

# НЕКОТОРЫЕ АСПЕКТЫ МЕЖДУНАРОДНО-ПРАВОВОГО ПОЛОЖЕНИЯ ДЕТЕЙ С ИНВАЛИДНОСТЬЮ В ЦИФРОВОЙ СРЕДЕ

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Правовое положение детей с инвалидностью в цифровой среде является одной из основных проблем современности. В данной статье автор исследует некоторые аспекты международно-правового положения детей с инвалидностью в цифровом мире. Анализируются основные международные договоры, регулирующие правовое положение детей с инвалидностью в современном цифровом обществе. Автор приходит к выводу, что дети с инвалидностью по-прежнему находятся в уязвимом положении в цифровых реалиях. Для преодоления существующих барьеров государства должны исполнять взятые на себя обязательства по защите прав детей с инвалидностью в цифровой среде исходя из нужд и интересов таких детей.

**Ключевые слова:** дети с инвалидностью; цифровая среда; защита прав ребенка; международные акты; международно-правовое положение.

## SOME ASPECTS OF INTERNATIONAL LEGAL STATUS OF CHILDREN WITH DISABILITIES IN A DIGITAL WORLD

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The legal status of children with disabilities in digital reality is one of the main problems of our time. In this article, the author explores some aspects of the international legal status of children with disabilities in the digital world. Analyzes the main international acts that regulate the legal status of children with disabilities in the modern digital society. The author concludes that children with disabilities are still in a vulnerable position in the digital realities. In order to overcome existing barriers, states are obliged to fulfill their international obligations in accordance with the interests of children with disabilities.

**Keywords:** children with disabilities; digital world; children's rights protection; international acts; international legal acts.

Digital technologies affect almost all aspects of the life of modern children. On the one hand, they are becoming increasingly important, especially during crises. Thus, during the ongoing crisis caused by the Covid-19 pandemic, digital technologies perform a social function, which opens up new opportunities for the realization of children's rights. But on the other hand, there is a danger of their violation or abuse. Digital technologies and interac-

tivity can amplify the threats and harms that many children are already exposed to in real life, and thereby increase the vulnerability of already vulnerable children [1, p. 6]. It is children with disabilities that are among the most vulnerable group of children, both due to the presence of a disability and due to a number of other factors (age, gender, poverty).

The equality of the international legal status of children with disabilities is guaranteed by Art. 2 of the 1989 Convention on the Rights of the Child, which expressly prohibits discrimination on the basis of disability [2, par. 8]. However, it is precisely discrimination based on disability that is the main barrier to ensuring the equal status of children with disabilities in the digital world. It is important to note that ensuring the accessibility of information and communication technologies (hereinafter referred to as ICT) to children with disabilities, on an equal basis with others, contributes to the achievement of independence and their full participation in society. In turn, the role of states is to protect children with disabilities from harmful information that promotes xenophobia or any other form of discrimination and can lead to the strengthening of prejudice [2, par. 38]. It should be noted that in today's digital world, children with various forms of disabilities face barriers such as: lack of content in an accessible format; limited access to affordable assistive technology at home, at school and in the community; a ban on the use of digital devices in schools, medical institutions and other places [3, par. 90]. Obviously, the presence of such barriers exacerbates the situation of children with disabilities and infringes on their rights to equal access to ICT. At the same time, the positive impact of the use of ICT by children with disabilities should be considered, especially in conditions of isolation against the backdrop of the Covid-19 pandemic. Communication with peers in the Internet, online learning, the availability of necessary information, the availability of assistive technologies - all this contributes to the fact that children with disabilities are involved in the digital environment as full members and have the opportunity to participate in solving vital issues (for example, in development and implementation of policies, products and services that affect the realization of their rights in the digital environment) [3, par. 91]. Further, it should be noted that the 2006 Convention on the Rights of Persons with Disabilities, among other things, enshrines the right of people with disabilities to access, on an equal basis with others, to information and communication technologies (hereinafter referred to as ICT) [4, art. 9]. Ensuring the realization of this right by children with disabilities is an effective tool in overcoming existing barriers, since the presence of networking opportunities can mean the difference between social exclusion and equal opportunities [1, p. 17]. Moreover, ensuring accessibility of information for children with disabilities should be considered as a precondition for the exercise of freedom of opinion and expression (children with disabilities express their opinions in blogs, video messages, social networks, hashtags, podcasts and other forms). On the other hand, the lack of infor-

mation in an accessible format deprives children with disabilities of the opportunity to exercise their right to education on an equal basis with others (children not connected to the Internet cannot take advantage of educational resources and access to global information, as well as opportunities for acquiring digital skills) [ 5, par. 39].

Bearing in mind that children with disabilities are the most vulnerable and are more exposed to risks, including cyberbullying, sexual exploitation and digital violence, States should identify and address the risks faced by children with disabilities through security measures digital environment for them [3, par. 92]. International cooperation of states aimed at ensuring the equal international legal status of children with disabilities should be an effective tool in promoting the principle of accessibility both at the international and national levels. In order not to exacerbate inequalities, the gap in ICT access should be progressively closed as part of a “universal design”. In addition, one should consider the fact that the existence of digital barriers increases socio-economic differences, which negatively affects the situation of children with disabilities in the world.

Thus, it should be stated that the international legal status of children with disabilities in the digital world is characterized by the need to further develop international mechanisms and instruments aimed at protecting the rights of children with disabilities in the context of the modern development of the world community. It is worth agreeing that no child on the Internet is completely protected from the risk associated with being online, but the most vulnerable children are more likely to be exposed to dangerous effects [1, p. 21].

#### **Библиографические ссылки**

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