**UNITED NATIONS` COMMITTEE ON THE RIGHTS OF THE CHILD DRAFT GENERAL COMMENT NO. 25 ON CHILDREN`S RIGHTS IN RELATION TO THE DIGITAL ENVIRONMENT**

**Comments of NGO ATINA, Belgrade, Republic of Serbia**

This document contains comments on the Draft of the General Comment (GC), in the following form: (a) reference to the Draft GC point, provision or section and suggested change or addition; (b) each comment is followed by an explanation why the change or addition is necessary.

1. In the point A.10 in the third line ...*and children living in rural and remote areas, have equal and effective access to the digital environment*... to be added... remote areas, **AS WELL AS CHILDREN ON THE MOVE**, have equal and...

**Explanation:** Given the permanent migratory flows across the globe, as well as the significant number of children on the move – migrant and refugee children, children travelling with families or unaccompanied minors, it is of crucial importance to explicitly mention this vulnerable group of children here, as they might not be citizens of the transit/final destination country, nor living in urban or rural areas, but simply residing in transition or asylum centers. Therefore, it is necessary to remind state parties that they should ensure the access of these children to digital environment on their territory as well.

1. In the point B.14. in the second line …*States shall consider the nature, scale*… to be added …consider **CHILD SAFETY, THUS** the nature..

**Explanation:** It is important to explicitly mention the need to protect child safety in digital environment, alongside the best interests of the child, as it can be specifically undermined and violated in digital environment. Given rapid, elusive and unpredictable development of digital environment, child safety as such requires peculiar consideration.

1. In the point C.16. in the second line …*and development in the digital environment*… to be added …development **THAT OCCUR OR START** in the digital…

**Explanation:** It is clear that all listed risks and threats can occur in digital environment, but however, they can only start, be initiated or triggered in the digital environment and then lead to factual abuse and violence in the real environment. Therefore, it is necessary to add the words `or start`, as to include those possible situations when the physical act of violence or exploitation has been the consequence of the relation or motion based in the digital environment.

1. In the point C.16. in the fourth line …*sexual exploitation and abuse, persuasion relating*… to be added …and abuse, **RECRUITMENT**, persuasion…

**Explanation:** It must be stressed out that there is a particular risk of recruiting children by criminals in the digital environment, as this may be the first step in their further abuse or exploitation in both digital and physical space.

1. In the point C.17. in the first line …*to the earliest years of life, when brain plasticity*… to be added …of life, **BEFORE SCHOOL AGE**, when brain…

**Explanation:** Since the phrase `earliest years of life` can be understood differently in terms of its duration, and therefore refer to only short period of time, which then may not reflect the need to secure children`s well-being, this period of time has to be somehow determined. The suggested addition `before school age` will certainly bring more necessary understanding of this term, as in most countries this age is between 5 or 7 years and not before 3.

1. In the point D.18. in the line fourth … *training and support to children, and provide access*… to be added …to children, **THEIR PARENTS AND CAREGIVERS**, and provide…

**Explanation:** Parents and caregivers, and not only children, must be informed and trained on the use of child-friendly platforms, as to contribute to children`s digital literacy, but also to prevent potential misuse of these platforms by third parties. Therefore, in order to secure the appropriate supervision of parents and caregivers over the utilization of these platforms, states should provide such support to them as well.

1. At the end of the point D.19. further sentence is to be added: **STATES SHALL SECURE** **THAT SUCH ENGAGEMENT OF CHILDREN WHO SUFFERED ABUSE OR EXPLOITATION WILL BE MAINTAINED IN THE WAY TO PREVENT THEIR STIGMATIZATION OR RE-TRAUMATIZATION.**

**Explanation:** Any involvement of children who suffered abuse or exploitation in procedures and process before state and other actors, in any relation to their traumatic experience, needs to be conducted carefully and in the way that will protect their well-being and will not induce any further traumatic or stigmatic experience.

1. In the point V.23. in the third line … *In the development of policies and practices*… to be added …development **AND ENFORCEMENT** of policies…

**Explanation:** It is not only important to consult with children and parents when designing policies and practices that affect children`s rights, but also in regards to their implementation, as the best ways for applying such policies and practices can only be found through joint efforts. In this way, the protection of children`s rights will be additionally secured.

1. In the point B.26. in the fifth line …*from online sexual abuse and exploitation, and provide remedy*… to be added …and exploitation, **HATE SPEECH AND ANY EXTREMISM**, and provide…

**Explanation**: Exposure to hate speech and extremism in online environment may be the entry point to violation and exploitation of children and therefore it is of extreme importance that children are protected from both of them as much as possible. Thus, states shall provide training and guidance on how to ensure such protection.

1. In the point B.27. in the end of the fourth line …*institutions where children live*… to be added …children live **OR TEMPORARILY RESIDE**.

**Explanation**: This document must be inclusive and specifically sensitive in regards to the children on the move. Therefore, as many of these (refugee and migrant) children only temporarily reside in the transition and asylum centers and similar facilities, it is necessary to stress out that child online protection policies shall be introduced and applied in such settings as well.

1. At the end of the point C.28. the further sentence is to be added: **THIS GOVERNEMNET BODY SHALL PREPARE PERIODIC REPORTS ON THE COORDINATION OF THE RESPECTIVE POLICIES AND PROGRAMMES, AS WELL AS ON IDENTIFIED SHORTAGES AND CHALLENGES, THUS SHALL PROVIDE RECOMMENDATIONS ON HOW TO RESOLVE AND OVERCOME THEM.**

**Explanation:** Since such proposed governmental body shall also play certain monitoring role of other organs while coordinating them, it may collect enough information on their operation, as well as notify respective difficulties. Therefore, such body shall design recommendations aimed at improving the cooperation between different actors, resolving present difficulties and preventing them in the future.

1. In the point E.31. in the fourth line ...*the production of robust, comprehensive*... to be added ...production of **REGULAR**, robust...

**Explanation**: Given the permanent development of digital environment, it is necessary to ensure regular research of this environment, as to have accurate data and timely cope with all the changes that occur in it.

1. In the point G.33. in the second line … *the rights of the child in the digital environment*… to be added …rights **AND PROTECTION** of the child…

**Explanation:** Awareness and public campaigns on the protection of children in digital environment are of equal importance as are the campaigns on their rights in digital environment, moreover as it follows in the point that these campaigns should focus on the risks as well. Therefore, the word *protection* should be explicitly mentioned here.

1. In the point H.35. the second line …*working both in the field of children’s rights and in the field of the digital environment*… to be rearranged as follows …working in the field of children’s rights, **COMBATING VIOLENCE AND EXPLOITATION** and in the field of the digital environment…

**Explanation:** Since the violence and exploitation in digital environment is on the rise, it is also necessary to include civil society organizations active in fighting violence and human trafficking or different forms of exploitation and which provide support to the victims, in designing and monitoring implementation of the policies and laws in relation to digital environment. These organizations may have valuable knowledge and experience in this respect, thus decisively contribute to needful design of such policies and laws.

1. In the point K.46. the fifth line …*child’s re-victimization and secondary victimization in investigative and judicial processes*… to be rearranged as follows …re-victimization, secondary victimization **AND STIGMATIZATION** in investigative and judicial processes, **AS WELL AS IN ACCESSING PROTECTION AND SUPPORT SERVICES**.

**Explanation**: It is of equal importance to prevent child`s stigmatization and not only victimization in all contacts with support and protection services, which means not only during court proceedings, but also while receiving social care, health care, psychological support, etc.

1. In the point A.52. in the fourth line … *and children’s rights, from a plurality of media*… to be added …rights, **AS WELL AS INFORMATION ON THE RISKS IN DIGITAL ENVIRONMENT AND HOW TO ADDRESS THEM**, from plurality…

**Explanation**: Given the specific vulnerability of children in digital environment, it is of utmost importance to inform them on every occasion on the risks they may face in digital environment and on how to address them in order to protect themselves.

1. In the point D.68. in the fifth line … *children in street situations or from indigenous/minority*… to be added …street situations, **CHILDREN ON THE MOVE**, or from…

**Explanation**: As in previous inputs, children on the move must be equally regarded as other children and explicitly mentioned when appointing right to association, as this right can be crucial for their well-being, thus may play vital role in protecting them from further deterioration of their vulnerable position.

1. At the end of the point E.73. further sentence is to be added: **STATES SHALL INTORDUCE ADMINISTRATIVE AND LEGAL MEASURES AIMED AT PREVENTING AND PENALIZING THE LEAK OF PRIVATE INFORMATION OF CHILDREN THE STATE AND OTHER ACTORS PROCESS OR STORE, TO THE PUBLIC.**

**Explanation:** It is of extreme importance to design and enforce measures which will ensure that the private information of children will not leak to media and other public, as this may gravelly affect child`s well-being, particularly if the child is a victim of exploitation or abuse, in which case the leak of information may irreversibly undermine the prospect of recovery of such a child.

1. In the point F.81. in the fourth line …*re-establishing the child’s identity, where the child is illegally*… to be added …identity **AND DETERMENING THEIR AGE**, where the child…

**Explanation:** Determining child`s age is of utmost importance for children who migrate, who are on the move, and particularly for unaccompanied minors, as this may be crucial for allowing them access the necessary support services and protect them from possible abuse and exploitation of other individuals who are in the same migration flow.

1. In the point VII.85. in the fifth line …*harassment, violence, and sharing of sexualized images*… to be added …violence **AND ABUSE SUCH AS DOXING, CYBERSTALKING, HACKING, IMPERSONATION, CATFISHING**, and sharing…

**Explanation**: It is important to explicitly mention as many types of abuse in the digital environment as possible, since these types are new and emerging, thus the public, legislators and other professionals may not be familiar with, nor would initially recognize them as abuse, which itself increases the risk of abuse and violence.

1. At the end of the point VII.88. the further point VII.89 is to be added: **STATES SHALL PROVIDE APPORPREATE SUPPORT SERVICES FOR CHILDREN WHO ARE AT RISKS OF VIOLENCE, ABUSE OR EXPLOITATION IN THE DIGITAL ENVIRONMENT, OR WHO HAVE ALREADY SURVIVED VIOLENCE, ABUSE OR EXPLOITATION. THE PROVISION OF THESE SERVICES SHALL BE ENSURED AS LONG AS CHILD IS EXPOSED TO SUCH RISKS, OR AS LONG AS CHILD VICTIM HAS FULLY RECOVERED. STATES SHALL ALSO ENSURE THAT CHILD VICTIMS OF VIOLENCE, ABUSE OR EXPLOITATION IN DIGITAL ENVIRONMENT SHALL BE CONSULTED AND INCLUDED IN THE CREATION AND PROVISION OF THE SUPPORT SERVICES.**

**Explanation:** This GC needs to contain the provision on the necessary support services for children at risk or children who are victims of violence, abuse or exploitation in digital environment, as well as the obligation of the States to provide such services. It is also important to ensure that such services are created and delivered in the way which involves and ensures the participation of children, as this is in the best interests of the child.

1. In the point A.113. in the ninth line …*awareness of the risks of children’s exposure to potentially harmful content*… to be added …of the risks **AND CONSEQUENCES** of children`s…

**Explanation**: Raising awareness on the possible consequences of the children`s exposure to harmful content may be critically important for the children to properly understand the risks and avoid them. Therefore, learning about negative consequences of the exposure to different digital content shall be integral part of the educational curricula in regards to digital literacy.

1. In the point B.119. in the fourth line …*States should ensure that businesses do not target children using*… to be added …that business, **INCLUDING THOSE THAT CREATE AND MAINTAIN GAME APPLICATIONS**, do not target…

**Explanation:** Playing games in digital environment is very widespread among children of different age, which means that children may be easily targeted by commercial or other unfavorable interests for children through such applications. Therefore, the responsibility of the companies creating and maintaining game applications to prevent children`s exposure to such interests is obvious and high, as is the obligation of the state to monitor if these businesses have applied protective measures and ensured that the best interest of the child who utilizes game applications is respected.

1. Given the inputs in this Comment of NGO ATINA provided for points VII.82-88 (**Violence against children**) in the draft GC, the points XX.A.121-123 (**Protection from economic, sexual and other forms of exploitation**) in the draft GC must be respectively coordinated and aligned, as they refer to similar issues.