**Comments by Romania on the draft General Comment on children’s rights in relation to the digital environment**

Comment 5 - The digital environment is becoming increasingly important in many aspects of children’s lives as part of normal life and during times of crisis. Yet its short and long-term impacts on children’s well-being and their rights are uncertain. Nationwide physical closures of elementary and secondary schools combined with the distance learning solutions during periods of school closure, as well as curfews and social distancing measures adopted by states due to the global public health emergency (COVID-19) have underscored the importance of digital technologies. Equally, the global public health emergency highlighted challenges of remote learning infrastructures, universal technology access, and has exacerbated isolation, marginalization and educational disparities, especially among children in disadvantaged or vulnerable situations, with possible long-term educational and psycho-emotional consequences. Therefore, it is important to ensure that children benefit from engaging with the digital environment and mitigate the associated harms, including for children in disadvantaged or vulnerable situations.

Comment 10 – The right to non-discrimination requires that States ensure all children, including children of lower income families and children living in rural and remote areas, have equal and effective access to the digital environment in ways that are meaningful for them. States should take all necessary measures to lower the cost of connectivity, provide free and safe access to children in dedicated public spaces, and invest in policies and programmes that support all children’s use of digital technologies at school, home, and in their community, to overcome inequalities and improve digital inclusion.

Comment 13 – The best interests of the child is a dynamic concept that requires an assessment appropriate to the specific context and has a special importance in relation to the digital environment. Although the digital environment was not originally designed for children, they access the digital space, same as adults. States should ensure that all decision-making regarding the provision, regulation, design and management of the digital environment that may impact children’s rights, the best interests of the child is upheld and respected during times of crisis, including public health emergencies such as the COVID-19 pandemic.

Comment 18 – Children report that the digital environment provides them with significant opportunities for their voices to be heard. The use of digital technologies can enhance children’s right to be heard in matters that affect them and help realize children’s participation at local, national and international levels. States should seek to offer training and support to children, including children with disabilities, provide access to child-friendly platforms, encourage and support child associations, in order to let them express their views and become effective advocates for their rights. While States are encouraged to utilize the digital environment to consult with children on relevant legislative and policy developments, it is important to ensure that children’s participation does not result in undue monitoring or data collection that violates their right to privacy and that the consultative process are inclusive and encompass children who lack access to technology as well.

States should ensure through regulations both the protection of the rights of children to participate in all decisions concerning them and promoting a methodology whose provisions should be respected by all actors involved in the implementation of legislation.

Comment 20 - The process in which children can engage more independently in the digital environment without the help of parents or caregivers needs to be more protective and include more parental protection tools until children reach autonomy, without dismissing the role of parents or caregivers in terms of supervision and protection of children against any risks coming from the online environment.

Comment 26 –In addition to regulation, industry codes and design standards, such action plans should establish and promote, inter alia, training and guidance for parents and caregivers, relevant professionals and the public, programs to develop children’s digital skills and access to opportunities. Such measures should protect children, including from cyberbullying, online sexual abuse and exploitation and provide remedy and support for child victims and measures to meet the needs of children in disadvantaged or vulnerable situations, including information materials translated into relevant minority languages.

Comment 28 – Regarding the development of digital environment, states must promote in their national strategies for children’s rights the partnership between all public authorities involved in this field. The industry could contribute (i) to developing and giving support to the respect of children´s rights in digital environment, through developing and promoting child participation in new digital projects or services related to digital technologies, as well as (ii) to developing and strengthening the collaboration among public institutions that have attributions in identifying and combating cybercrime.

States should identify a government body that is mandated to coordinate policies and programs related to children’s rights in the digital environment among central government departments and different levels of government. It should also cooperate with businesses, civil society and other organizations to realize children’s rights and promote child safety in relation to the digital environment at cross-sectoral, national, regional and local levels. Such a body should be able to draw on technological and other relevant expertise within and beyond government as needed. It should be independently evaluated for its effectiveness in meeting its obligations.

Comment 33 – States should disseminate information and conduct awareness raising campaigns on rights of children in digital environment, targeting especially teachers, parents, grandparents, caregivers and other professional categories who interact directly with children, in such manner that would give consistency and continuity to these efforts. States should facilitate educational programs for children, parents and caregivers, as well as the general public and policy makers, to enhance their knowledge of children’s rights and develop their digital literacy and skills. This should include how children can benefit from digital services, how to minimize risks and how to recognize a child victim of online harm and respond appropriately.

Comment 37 – States should require businesses to prevent their networks or online services from being misused for purposes that threaten children’s safety and well-being, to provide information and raise awareness regarding online security, and to provide parents, caregivers and children with timely safety advice and prompt and effective remedy.

Comment 39 – States should require businesses to disseminate to the general public, to parents and caregivers information about the standards, the industry codes and the terms of services.

States should also seek to develop training and guidance programs aimed to familiarize the business and the industry sectors with aspects relating to children’s rights in relation to digital environment, including as a mean to improve their accountability and to share best practices in this respect.

Comment 46 - In addition to the non-judicial mechanism, the states should consider to regulate the rehabilitation of victims of cyberbullying through a specialized service.

Comment 55 - For a quality media, the sustained training of journalists is necessary, both in the initial training, and especially in continuous training with aspects related to the children's rights, the psychology of the child's, the develop of the child and the superior interest.

Considering the fact that in the digital environment besides the journalists, whose profession is regulated, include other providers of digital content such as bloggers, vloggers, influencers, states should also require businesses and all other providers of digital content to develop and implement guidelines to enable children to safely access a diversity of content while protecting them from such harmful material in accordance with their evolving capacities and recognizing children’s rights to information and freedom of expression. Any restriction on the operation of any internet-based electronic or other information dissemination systems are only permissible to the extent that they are compatible with Article 13.

Comment 89 – Many parents and caregivers require support to build technological understanding, capacity and skills to assist children in relation to the digital environment. States should ensure that parents and caregivers, especially those in disadvantaged or vulnerable situations, have opportunities to gain digital literacy to learn how technology can support the rights of children and to recognize a child victim of online harm and respond appropriately.

Comment 94 – States should ensure that children separated from their families, such as children in alternative care, migrant or refugee children, or children in street situation, have access to digital technologies including for the purpose of maintaining family relationships, when appropriate. States should ensure that children’s privacy in their online activities is respected. Digital technologies may also be beneficial in establishing relations between a child and prospective adoptive or foster parents, maintaining relations in cases of separation due to health concerns or reuniting children in humanitarian situations with their families. Therefore, in the context of all separated families, States should support the digital access of children and their parents, caregivers or other relevant persons.

Comment 99 - States should promote the important role and the added value that the participation of children with disabilities and their parents can bring to the legislative act.

Comment 108 - These resources can support children to engage with their own creative and cultural practices and to learn about those of others, through the means of global education. States should enhance children’s online learning and encourage awarding children with certification when needed to prove their participation.