other platforms such as Code.org, which creates tutorials to help train teachers to teach coding, build in contradictory messages within their privacy policies in order to create an illusion of security. Though stating that it won’t share students’ personal information with third parties, it then doubles back to state it might provide personal information to “affiliated organizations” (Simon, 2014).

## 12.3 Importance of privacy for children's right to autonomy

12.3.1 The collection of data not only impedes on a child's right to privacy, but also poses a threat to children's rights to autonomy. With the data that is being collected from online learning platforms, profiles are being built and sold to other companies that target and manipulate consumer purchasing patterns and even states of mind. Data collected by these online learning platforms is not only being sold to help create targeted marketing campaigns, but it is also beginning to be used to help employers and colleges find applicants (Strauss, 2020). By collecting and redistributing results of tests, aptitude assessments, and other school work, data collected by school platforms is being resold and used to manipulate children's futures, stripping their right to autonomy.

12.3.2 Data profiles collected are not only sold to companies that are intending to change an individual's purchasing pattern. Advertisements marketing job applications, military recruitment, and/or college admissions can also be tailored to individuals based on their data profiles. As children's brains are still developing, they are at a higher risk of being manipulated by the advertisements they see. Therefore, the collection and redistribution of children's digital histories can be compiled and used by corporations to affect their future choices, thus removing a child's ability to autonomously make decisions that impact their life.

12.3.3 Some corporations have begun to expand beyond creating digital data profiles based on the search histories of children. In 2012, the Bill & Melinda Gates foundation funded a project working to develop biometric sensors that could detect how students responded subconsciously to their classes. If aware of the subconscious thoughts of a child, corporations could directly respond to a child's state of mind and shift their perception. This movement towards the increased collection of data from students jeopardizes a child's right to autonomy as corporations begin to control their states of being.

## 12.4 Conclusion & Recommendations

12.4.1 As schools shift online, the importance of maintaining children's right to privacy as established by the Convention on the Rights of the Child should be at the center of restructuring learning in the digital age. The formation of data profiles based on information gathered by online learning directly infringes upon children's rights to privacy and autonomy. This violation of rights is furthered by corporations' lack of transparency into their data collection and resale. The current privacy policies put in place by large corporations should be rewritten to clearly define their terms of service and which information is stored and resold. The UN's "Guiding Principles on Business and Human Rights" provides guidelines for the adoption of the "Protect, Respect and Remedy" framework for both legislatures and corporations. These principles go beyond outlining the state's duty to uphold human rights and establish a corporate responsibility to protect against human rights violations. This framework should be expanded in order to directly protect the rights of children. Corporations must ban the storage of information collected about child users and prohibit the resale of any information stored to third parties.

## *Section 13*

# **CHILD MARRIAGE - CHILDREN'S RIGHT TO PRIVACY, INDEPENDENCE, AND AUTONOMY**

### 13.1 Introduction

13.1.1 From the year 2000 to 2015, at least 207,459 minors were married in the United States (Frontline). For many, this number is shocking. It is unimaginable that child marriages could be such a significant issue in one of the world's most developed countries. In a nation where most citizens blindly trust the government to enact and uphold the most moral laws, the ongoing problem of minors being married in the United States is one that is often neglected and overlooked. This comes as a result of lacks state legislation, easily leveraged loopholes, and exceptions that violate the privacy of minors and do not take their wishes and autonomy into account. In order to move forward and ensure that the privacy of minors is protected in the context of marriage, it is imperative that there is drastic legal change throughout most of the United States. If the U.S. can utilize its role as a leader in international development, these changes could bring more attention to the issue of child marriage and help combat it all over the world.

### 13.2 State Legislation and Loopholes

13.2.1 In the U.S., the legal age to be married, as well as the cutoff age for being a minor, is eighteen years old (Human Trafficking Search, 2017). However, the possibility for a child to be married is dependent on the laws in the given state, and there are inevitably some states where it is easier to find loopholes or the legal age for marriage is simply lower. This results in some states having more child marriages: Idaho, Kentucky, West Virginia, and Texas have some of the highest rates of minors being married in the U.S., along with several other southern states. In fact, New Jersey, Delaware, Minnesota, and Pennsylvania are the only states that have outlawed marriage under the age of eighteen with no exceptions (Equality Now). For most of these other states, only parental consent (usually in the form of a simple signature) or judicial approval is needed for minors or children under sixteen years old to be married. These criteria are concerningly easy to meet, and completely neglect the wishes and privacy of the child involved. Many anecdotes have been shared by women who were forced to marry their rapists and bear their children at the ages of only thirteen, fourteen, or even eleven years old. Though not all cases are this extreme, the fact still remains that eighty-six percent of the minors who were married between 2000 and 2015 were being married to adults. Furthermore, eighty-seven percent of them were young girls.

### 13.3 Recommendations

13.3.1 As previously stated, one of the most important steps to combat child marriage in the United States is to change state legislature. There have already been large scale pushes to reduce loopholes, but it is not enough. The rest of the country must follow in the footsteps of New Jersey, Delaware, Minnesota, and Pennsylvania, and enact laws that prohibit marriage under the age of eighteen with no exceptions. Without this baseline requirement, the privacy and autonomy of young girls will continue to be at risk.

13.3.2 Though tightening child marriage laws is usually opposed by conservative legislators and citizens, it has been argued by liberals that stricter laws could impede on access to the benefits of being married. Young people may get married at a younger age and utilize the law to obtain insurance, health, or military benefits. These issues should be addressed at their core, and though enforcing no-exceptions laws with eighteen as the lowest legal age to marry could strip those benefits away from individuals who need it, it is imperative to go forward with these laws and precedents in order to protect those who suffer at the hands of forced child marriage.

## *Section 14*

# **HUMAN TRAFFICKING - CHILDREN'S RIGHT TO PRIVACY, INDEPENDENCE, AND AUTONOMY**

### 14.1 Introduction

14.1.1 There has been much of a debate in the past, about whether human trafficking victims have the right to autonomy and privacy. Research indicates that human trafficking victims are denied the right to autonomy and privacy. Traffickers are increasingly utilizing the advancing field of technology (i.e. the dark web) to establish secretive and underground “recruitment” tactics, which in turn, grants them an all-access pass to solicit and manipulate their victims.

14.1.2 According to the United Nations Convention against Transnational organized crime, the UN trafficking protocol defines human trafficking as: a) The recruitment, transportation, transfer, harboring, or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power, or a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation.

14.1.3 Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the removal of organs” (Gerry, 2016, p. 206).

## 14.2 Human Trafficking in regards to autonomy

14.2.1 Trafficking victims, are extremely vulnerable and in desperate need of identity protection, in the event that their traffickers come after them. Their autonomy is deemed to be a top priority, as well. Many people assume human trafficking only pertains to women and young girls. While this is somewhat true, trafficking can impact not only women, but small children and men as well. Trafficking occurs in sweatshops, agricultural and horticultural environments, construction sites, in restaurants and catering businesses, domestic jobs, and lastly, within the entertainment and sex work industries (Gerry, 2016, p.207).

## 14.3 Technology intercepting with Human Trafficking

14.3.1 Law enforcement authorities are using technological traces to identify traffickers and companies perform data mining to identify suspicious transactions. Furthermore, technology has facilitated the recording, storage, and exchange of victim's information after being identified as such. Reporting mechanisms for victims and witnesses via telephone or the internet have been established. In cases involving images, metadata may assist in proving the dates when the crimes are committed. The location of an offense, may be proved by the content of the images and geotagging. Xif data from devices used to take images may match those devices in possession of a particular suspect may match those devices in the possession of a particular suspect" (Gerry, 2016 pg. 206).

## 14.4 Recommendation on how privacy affects Human Trafficking

14.4.1 An article written by the Office of Justice Programs within the U.S. Department of Justice, elaborates on exactly how a trafficking victim can maintain their autonomy and their right to privacy.

"Human trafficking victims have pronounced interests in privacy as do the organizations and task forces that serve them. For human trafficking victims, the need for autonomy and control over her/his body, the private details of his/her life, and the decisions that must be made relative to the crime (including whether and how to assist with a criminal prosecution of their trafficker are often essential to recovery. Safety from future exploitation is also a real concern".

14.4.2 It is imperative to understand why human trafficking occurs in the first place. It is simply not enough for law enforcement to intercept when possible. More needs to be done at the federal level to ensure that traffickers, both domestically and internationally are brought to justice and victims are set free from the everlasting mental and physical suffering they endure on a day to day basis (Office for Victims of Crime, 2019).



## Section 15

# CHILDREN'S RIGHT TO PRIVACY, INDEPENDENCE, AND AUTONOMY AND RIGHT TO GENDER IDENTITY ON OFFICIAL DOCUMENTS

15.1.1 According to the World Health Organization (WHO) the term “gender” denotes “the characteristics of men and women that are socially constructed, including norms, behaviors, and roles that are associated with being a man or a woman.”[1]

15.1.2 The Convention on the Rights of the Child (CRC) does not explicitly protect gender identity rights within educational systems, or otherwise for that matter.[2] The CRC is a treaty that lays out the economic, civil, social, political, and cultural rights of all children across the globe. Additionally, there is no international statute that specifically mentions and prohibits the discrimination of children based on their gender identity.[3] The Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity need to be codified into a binding treaty.

15.1.3 A survey taken by the Williams Institute in September 2020 estimated that nearly 150,000 children, ages 13-17, in the United States would identify as transgender if asked.[4] In other words, one out of every 137 kids in that country would identify as a different gender than the one they were identified with at birth. Looking at the educational system in particular, the US has, in general, contemporary legislation to deal with this fact. The schools that run kindergarten through twelfth grade, preschools, colleges and universities that receive federal funding must adhere to the Title IX legislation. This is a federal law that prohibits sex and gender discrimination in education. According to this law, schools must treat students in regards to the gender that they identify with. Therefore, teachers are required to allow students to use locker rooms and bathrooms that match their gender identity, to dress in a way that matches their gender, and to use the names and pronouns that match their own specified gender.[5] This is a great step forward, but some say that this statute has not gone far enough to stop bullying towards transgender and gender fluid students.

[1] [https://www.who.int/health-topics/gender#tab=tab\\_1](https://www.who.int/health-topics/gender#tab=tab_1)

[2] <https://www.qmul.ac.uk/law/humanrights/media/humanrights/news/hrlr/2016/Bucataru-FINAL.pdf>

[3] Ibid

[4] Conran, Kerith J. “LGBT Youth Population in the United States.” Williams Institute, 9 Sept. 2020, [williamsinstitute.law.ucla.edu/publications/lgbt-youth-pop-us/](http://williamsinstitute.law.ucla.edu/publications/lgbt-youth-pop-us/).

[5] National Center for Transgender Equality. National Center for Transgender Equality, [www.transequality.org/sites/default/files/ED-DCL-Fact-Sheet.pdf](http://www.transequality.org/sites/default/files/ED-DCL-Fact-Sheet.pdf).



15.1.4 In 2017 to a study was published by the Center for Disease Control (CDC) which looked students in urban areas in nine states and aimed to establish the differences between bullying rates and frequencies between transgender versus non-transgender students.[6] Two of the statistics that stand out are that 34.6% of transgender students got bullied at school as well as 29.6% got cyber bullied at home.[7] However, non-transgender students experienced about half those amounts for both those categories.[8]

15.1.5 However, in a country such as Turkey, for example, the laws in regards to gender identity and being transgender in the educational system are very different. To begin with, even though people who identify as transgender and gender fluid are still considered equal citizens in the eyes of the law, no law exists in the country that blatantly, or otherwise, prohibits discrimination in accordance to one's gender identity.[9] With no laws to protect transgender citizens, they are a group that is largely harassed and treated with disrespect -- to say the least. In addition, there are no laws there to protect students from harassment and protection from discrimination in the school system.[10]

15.1.6 In Turkey, transgender students must go through their school days afraid of getting harassed, ignored, left-out, or punished for their identities. For example, in May of 2019 at the Middle East Technical University, 18 students and a professor participated in a LGBTQ+ Pride march. [11] As a result, they were arrested by officers using pepper spray, plastic bullets, and tear gas. Additionally, all 19 of them were charged with refusing to stop the gathering.[12] There is now an ongoing trial going on between them and a Turkish court in Ankara that is part of an on going series of similar events in regards to the LGBTQ+ community in the country.[13]

15.1.7 Unfortunately, besides examples such as this one here, there really is not reliable bullying statistics for bullying of transgender and gender fluid students who live in Turkey. This example truly shows the discrimination that Turkey has for its transgender community. More action must be taken to stop this kind of harassment, bigotry and intolerance. Again, this is why there needs to be a greater agreement among the international community as to what action should be taken in regards to how students who identify as transgender will receive proper care and respect throughout the school day. There does not be such discrepancies in legislation on the matter throughout the world, such as between the US and Turkey. All in all, these two countries have very different legislations, yet both do not go far enough to stop the bullying that is much apparent in both countries towards this group of people. There must be a set standard set for the world to adhere towards.

[6] Johns, Michelle M., et al. Transgender Identity and Experiences of Violence Victimization, Substance Use, Suicide Risk, and Sexual Risk Behaviors Among High School Students — 19 States and Large Urban School Districts, 2017. US Department of Health and Human Services/Centers for Disease Control and Prevention, 23 Jan. 2019, [www.cdc.gov/mmwr/volumes/68/wr/pdfs/mm6803a3-H.pdf](http://www.cdc.gov/mmwr/volumes/68/wr/pdfs/mm6803a3-H.pdf).

[7] Ibid. [8] Ibid.

[9] "TURKEY." ERA, LGBTI Equal Rights Association for Western Balkans and Turkey, [www.lgbti-era.org/content/turkey](http://www.lgbti-era.org/content/turkey).

[10] Engin, Ceylan. LGBT in Turkey: Policies and Experiences . Edited by Melanie D. Otis, 15 Sept. 2015, <file:///Users/malibu/Downloads/socsci-04-00838.pdf>.

[11] Cupolo, Diego. "Turkish Judge Refuses to Throw out Trial of Student Pride Marchers." Reuters, Thomson Reuters, 12 Nov. 2019, [www.reuters.com/article/us-turkey-lgbt-court-trfn/turkish-judge-refuses-to-throw-out-trial-of-student-pride-marchers-idUSKBN1XM2JC](http://www.reuters.com/article/us-turkey-lgbt-court-trfn/turkish-judge-refuses-to-throw-out-trial-of-student-pride-marchers-idUSKBN1XM2JC). [12] Ibid. [13] Ibid.

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