**Draft General Comment on Children’s Rights in Relation to the Digital Environment**

**Submission of Ireland**

**November 2020**

Ireland welcomes the Committee on the Rights of the Child’s call for comments on their draft General Comment on children’s rights in the digital environment. The rights of the child are of great importance in both our domestic and foreign policies and we recognise that these rights can only be advanced through meaningful consultation and a child-centred approach. Ireland wishes to submit the following comments:

1. We have identified overlap with the Committee’s General Comment No. 16 (2013) on State obligations regarding the impact of the business sector on children’s rights and perhaps given the broad scope of this draft General Comment, consideration could be given to streamlining.
2. We note that while the General Comment states that it “draws on the Committee’s experience of reviewing State parties’ reports, its 2014 Day of General Discussion on digital media and children’s rights, the jurisprudence of human rights treaty bodies, Special Rapporteurs, Human Rights Council, international consultations with experts and stakeholders, and the participation of children through a cross-national consultation...” (Para 6) the citations included in the General Comment refer only to the Committee’s own General Comments and consultations and do not include references to the other sources identified. We note that this is in contrast to the approach of some other Committees such as the Human Rights Committee, which has included extensive citations in its recent General Comments, including to its own jurisprudence as well as the jurisprudence of regional human rights mechanisms which has been helpful.
3. It occurs to us that Section V(K), “Remedies”, could benefit from greater clarity regarding the obligations of States parties to the UN Committee on the Rights of the Child and the obligations in relation to third parties, such as businesses. It may be clearer, for example, to separate out some of the analysis in light of the different categories of rights and responsibilities involved.
4. We note that various States’ submissions to the Committee regarding the draft General Comment illustrated differing positions regarding the approach to children’s rights in a digital environment, including regarding State control over the digital environment. It appears to us relevant to consider the language of the draft General Comment in light of these differing positions, as language which is not clearly defined could result in unintended consequences as a result of different interpretations.