Law

Juveniles Safety on the Internet in Georgia (Problems and Methods of Solution)

Mariam Tsatsanashvili

Faculty of Business Technology, Georgian Technical University, Tbilisi, Georgia

(Presented by Academy Member Joni Khetsuriani)

ABSTRACT. Application of modern technologies in everyday life provides great opportunities for developing digital literacy, but concurrently contains a risk of changing biological nature of juveniles too. In such situations the safety of the young generation on the Internet is a topical issue. This paper highlights the dangers such as the harmful effect of information on the mental and physical health of young generation, psychological attack against teenagers, their instigation to commit a crime, illegal treatments and dissemination of personal data. Shortcomings in legislation are also identified. The paper presents justifications for the requirement of the strategy development for protecting juveniles on the Internet by taking into account the balance of privacy protection, healthy conservatism and preservation of population. The proposal for creation of protective document is based on the use of custom and moral norms and formation of information culture: 1. Dangers with regard to age-related "sensitivity": undesirable contacts (that may result in sexual abuse); Cyber bullying; so-called "dangerous materials" (pornography, video tape representing extremist and/or sexual violence); internet dependence or addiction and the process of internet socialization of juveniles; 2. Integration of informational support mechanisms and telecommunication technologies (complex approach); 3. Problems of cyber ecology, internet culture, aesthetic education and upbringing; 4. Technical protection and standardization of the internet. Organizational-structural measurements: a) Creation of the institute of children's ombudsman, which will provide coordination of juvenile protection on the internet; b) Auditing of information safety, as the mechanism of implementation of the systematic process of qualitative and quantitative evaluation of the present condition of information safety. © 2018 Bull. Georg. Natl. Acad. Sci.

Development of new technologies and their implementation in everyday life give juveniles wide possibilities of digital literacy. Furthermore, it is also proved that youngsters and teenagers form a new population of the planet (Homo Informaticus), which is distinguished by age-related, psychosocial or culturological peculiarity [1,2]. Although the information anthropology of juveniles, which must answer the problems of the global evolution of human on the basis of philosophical analysis, is at the stage of learning, it is no longer a subject of scientific discussions that "travelling" in virtual space for education or entertainment contains a risk of changing biological nature. Therefore, in the phase of

qualitative transformation of human, safety of juveniles on the internet is a rather critical problem with the aim of preservation of the population.

Electronic Civilization and the Dangers

"Electronic civilization", together with a great number of positive qualities, reveals such dangers as: pernicious influence of information on mental or physical health of juveniles, psychic attacks against juveniles, their inclination to crime, the illegal treatment and dissemination of personal data of juveniles. It should be noted that prevention of these threats is not only a technocratic problem. We deal with the worldwide phenomenon, the content of which goes beyond computer systems and acquires personal, social, economical and political aspects.

The problem is aggravated by the fact that due to the global nature of cyberspace, the prevention of dangers exceeds the capacities of the governments of individual states. There is a need for coordinated action by the family and the region at the international level. The legal approach in this case should serve as technical and technological opportunities, the systematic use of moral norms and customs, and the mechanisms associated with the formation of an information culture.

Therefore, in this paper, the assessment of the existing situation in this direction is made on the basis of theories of the evolution of self-regulating systems (synergetics), critical mass, social networks and social impact. Identification of the problems and the ways of their solution is based on personal liberty, healthy conservatism and strategy of balancing of population preservation. Such approach will allow wide-ranging and coordinated operation based on the principals of inter-civilaization partnership.

During data awareness process, as the life brings in modern rules and regulations, the risks related to the use of this data increase. The reason is that formation of the personality of the modern young generation is developing in a convergent world. A number of barriers are lost in cyberspace: age, social status, appearance, communication competence. Moreover, the virtual world has its own language, symbology, which is not virtual, cyberspace is a part of real life. The results of interaction with it are also real.

The scientific researches from different fields indicate that addiction to internet has an extremely negative influence on psychological and physical condition of the young generation. Georgia is no exception in this regard. According to research by the National Center for Disease Control and Public Health, the most common activity among school children in the Internet is social media usage. The second is online, the third is - winning games. Using various social channels and mobile computing devices during more than two hours per day provokes excitability, fears, decrease of attention focusing, problems of communication and speech among teenagers. Sometimes these children are notable for their aggressive actions [3], they are characterized by stingeness and mercilessness. In new environment, education suffers crisis and there is a risk of change of human biological nature.

Because of unawareness of the problems the juveniles may become victims of different dangers, or they may harm themselves without foreseeing the consequences of their activities. So, questions of ethics and culturology are quite important in the sphere of cyber safety. The information field poses new requirements to human culture: to be able to operate with information, oppose manipulation technologies and misinformation, verify received messages. All these can be achieved throught education and must become a paradigm of model of cyber safety.

What is the Reality of Georgia

Discussion about regulation of safety environment for teenagers in Georgia started in September 2001 in the Parliament of Georgia during consideration of law of protection of juveniles from harmful influence [4]. Nevertheless, at that period influence

connected with alcoholic beverages, use and sale of tobacco and participation in games of chance was regulated. According to legislative changes in 2006 the settlement of questions about protection of juveniles from harmful influence was transferred to Code of Conduct determined by Article 50 of the Law of Georgia on the Broadcasting. The 11-th chapter of code of conduct concernes safety of juveniles and is worked out with consideration of international standards. For example, Broadcaster must pay special attention to the inviolability of the personal life of persons under the age of 18. Content: electronic media, films, music, performance, concert, etc. must submit to special designation that is an indication about the age of juveniles, from which they can see or listen above mentioned. In 2005 the Law of Georgia on Electronic communications was enacted (with changes and additions in November 20, 2013), which determines formation of concrete environment and regulation principles, rights and duties of individual and legal persons during possession, use and service of electronic communication networks and means in this field. Of course, such approach makes a certain balance between personal privacy and freedom of information, but the problem is that if a website is not registered as broadcasting, these regulations do not apply to this website [5]. Some expectations were connected with the Law of Georgia on Information Safety, which was enacted by Georgian Parliament in July of 2012, but this Law could not provide effective mechanisms of protection of information safety of juveniles [6].

In addition, due to the country based characteristics, istablishment of the content based marking of the internet resources on the international level is a serious problem, since in different countries views about age categories of receiving the information production are considerably different. For example film "300: Rise of an Empire" (2014) is recommended for teenagers in France from 12 years, in Great Britain,

Denmark and Sweden from 15 years, in Russia, Austria and the Netherlands from 16 years, in Germany from 18 years [7].

In Georgia the laws concerning the harmful influence of the information is generally declared, rather than oriented towards the result - to provide protection of juveniles on the internet.

Besides the negative influence induced by frequent use of the internet, the global network may prompt to criminal activities. Though the statistics on the offences commited by the use of electronic means against juveniles in Georgia do not exist, some facts spreading by media, investigations of child defence organizations show increase of such crimes as cyber violence resulting in suicide [8], pornography, paedophilia and other video-games with undesirable content, pictures or textual information. The new category of risks is Cyber bullying by the use of electronic technologies – threatening messages, assignment of negative labels in social networks; the victims of cyber bullying often became aggressive against other users of the internet during online-communication. Though there is not a scientific determination of Cyber bullying, it is obvious, that this problem is widely spread. According to research conducted by Pew Research Center, 73 % of respondents were present at cyber bullying or were victims of it [9].

According to research by the United Nations Children's Fund (UNICEF), 80% of children are exposed to psychological violence in Georgia [10]. Although this research does not consider cases of cyber violence separately, the overwhelming majority of the cases obviously falls under this category. The above-mentioned researches of the National Center of Desease Control and Social Health of Georgia show the analogous results. If we also take into account that in 2013, according to information of the National Committee of Communications of Georgia, 45% of the population had access to the internet, and this number increases by five per cent annually, then it

becomes obvious that the creation of the security system for juveniles on the internet is urgent.

Among the dangers on the Internet prevail cases of access to unwanted information, which are known in the literature under the name of incitement of children [11-13]. In this case, some persons try to get the children's consent to pornography or other criminal (immoral) behavior with the help of a "chat" (private correspondence). Violations of such category are recognized as criminal offences. It must be mentioned that the Criminal Code of Georgia does not provide a special paragraph concerning children's consent to pornography. Although, as law enforcement practice in Georgia shows, in case of such offence, the action of such a person is qualified by Article 255^1 of the Criminal Code of Georgia, which envisages criminal liability for the involvement of a juvenile in illegally producing pornographic work or other subject of pornographic character. This crime is punishable by deprivation of liberty between two and five years. In the case where such enticement is aimed at the exploitation of a minor, then the action is qualified by paragraph 143^2 - trafficking in minors, the easiest case of which is punishable by imprisonment from eight to twelve years, and aggravating circumstances - with imprisonment from twenty years to life imprisonment. It should be noted that from January 1, 2018 paragraph 255^2 will enter into force, which applies to responsibility for offering a meeting to persons under 16, using information and communication technologies, if such an offer is followed by the actions directed at the meeting [14].

The criminal law of Georgia in terms of preventing violence against juveniles in cyberspace is gradually becoming compatible with international conventions and agreements, but it is still passing very slowly and fragmentally.

The Juvenile Safety Concept should systematically take into account the issues of legislative policy for the full realization of the development, right to life and future of children's survival.

One of the most important parts of this system is protection of juvenile personal data. The Law of Georgia on Personal Data Protection is adopted in 2011 and envisages the need for consent of the parent or guardian for the processing of personal data of minors [15].

Although the necessity of consent is a standard on the international level, it is not enough to solve the problem. There is no norm in the Georgian legislation to envisage the peculiarities of juvenile personal data protection, including the Internet. Basically, such data are available in schools, kindergartens, hospitals, guardianship and custodian authorities, religious and charitable organizations, etc. The operators of these organizations cannot always provide personal data confidentiality. It is easy to copy, unite, modify them. This is indicated by the recommendation of the Personal Data Protection Inspector of Georgia, according to which the issue of dissemination of information related to the juvenile should be taken into consideration by any organization in the child's best interests regardless the parental consent [16].

It requires clarification that personal data is static and informational, it is not the information itself that is regulated, but the availability and distribution of private life. So the main target of legislation should not be the data, but the juvenile and its fundamental rights (values). In this case the consent to data processing is hypothetical and it has a less practical purpose.

Georgian judicial practice shows that in the field of personal data protection the priority is given to the identification criterion, i.e., data fall under the protection if face identification is possible.

We believe that identification should be accompanied by a "sensitivity" criterion. Therefore, the effectiveness of juvenile safety depends on how much information systems containing the personal data of the juveniles are systematized, whether there are mechanisms to

ensure adequate protection of operators' activities, whether the execution of laws is performed.

Technological Breakthroughs and Global Cybersecurity Problems

International practice has been developed in several directions regarding the provision of juvenile security system at the state level:

1. The US focuses on self-regulation of the global network and its processes Non-interference. This approach is based on the freedom of information dissemination and the impossibility of regulating large volumes of information on the Internet. Consequently, the US government's policy is based on cooperation with the private sector in the field of high technology, where the private sector can independently implement its own regulations, and intervention of the state occurs when regulation is inadequate.

In the United States, child protection issues on the Internet have been discussed since the nineties and continues to this day. In 1996 the Congress approved the Communication Decency Act, according to which the content considered insulting pursuant to public standards was recognized as illegal, although the law subsequently was ruled unconstitutional by the Supreme Court. Over time, special emphasis was put on the activities related to spread of pornography, and since 2009, the efforts have been focused on the development of communication skills with internet for teenagers. It also should be noted that concurrently with self-regulation, there was an attempt to make the Internet regulatory acts in the USA. In 2011, the two bills were discussed in Congress: the Protect Intellectual Property Act (PIPA) and the Stop Online Piracy Act (SOPA), which envisaged isolation from the pirated internet network by all possible methods: elimination from the search system, complete blocking of the site, closing financial channels related to the service. Google, Facebook and Twitter spoke out against the bills.

They believed that all Internet resources and services that were outside the United States would be subject to the control of the project. In the United States the Children's Internet Protection Act is in force today, which obliges schools, libraries, financed by the state, to use so-called filters and other technical means for the protection of juveniles from unwanted content.

2. West European countries have a different approach to the solution of the problem and they offer the world a model of legislative methods of impact on self-regulation of global network. The best way out of the present situation is to create typical legal norms for all countries. The Council of Europe's Convention of November 2001 operates in the field of cybercrime that was ratified in Georgia in 2012. Separately was adopted a Framework Decision on combating the sexual exploitation of children and child pornography (2004/68/JHA), which became the basis of the Council of the European Union Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse (Georgia, joined in 2015 1949/19), the Council of Europe Framework Decision about the fight against human trafficking (2002/629/JHA). In these and other documents, together with the priorities of children's rights, there is a minimum standard of national legislation. Member States are obliged to remove all information containing child pornography, which may be placed on their territory as well as cooperating with other States where such content is being posted.

3. An important group of G20 countries considers legal Internet regulation under the auspices of the International Union of Electrical Communications within the UN Intergovernmental International Organization as a legitimate necessity. According to some authors, as the Internet management covers a wide range of issues, starting from the fight with Spam, continuing with illegal content, this position can actually be regarded as a censorship on the Internet [17].

4. China took rather drastic measures and established full regulations in the sphere of Internet use. The government has developed such system by which, in case of need, together with blocking of network will be possible confiscation of the servers. Providers have been tasked to monitor the contents of the sites on their servers. It should be said that by the content it is the isolated internet from the rest of the world. The 1992 Law (with Changes and Additions of 2006) concerning the protection of juveniles considers preventing of harmful practices, including Internet-dependence, as the obligation of parents and guardians. In addition, under the same law, the state is responsible for developing technological services that will facilitate the wholesome development of minors. At the initiative of the Government, in 2004, was established the Center for Reviewing complaints, the aim of which is the protection of society from harmful influence of information, including juveniles' protection from pornography, games comprising violence, racism, defamatory and distasteful content.

5. Pursuant to the Japanese government's decision, providers who independently ensure blocking the pages having a negative influence, will be encouraged. With a view to coordinating these activities, there was established a special committee to set rules on the blocking.

Despite the differential and multilateral positions of the Internet self-regulation and state regulation, world practice is based on information filtering technology in information security. The problem is that there is no uniform international approach to the filtration system.

It is noteworthy that the Internet-safety international practice evolved in recent years. A crucial role in this case played not legislative regulations, but the leading IT companies in the field of Internet technologies that have developed software for the providers, although the fact remains that this step was pushed by the state's initiative.

In particular, the important role played the European Economic Development Strategy, adopted in 2010 (Europe 2020). The main initiative of the strategy is the "Realization of Digital Agenda for Europe". In parallel, in May 2012, the European Strategy for Better Internet for Children was created, which laid the foundation for leading companies' coalition [18]. 31 companies have been incorporated in the Coalition, including Apple, Blackberry, Facebook, Google, LG Electronics, Microsoft, Nintendo, Nokia, Opera Software, Samsung and others who have developed new tools for child protection in January 2013: Internet classification content, parental control function, elimination of material depicting violence, and so on.

Despite the fact that from the technological standpoint, there is a serious breakthrough in the protection of juveniles on the Internet, many of the information security tools will start working when the adults will activate them. The statistics are not so pleasant in this regard, according to data from different countries, between 17% and 40% of families use these measures to protect children on the Internet [19], while in Georgia almost none. This further strengthens the need to develop a strategy at the state level, the preparation and implementation of which requires greater effort to prevent the threat of digital generation. In this context, children and their parents are educated, how to resist cyber challenges.

These data show that technological breakthroughs and general standards for juvenile internet protection are not effective. Georgian Internet is rated "anarchically free", as information with illegal content is not correspondingly controlled by the Georgian Internet [20].

That is why the agenda is the development of the juvenile protection strategy on the Internet at the state level. This document should provide consolidation of specialist of different areas in order to protect future generations from negative (dangerous) content, information and most importantly, strengthening of partnership between state and public for creation of such prevention system, which will be based on individual (internal) and social (external) system of regulation mechanisms.

Conclusion. Based on the results of the survey, we consider that Georgia's strategy of Juvenile Protection on the Internet should consist of the following elements:

1. Determination of the main directions, tasks and principles of the state policy.

2. Threats and risks to juveniles related to the spread of information on the Internet. Children aged 7-12 years and adolescents aged 13-17, each stage of development is characterized by behavioral characteristics and relevant risks, so it is necessary to take into consideration age sensitivity.

3. Information security mechanisms in terms of integration of information and telecommunication technologies. Integration requires a complex approach to security.

4. Main threats: unwanted contacts (that can lead to sexual violence); Cyberbullying (insult, aggressive attacks, etc.); So called "Dangerous materials (video footage reflecting pornography, extremism or sexual violence) and so forth.

5. Internet dependence or addiction and Juvenile Internet socialization process: information

that violates human rights; isolation problem; identity, formation problem; health and moral devaluation, cultural deterioration, negative social impacts and so on.

6. Cyberecology, Internet culture, aesthetic education and upbringing issues, psychological safety mechanisms as a necessary element for harmonious development in the process of information impact on public consciousness.

7. Technical security and standardization of the Internet.

8. Organizational and structural measures:

a) Child Ombudsman, which coordinates the protection of juveniles on the Internet;

b) Information Security Audit as a mechanism for implementing the systematic process of qualitative and quantitative assessment of existing information security.

9. Legislative amendments and systematization of legislation.

10. Determination of minimal costs for information security.

სამართალი

არასრულწლოვანთა უსაფრთხოება ინტერნეტში (პრობლემები და გადაჭრის გზები) საქართველოში

მ. ცაცანაშვილი

საქართველოს ტექნიკური უნივერსიტეტი, ბიზნესტექნოლოგიების ფაკულტეტი, თბილისი, საქართველო

(წარმოდგენილია აკადემიის წევრის ჯ. ხეცურიანის მიერ)

ახალი ტექნოლოგიების ყოველდღიურ ცხოვრებაში დანერგვა, ციფრული წიგნიერების მდიდარი შესაძლებლობების პარალელურად, არასრულწლოვანთა ბიოლოგიური ბუნების შეცვლის რისკსაც შეიცავს. ასეთ სიტუაციაში არასრულწლოვანთა უსაფრთხოება ინტერნეტში აქტუალურ პრობლემას წარმოადგენს.

ნაშრომში საქართველოს მაგალითზე განხილულია ისეთი საფრთხეები, როგორიცაა: ინფორმაციის მავნე ზეგავლენა არასრულწლოვანთა ფსიქიკურ თუ ფიზიკურ ჯანმრთე-ლობაზე, მოზარდთა მიმართ ფსიქოლოგიური თავდასხმები, მათი დაყოლიება დანაშაულის ჩადენაში,   არასწრულწლოვანთა პერსონალური მონაცემების უკანონო დამუშავება და გავრცელება. ნაჩვენებია კანონმდებლობის ხარვეზები და პირადი თავისუფლების, ჯანმრთელი კონსერვატიზმის, პოპულაციის შენახვის ბალანსის გათვალისწინებით დასაბუთებულია ინტერნეტში არასრულწლოვანთა დაცვის სტრატეგიის შემუშავების აუცილებლობა.წინადადება სტრატეგიული დოკუმენტის შექმნაზე ეფუძნება ტექნიკური და ტექნოლოგიური შესაძლებლობების, ადათობრივი თუ მორალური ნორმების გამოყენებასა და ინფორმაციული კულტურის ფორმირებას:

1. საფრთხეები ასაკობრივი "მგრძნობელობის" გათვალისწინებით: არასასურველი კონტაქტები (რომელთაც შეიძლება მოჰყვეს სექსუალური ძალადობა); კიბერბულინგი(Cyber bullying); ე.წ. "საზიფათო" მასალები (პორნოგრაფია, ექსტრემისტული და/ან სექსუალური ძალადობის ამსახველი ვიდეორგოლი), ინტერნეტდამოკიდებულება ანუ ადიქცია (ლათ.: addiction) და არასრულწლოვანთა ინტერნეტსოციალიზაციის პროცესი; 2. ინფორმაციული უზრუნველყოფის მექანიზმებისა და სატელეკომუნიკაციო ტექნოლოგიების ინტეგრაცია (კომპლექსური მიდგომა); 3. კიბერეკოლოგიის, ინტერნეტკულტურის, ესთეტიკური განათლებისა და აღზდის საკითხები; 4. ინტერნეტის ტექნიკური დაცვა და სტანდარ-ტიზაცია; 5. ორგანიზაციულ-სტრუქქტურული ღონისძიებები: ა) ბავშვთა ომბუცმენის ინსტიტუტის შექმნა, რომელიც უზრუნველყოფს ინტერნეტში არასრულწლოვანთა დაცვის კოორდინაციას; ბ) ინფორმაციული უსაფრთხოების აუდიტი, როგორც ინფორმაციული უსაფრთხოების არსებულ მდგომარეობაზე ხარისხობრივი და რაოდენობრივი შეფასების სისტემური პროცესის განხორციელების მექანიზმი.

REFERENCES

1. Gary Small, Gigi Vorgan (2009) Surviving the Technological Alteration of the Modern Mind, URL: https://www.harpercollins.com/9780061340345/ibrain;

2. Colin K.K. (2011) Informatsionnaia antropologia: "Pokolenie Next" i ugroza psikhologicheskogo rassloeniia chelovechestva v informatsionnom obshestve. *Vestnik Cheliabinskoi gosudarstvennoi akademii kultury i iskustv* **28**, 4: 32–36 (in Russian).

3. Research of National Center for Disease Control and Public Health URL: http://ncdc.ge/ka-GE/Publications/Research

4. The law of Georgia "on Protecting Minors From Bad Influences", Legislative Herald of Georgia, 28, 09, 2001, no 1081.

5. The law of Georgia "on Electronic Communications", Legislative Herald of Georgia, 02.06.2005, no 1514.

6. The law of Georgia "on Information Security", Legislative Herald of Georgia, 05.06.2012, no 6391-Iს.

7. For.ex.: Internet portal Data: Kijkwijzer URL: http://www.kinopoisk.ru/film/418839/; Georgian websites URL: http://net.adjara.com/Movie/main?id=25;.

8. Statement of the Ministry of Internal Affairs of Georgia on the Game "Blue Whale" URL: http://police.ge/ge/shinagan-saqmeta-saministros-gantskhadeba/10662.

9. Duggan Maeve (2014) Research Center, Internet & Technology, URL: http://www.pewinternet.org/search/?query=8maeve%20duggan .

10. Violence against children in Georgia (2013) UNICEF Georgia URL: http://unicef.ge/uploads/Unicef_VAC_GEO_Final3_02_09.pdf;

11. Kowalski, Robin M. (2008) Cyber Bullying: Recognizing and Treating Victim and Aggressor. Psychiatric Times **25**, 11: 45–47.

12. Wolak J., Mitchell, K. and Finkelhor D. (2006) Online victimization of youth: Five years later. *National Center for Missing & Exploited Children Bulletin* – no 07-06-025. Alexandria, VA: 39-45.

13. Knizhnikova S. V., Grebenkina Yu.V. (2016) Risk vovlechenia detey i molodiozhi v prestuplenia cherez medyasredu// nauchno-metodichesky jurnal " Kontsept" (in Russian) URL: http://e-koncept.ru/2016/56419.htm.

14. Criminal Code of Georgia , Legislative Herald of Georgia , no 2287, 22.07.1999.

15. The Law of Georgia on Personal Data Protection, Legislative Herald of Georgia N 5669-რს.

16. Recommendation of Personal Data Protection Inspector, URL: https://personaldata.ge/ge/personalur-monatsemta-datsvis-inspeqtoris-rekomendatsia/728.

17. Komarov A.A. (2015) Problema pravovogo regulirovania Internet v tseliakh presechenia pravonarushenii, sovershaemikh v otnoshenii nesovershennoletnikh. *Voprosy bezopasnosty* (in Russian) 4: 28-48, URL: http://e-notabene.ru/nb/article_17103.html.

18. A European Strategy to deliver a Better Internet for our Children. Digital Agenda for Europe. A Europe 2020 Initiative // European Comission. – URL: http://ec.europa.eu/digital-agenda/en/european-strategy-deliver-better-internet-our-children.

19. The UK Safer Internet Centre, URL: www.saferinternet.org.uk/safer-internet-day/2017/safer-internet-day-2017-press-release.

20. Internet Freedom in Georgia - Research of Institute for Development of Freedom of Information (2013) http://idfi.ge/public/upload/pdf/IDFIInternetFreedomReportOctDecGEO2.pdf