European Union suggestions to the draft General Comment on children's rights in relation to the digital environment

***Introduction***

Point 4 – suggestion to add a reference to the consequences of COVID-19 pandemics: this crisis is shining a spotlight on both the opportunities and the risks of using digital technologies. Children are affected by the disruption of education, the lack of face-to-face interaction with their friends and peers, and the many challenges of having to rely on the digital technologies for education, entertainment, information, and social contact.

***III. General principles***

**C. Right to life, survival and development (art. 6)**

Point 16: suggestion to add at the end of point 16 [after … emerging risks they face]: *States need to work with digital platforms and services, including with user-generated content sharing platforms, to reach this objective, and where necessary, take action on such digital platforms and services to ensure appropriate measures are implemented.*

***V. General measures of implementation by States (art. 4)***

**B. Comprehensive policy and strategy**

Point 27: suggestion to add ‘*libraries’* to underline the need for this institution to be part of the change, to evolve and to continue to be a centre of reference for children not only for books but also for information – content at large, including online.

**D. Allocation of resources**

Point 29: suggestion to add a reference to developed and remote areas *(to promote equality of access in developed and remote areas, and affordability of series and connectivity*).

**E. Data collection and research**

Point 31: suggestion to add at the end of point a*n appropriate balance between protection and efficient research is to be promoted.* Research on children’s use of digital technologies (as all research linked to children) can be difficult as per heavy measures, protocols or process in place to protect children’s data, privacy, etc.

**J. Commercial advertising and marketing**

Point 43: suggestion to add at the end of the paragraph: *Information on the personal data processes should be given in a concise and clear way to parent or caregiver of the child. It is advisable to provide also an adapted version for children of the same information.*

**VI. *Civil rights and freedoms***

**A. Access to information (arts. 13 and 17)**

Point 52: suggestion to add further adjectives "positive" content and/or "empowering" content: *States should provide and support the creation of child-friendly, age-appropriate****, positive and empowering*** *digital content for children.*

**B. Freedom of expression (art. 13)**

Point 61: suggestion to add *States should protect children from online harassment and threats, censorship, data breaches and digital surveillance* ***through information and prevention as well as remedies strategies.*** States should inform, prevent, protect (protect – remedies action, prevention strategies: information, awareness raising, education).

**D. Freedom of association and peaceful assembly (art. 15)**

Point 66: suggestion to add: *States should ensure that it is clear whether digital environments are public or private. For private digital circles, surveillance should not be permitted only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others*.

Public online space should be clearly labelled as such. Children may have the false impression of private exchanges online while in fact they are public. Private circles as well – surveillance over those circles should not be permitted only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others

**E. Right to privacy (art. 16)**

Point 74: important to reflect on the parent/ guardian consent in that respect, and to ensure a minimum level of participation/avoid exclusion.

***VII. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39; PSC; OPAC)***

Point 88: suggest to add at the end of this point: *and ensure to provide adequate feedback to each and every report. States should provide children with accessible, child-friendly and confidential online reporting and complaint mechanisms.* 3

***XI. Education, leisure and cultural activities***

**The right to education (arts. 28, 29)**

Point 109: this point would benefit from reference to Covid-19 crisis and reinforced attention to the States’ responsibility to guarantee access to all children so that no child is deprived of education if education turns in digital.

Point 113: suggestion to refer too “digital social skills”, which - although strictly speaking - are not literacy skills – but help to act, cooperate and participate online in a respectful and constructive manner.