

Children in Digital Age – Romanian Perspective

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ABSTRACT

The paper conducts a detailed analysis of children's rights in Romanian legislation with a special focus on their application in a digital context. As the study shows, Romania does not have extensive legislation concerning children's rights in the digital environment, and thus one of the main challenges of the study is identifying the relevant sources of law among the more general pieces of legislation and adjusting them to the digital environment. The study is structured in six chapters, where the introductory chapter presents the general legislative framework on the rights of the child in Romania, including a brief historical overview of the main milestones of the development of children's rights, concluding with an outline of the most important rights and categories of rights children enjoy according to the international and Romanian legislation.

The next chapters proceed with the analysis of six different topics, namely, the protection of children against digital harm based on the Romanian Criminal Code and the National Education Law, the review of authorities entrusted with the protection of children's rights in the digital world, the protection of children by the media law, the right of the child to be informed, heard, and express their opinion, aspects related to data protection, and finally, the state of play of the protection of children's rights in Romania's digital space.

KEYWORDS

children, Romania, children's rights, digital environment, digital harm, media law, data subjects, freedom of opinion

1. General Framework of Laws Regarding Children's Rights in Romania

Presently, the general framework of the Romanian laws concerning children's rights comprises a series of international conventions signed by Romania and adopted in the national law. The core document in the field of children's rights, the United Nations Convention on the Rights of the Child (1989), was ratified by Romania on 28 September 1990 and transposed by Law no. 18/1990.¹ The Convention has been a source of inspi-

1 Lege nr. 18 din 27 septembrie 1990 (*republicată*) pentru ratificarea Convenției cu privire la drepturile copilului*) Publicat în Monitorul Oficial Partea I. nr. 314 din 13.06.2001.

Zsolt KOKOLY (2025) 'Children in Digital Age – Romanian Perspective' in Halász, Cs. (ed.) *Children in Digital Age*. Miskolc-Budapest: Central European Academic Publishing, pp. 199–222. https://doi.org/10.71009/2025.csh.cida_10.

ration when drafting Law no. 272/2004 on the protection and promotion of children's rights,² which became the special law after its adoption governing children's best interest in Romanian national law.

The general framework of the Romanian laws concerning children's rights is completed by the constitutional provisions enshrined in the Constitution of Romania adopted in 1991 (amended in 2003)³ and the relevant articles in the New Civil Code of Romania⁴ (in effect since 2011), as well as a series of special laws containing pertinent norms.⁵ For the purpose of this country report, the provisions of two special legislative acts are of relevance: the Media Law⁶ and the adjoining Regulatory Code of Audiovisual Content,⁷ as well as the Law of National Education.⁸ Additionally, there are legal provisions comprised in the new Criminal Code of Romania⁹ that shape a system of sanctions to enable the protection of children's rights.

A first milestone in the constitutional dimension of children's rights is the enshrinement of the principle stating the "special care of children until they turn 18 years of age", introduced in 1948. The historical evolution of children's rights in the subsequent constitutions of Romania recognises several amendments, such as the protection of the interest of the mother and the child introduced in 1952 and maintained also in the 1965 version of the Constitution.

Articles 22 to 35 of the Constitution of Romania (2003) establish a general framework of fundamental rights and freedoms that affect all natural persons, thus also natural persons having the legal condition of child. These rights are as follows: the right to life, to physical and mental integrity, individual freedom, the right to defence, freedom of movement, personal and family privacy, inviolability of domicile, secrecy of correspondence, freedom of conscience, freedom of expression, the right to information, the right to education, access to culture, the right to protection of health, and the right to a healthy environment.

Article 49 of the Constitution of Romania (2003) is dedicated to the protection of children and young people, granting children and young people special protection

2 Lege nr. 272 din 21 iunie 2004 privind protecția și promovarea drepturilor copilului (**republicată**). Publicată în Monitorul Oficial Partea I. No. 159 din 05.03.2014.

3 Constituția României. (*republicată*) Publicat în Monitorul Oficial, Partea I. nr. 767 din 31 octombrie 2003.

4 Codul Civil din 17 iulie 2009 (**republicat**) (Legea No. 287/2009**) Publicat Monitorul Oficial Partea I. No. 505 din 15.07.2011.

5 A complete list of legislative acts pertaining to the protection and promotion of children's rights is published here: <https://copii.gov.ro/1/legislatie-nationala/> (Accessed: 15 March 2024). For a list of legislative acts in chronological order, see: Murgu, 2022, pp. 17–36.

6 Legea 504/2002 a audiovizualului. Publicată în Monitorul Oficial Partea I. No. 534 din 11.07.2002.

7 Decizie No. 220 din 24 februarie 2011 privind Codul de reglementare a conținutului audiovizual (modificată). Publicată în Monitorul Oficial Partea I. No. 1131 din 14.12.2023.

8 Legea 1/2011 a educației naționale. Publicată în Monitorul Oficial Partea I. No. 18 din 10 ianuarie 2011.

9 Codul Penal din 17 iulie 2009 (Legea nr. 286/2009) Publicat în Monitorul Oficial Partea I No. 510 din 24 iulie 2009.

and assistance in realising their rights. It is the obligation of the state to grant allowances for children and benefits for the care of ill or disabled children, extending social protection for children and young people also to other forms, which are established by law.

The constitutional provisions enshrined in Art. 49 forbid the exploitation of minors, their employment in activities that might be harmful to their health or morals or might endanger their life and normal development, while also forbidding the employment of minors under the age of 15 for any paid labour. Similar to the obligation of the state to provide allowances and benefits, the public authorities are bound to contribute to secure the conditions for the free participation of young people in the political, social, economic, cultural, and sporting life of the country.

In fact, stating the section on the protection of children and young people comprised in Art. 49 para. 1 enforces an exception to the principle of equality of rights, stating that citizens are equal before the law and public authorities, without any privilege or discrimination (comprised by Art. 16 para. 1). The enshrinement of this derogation is justified by the special condition children and young people have as opposed to the condition of other citizens.¹⁰

The Constitution of Romania enshrines in Art. 20 the implementation of all international and European legal documents recognising and promoting human rights, including children's rights. Art. 20 of the constitutional provisions refers to the application of international treaties on human rights, as well as precedence of law in case of inconsistencies, stating that constitutional provisions concerning the citizens' rights and liberties shall be interpreted and enforced in conformity with the Universal Declaration of Human Rights, with the conventions and other treaties Romania is a party to. In case there are any inconsistencies between the covenants and treaties on the fundamental human rights Romania is a party to and the national laws, the international regulations shall take precedence, unless the Constitution or national laws comprise more favourable provisions.

The New Civil Code of Romania (in force since 2011) represents a second pillar in the general framework on children's rights. The adoption of the new Code rendered void the Family Code, a legislative act adopted in 1953 and amended throughout 1974. After the adoption of the New Civil Code of Romania, all provisions concerning marriage, divorce, and child protection became part of the Civil Code.

The New Civil Code offers a definition for the notion of "child" (*copil*) in Art. 263, in which it formulates the principle of superiority of the child's interest. In the legal interpretation offered by the legislator, in the sense of legal provisions regarding the protection of children, the term "child" refers to a person who has not turned 18 years of age nor has gained full capacity to act according to the law.

However, the text of the New Civil Code uses the syntagm "child" interchangeably with the notion of "minor", thus offering another approach in definition, based on the capacity to act. Regarding the scope of capacity to act, Art. 38 defines full capacity to

10 Bodoaşcă, 2018, pp. 362–363.

act as starting the moment the person becomes of age and, subsequently, states that a person becomes of age when turning 18 years.

Apart from the exceptions recognised by the law, people who have not turned 14 years of age have no capacity to act, as stated in Art. 43. However, the law recognises exceptions where capacity to act is granted to persons who have not turned 18 years of age (the case of the married minor or the case of anticipated capacity to act, both cases pertaining to persons who have turned 16).

Art. 41 defines the concept of partial capacity to act, granting it in terms of age to any person turning 14 and proceeding later in Art. 42 to a description of the scope and extent of partial capacity to act. According to the legal provisions, the minor may engage in legal acts regarding work, artistic, or sporting activities, or activities related to the person's profession, having the approval of the parents or guardian and in respect of special legal provisions, if there are any. In the case detailed above, the minor acts independently upon their rights and also executes independently obligations that arise from these rights, while also being granted the liberty to dispose independently of any earned income.

For the purposes of the present report, we will use the term “child” (instead of “minor”) in the interpretation given by the New Civil Code and corroborated with the definition formulated by the special law (Law No. 272/2004 on the protection and promotion of the rights of children) in Art. 4 (a): “child – a person who has not turned 18 years of age nor has gained, according to the law, full capacity to act”.

Children are granted rights that enjoy special protection from the moment the child is conceived, under the presumption of a subsequent live birth. This principle is formulated in Art. 36 of the New Civil Code, stating that children's rights are effective from the moment of conception provided the child is born alive. This entails that children's rights are recognised from the moment of conception, but only if the child is born alive. It must be noted here that the provisions of Art. 412 on the legal timeframe of conception are to apply (establishing the legal time of conception of the child in the interval contained between day 300 and day 180 calculated from his/her birth).

This article enshrines the rights of the child from the moment they are born, stating that the person conceived must be equal with the person born in every instance that serves its interest, but on the condition that the child is born alive and has a viable existence.

The conditioning of rights to the child the moment it is conceived means that children enjoy a special protection starting at the moment of conception, but they are unable to fully access the rights conferred on them.

Presuming the child will be born alive, he has certain patrimonial and extra-patrimonial rights from the moment of conception; these include the right to inherit or the right to own goods, while extra-patrimonial rights include the right to dignity, the right to physical and psychical integrity, identity, and development.

Article 264 of the New Civil Code refers to children's rights in administrative or legal procedures concerning their person, making it mandatory that a child who has turned ten years old be heard. Moreover, should the competent authority consider

it necessary for the solution of the case, a child younger than ten years of age can also be heard. The right to be heard refers to the possibility of the child asking for and receiving any information, in accordance with his age, to express their opinion and to be informed on the consequences their opinion may cause, as well as on the consequences of any decision regarding their person.

According to this article, any child may ask to be heard, according to the provisions laid down in para. 1 and para. 2, and in case the competent authority rejects the claim, a reason for such rejection must be given. It stands to reason that the child's opinions will be taken into consideration in accordance with their age and level of maturity.

The main legislative act governing the protection and promotion of children's rights in Romania is Law No. 272/2004 on the protection and promotion of the rights of children, acting as a common frame of reference on children's rights.

At the centre of this law lies the protection and promotion of the child's best interest, the legal provisions following the provisions of the Convention on the Rights of the Child, structured in 12 chapters where each chapter comprises a set of rules on the protection and promotion of children's rights.

The dimensions of the child's best interest are confined in Art. 2, enshrining in para. 1 that the present law, any other regulations adopted in the field of protecting and promoting the rights of the child, as well as any legal act issued or, if the case, signed in this field, are subdued primarily to the child's best interests. The child's best interest is seen as adjacent to the child's right to a normal physical and moral development, to socio-emotional equilibrium, and to family life. The principle of the child's best interest governs the rights and obligations the child's parents have and their other legal representatives, as well as any other person who is lawfully entitled to care for the child. Also, the principle of the child's best interest prevails over all proceedings and decisions regarding the child made by public authorities and authorised private entities, as well as in cases argued in front of court authorities. People involved in the activities detailed above must involve the family in all decisions, actions, and measures regarding the child and must ensure the care, upbringing, formation, development, and education within the family.

In determining the child's best interest, a set of criteria may be taken into consideration, such as the need for physical, psychological development, for education, health, security, stability and adhesion to a family; the child's opinion, depending on their age and stage of maturity; the evolution of the child, especially in cases of abuse, negligence, exploit or any other form of violence on the child, as well as potential situations of risk that may arise in the future; the capacity of the parents or the people who will raise and care for the child to respond to the child's concrete needs, as well as maintaining personal relationships with people the child has formed relations of attachment.

Based on the legal interest at their centre, the rights comprised in the legal framework offered by Law No. 272/2004 on the protection and promotion of the rights

of children can be categorised into rights to development, rights to protection, and rights to participate.

The rights to development refer to the satisfaction of basic needs, including the need to develop personality traits and mental and physical abilities. The main rights granted by the law in this category are the right to development, the right to education, the right to medical care, the right to social assistance, and the right to play.

The legal provisions regarding rights to development include the child's right to be brought up in a family alongside their parents (Art. 35), with both parents bearing the responsibility for the upbringing of the child (Art. 36). Parents need to take into consideration the child's capacities to develop, corroborated with their rights to participate. The state has the responsibility to assist the parents in their mission regarding the upbringing of the child by ensuring the network of facilities, such as schools, hospitals, and other institutions.

Some of the rights to development include the child's right to be brought up in conditions enabling his physical, mental, spiritual, moral, and social development (Art. 37); the child's right to benefit from a lifestyle permitting their physical, mental, spiritual, moral, and social development (Art. 47); the child's right to receive an education stimulating the development of their abilities and personality without discrimination (Art. 51); and the child's right to rest and vacation (Art. 53).

Rights of protection comprise another category of children's rights formulated in the special law. These rights serve the purpose of insuring children against situations of risk, such as illegal transfer abroad, violence, abuse, or negligence from the parents or guardians, sexual or other kinds of abuse, implication in illegal substance traffic, and human trafficking. Protection rights also encompass a series of measures pertaining to the relation of the child with their family, as well as the case of children in vulnerable situations.

Rights to protection refer to abuse, negligence, exploitation, trafficking, illegal migration, abduction, violence, and internet pornography, as well as any other form of violence, regardless of the environment: family, institutions of education, healthcare providers, protection services, locations investigating criminal acts and rehabilitation/detention, the Internet, mass media, workplaces, sports facilities, or community centres, etc. (Art. 89).

Rights to protection refer to exploiting children by prohibiting forced labour or forced domestic activities, the prohibition extending also to educational institutions, special protection, re-education, and detention, or the cultural, artistic, sporting, publicity, and modelling environment, which bears a potential risk or is susceptible to compromising the child's education or damaging their health or physical, mental, moral, or social development (Art. 91).

The prohibition against exploiting children is formulated also in Art. 110, which expressly refers to any form of exploitation, such as illicit transfer of the child and failure to return, sexual exploitation and sexual violence, child abduction and child trafficking in every form and purpose, forced development of children's talents

damaging the optimal course of their physical and mental development, exploitation by mass media, or exploitation in the framework of research or scientific experiments.

Art. 95 forbids any kind of violence on children, as well as depriving children of their rights so as to jeopardise their life, physical, mental, spiritual, moral, or social development, or their corporal integrity or physical or psychical health, both inside the family and in institutions of protection, care, and education of children; in healthcare and educational facilities; and in any other public or private institution providing services for or conducting activities with children.

Protection rights also govern the relationship between children and their parents, as children have the right to identity: to a name, to citizenship, and if possible, to know their parents and be brought up by them (Art. 9) or to have personal relationships with and direct contact with their family, relatives, or other people they are attached to emotionally (Art. 17).

Children have the right to protect their own image and their intimate, private, or family life (Art. 27), as well as the right to have their personality and individuality respected (Art. 32).

The third category of children's rights warranted by the special law refers to the rights of participation, offering children the possibility to have a say in matters pertaining to their lives. These rights offer children the possibility to express their opinions and to discuss problems they consider of importance, as well as the opportunity to search and receive information they consider relevant for them. Romanian law explicitly grants children freedom of expression and, as a separate right, the right to freely express opinions in matters pertaining to them in legal and administrative procedures.

Participation rights have limitations, as children need to be capable of forming their own opinions to express and exert them; however, this does not mean by any chance that young children are not entitled to participation rights, as they have their own needs and capacities for participation. The right to participate must be corroborated with age limits set out by legal norms, with Romanian law granting children over ten years old the right to be heard in all legal and administrative procedures concerning them. Even children younger than ten may be heard if the competent authority deems it necessary, and their opinion can be taken into consideration based on their age and level of maturity. Generally, as the child grows older, they will have more and more participative needs, and they will be more and more capable of forming and expressing their own opinions.

The category of participative rights encompasses key rights for children, such as the right to freedom of expression, as well as to seek, receive, and promote information, as granted by Art. 28; freedom of thought, conscience, and religion (Art. 30); freedom of association, in formal and informal structures, as well as the right to freedom of peaceful assembly, within the limits stipulated by the law (Art. 31); and the right to file complaints on its own regarding the violation of his fundamental rights (Art. 34).

Children belonging to a national, ethnic, religious, or linguistic minority have the right to their own cultural life, to declare their ethnic and religious affiliation, and to practice their religion, as well as the right to use their language with other members of the community to which the children belong.

Law no. 272/2004 on the protection and promotion of the rights of children has been revised several times, the most recent amendments being introduced in 2022.

Amendments refer to the freedom of information, including that in online environments (Art. 28); attributing to the child protection services institutional network the responsibility to act promptly in instances where the child's development is jeopardised (Art. 41); and the introduction of health education classes in schools, starting with the eighth grade (Art. 46). The introduction of bullying, including cyberbullying, as a phenomenon of psychological violence on children in educational institutes (Art. 52) is the consequence of the amendment of the Law of National Education to comprise measures on violence, including physical and psychological violence (bullying and cyberbullying) as well as emotional abuse.

2. Special Legal Regulation Regarding the Protection of Children Against Digital Harm

Children represent a group considered more vulnerable against digital harm than the average group of citizens (the typical consumer/data subject), as young children or the elderly may not have the necessary digital skills or know their rights in the digital environment. Children can be affected by two types of vulnerability: inherent vulnerabilities that arise from neediness and dependence on others, and situational ones that appear in specific circumstances or situations.

The legal framework on measures to combat digital harm to children mainly includes legal provisions from the current (new) Romanian Criminal Code. Phenomena such as cyberbullying, grooming, sexting, sextortion, online identity theft, personal data theft, online hate crimes, abuse of one's image, etc. that are usually associated with the concept of digital harm against children must be corroborated with the existing regime of criminal acts stated in the Code and assimilated with one or several of the criminalised behaviours.

There are some manifestations of digital harm to children that have a sanctions regime outside the scope of the Criminal Code too: the phenomenon of cyberbullying in educational facilities is regulated in the Law on National Education, while failure to observe rules regarding the participation of children in audiovisual media programs or the labelling and content rating of audiovisual media content to respect their mental and psychological development is regulated in the Media Law and the Regulatory Code on Audiovisual Content.

Cyberbullying is defined in the annex on methodology and action plan completing the Law on National Education as follows:

‘Psychological violence in cyberspace, or cyberbullying, comprises actions conducted relying on internet networks, computers, tablets, and mobile phones, and it can contain elements of online harassment, combining illicit and/or offensive content that refers to any behaviour transmitted by means of technology, as identified on social media, websites, and messaging. This form of violence is not limited to repeated behaviour regarding mails, posting messages, images, or videos with abusive/belittling/offensive content, including here also the deliberate exclusion/marginalisation of a child in online environments or hacking personal email passwords as identified in online groups of social networks or other online formats of electronic communication.’¹¹

In the text of the annex, cyberbullying is discussed in the general framework of psychological violence in educational facilities, with physical violence and cyberbullying representing two forms of manifestation of the same prohibited behaviour: bullying.

The main legal source, the annex of the Law on National Education defines psychological violence as bullying through physical, verbal, relational, and/or cybernetic actions or series of actions, made intentionally and by using a power imbalance that results in violations to one’s dignity or the creation of an atmosphere of intimidation, hostility, degradation, humiliation, and offence, directed against one person or one group of persons, which leads to discrimination and social exclusion that may be linked to adhesion to a certain race, nationality, ethnicity, religion, social category or a vulnerable category, sex or sexual orientation, personal traits, action or series of actions, behaviours, taking place in educational institutes and all locations destined for education and professional development (Art. 6¹ glossary).

A 2019 survey on the state of play of children’s rights in Romania has concluded that one out of three children in junior high and high school cycles claims to have been subjected to a form of physical or psychological violence at school, and the number of students claiming to have experienced cyberbullying is even higher.¹²

Even though continued forms of bullying may have serious consequences on the mental health of students and their academic performance, there are no sanctions in the text of the guidelines to the Law on National Education for instances of cyberbullying in educational facilities, as most actions are directed to prevention. However, in cases of confirmed cyberbullying, the multidisciplinary team of the educational facility has attributes in mediation and conciliation. Administrative measures may extend only to resorting to the school statutes or the student charter, with disciplinary measures such as movement from one class to another or expulsion from the school being considered measures of last resort.

To distinguish between bullying in school and other behaviour common among children, the following elements need to be identified: intent (as bullying is always

11 Art. 1 para. c of Law on National Education.

12 Alexandrescu, 2019, p. 151.

intentional and meant to offend someone), repetitive nature (aggression is always directed against the same victim), and imbalance (in all cases, the victim is vulnerable and in no position to defend himself in the presence of an imbalance of age, personal traits, socioeconomic position, or gender).

Cyberbullying translates in the Criminal Code to several criminal acts against the freedom of person and engages the penal responsibility of the child. Children aged 14-16 may be held responsible if the act was committed with discernment, while children over 16 years old are held responsible. Actions of cyberbullying may be identified under the offences of threat, blackmailing, or online harassment with an added component of online or electronic communication. The Criminal Code identifies the constitutive feature of threat in the ability to instil a state of fear in someone (Art. 206), so threats made in jokes do not qualify as criminal acts.

Another manifestation of cyberbullying may comprise blackmail, which refers to forcing a person to do or not to do or suffer something in exchange for illicit gain for oneself or someone else; the threat to expose a real or fictitious act that is compromising for a person or for a family member is also considered a threat (Art. 207). Blackmail is easily done by use of electronic or digital technology: phone calls, social media platforms, or other online forums.

Harassment is another type of criminal behaviour that covers cyberbullying – according to the legal provisions, it refers to an act of repeatedly following without lawful ground or without lawful interest a person or a person's home, place of work, or any other place the person frequents, thus instilling a state of fear (Art. 208). Phone calls or any other communication by electronic means is also considered to be harassment if, by its frequency or content, it instils a state of fear in a person.

Actions inflicting harm on children in digital environments may also be congruent with criminal offences identified as cybercrimes (criminal acts against the safety and integrity of informatic data and systems). Hacking accounts qualifies as unauthorised access to an information system, which can be aggravated if the purpose was to obtain data (Art. 360). Online identity theft is also punishable by law as it assimilates the state computer fraud (Art. 325) – thus the act of registering and using an account on social media that is discoverable by the general public using another person's real name and providing real data pertaining to that person (information, pictures, photographs, video) qualifies as a criminal act, as confirmed by pertinent caselaw.¹³

Theft of personal data and online images is also covered by the criminal act of violating private life, where taking unauthorised photographs, images, or recordings of a person in his/her private home or recording a private conversation constitutes violation of his private life (Art. 226). The legal provision also incriminates the unauthorised disclosure, distribution, presentation, or transmission of a conversation or images realised in circumstances such as described above to a third person or to the public, as well as the use of technological devices for audio or video recording if it is

13 Decizia No. 4 din 25 ianuarie 2021 a Înaltei Curți de Casație și Justiție. Publicată în Monitorul Oficial Partea I. No. 171 din 19 februarie 2021.

meant to realise unauthorised recording of another person or unauthorised disclosure or distribution of the material.

Art. 226 was amended in 2023 to incorporate provisions relating to the phenomenon of “revenge porn”, criminalising the action of disclosing, distributing, presenting, or transmitting in any way the intimate image of a person identified or identifiable by the information provided, without prior consent, in a way that provokes psychological pain to the person concerned or represents a violation of his image.

While the acts described above do not distinguish between adult and child victims, there are criminal acts that refer explicitly to children. For instance, the phenomenon of grooming corresponds to the factual state of sexually corrupting a child (Art. 221) or that of exploiting the child for sexual purposes (Art. 222). In these cases, the legal provisions establish a clear age limit that sets stricter age limits, incriminating acts made by an adult who persuades a child under 13 years of age to engage in sexual acts with him, even if the persuasion was made by means of transmission at a distance.

The strictest punishment from the sphere of activities that may inflict digital harm on children is stated in the article referring to child pornography (Art. 374). Production, possession with the aim of exhibition or distribution, acquisition, storage, exhibition, promotion, distribution, or providing any type of pornographic material featuring children is punishable by law. Stimulating or recruiting a child to participate in pornographic shows or watching pornographic shows with the participation of children is assimilated into the previously described situation.

Other types of activities that may cause harm to children in a digital environment are covered by regulatory regimes under the notion of hate speech or enticement to discrimination (Art. 369).

3. The State System – Authorities With Responsibility for Protecting Children’s Rights in the Digital World

The protection and promotion of children’s rights in Romania is sustained by a network of multiple pillars, comprising the national regulatory authority, central public authorities, local authorities, and specialised bodies with attributes in this field.

The main institutions with responsibilities for protecting children’s rights are the National Authority for the Protection of Children’s Rights and Adoption (NAPCRA),¹⁴ which is the Romanian central authority within the field of children’s rights, completed by a network of central and local public authorities: the general directorates for social services and child protection,¹⁵ the councils for the protection of children’s

14 Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție (ANPDCA).

15 Direcțiunea Generală pentru Asistență Socială și Protecția Copilului (DGASPC).

rights¹⁶ (both operating at the county level), and the Public Social Services Departments¹⁷ (operating at the community level).

As the central authority, NAPCRA ensures the following, applies the national legislation within the field of children's rights at the national level, and coordinates the activities developed by public or private bodies in the same field.

The authority provides representation of Romania abroad while taking necessary measures to provide the transposition of international legislation into the national legislation. NAPCRA monitors and controls the way children's rights are respected at the national level and provides recommendations to central or local authorities with regard to the measures to be adopted in this respect.

While NAPCRA acts as the national regulatory authority in the field of protecting and promoting children's rights, there are several other national institutions or central authorities with attributes in the field of children's rights. The Ombudsman's Institution is a national institution for the promotion and protection of human rights, within the meaning established by the United Nations General Assembly Resolution of 20 December 1993, which has adopted the Paris Principles. One of the deputies to the Ombudsman has attributes in the field of sustaining, protecting, and promoting children's rights and is also called, in this sense, the Children's Ombudsman. It has the mission of defending children's rights until they turn 18 years old, as well as enforcing the respect and promotion of children's rights and intervening in the following cases: physical, psychic, and sexual abuse; abduction; bullying; poverty; placement home situations; school and school garden situations; integration of children with disabilities; maintaining the relationships between children and people to whom they are attached; children with parents working abroad; as well as any other situations where children's rights might be endangered (Art. 13-14 of the governing special law).¹⁸

The protection of children's rights in the digital world forms one of the core missions of the National Audiovisual Council (NAC),¹⁹ which has a dual quality, acting as the warrantor of the public interest in the field of audiovisual communication and the national regulatory authority in the field of audiovisual media programs, the scope of regulation expressly extending to online media content as the revisions and amendment of the governing special law (the Media Law). As the public warrantor, NAC has the obligation to protect human dignity, the right to one's own image, and children's rights (Art. 2 para. (e)) and has the authority to issue regulatory decisions containing binding legal norms regarding the protection of children's rights (Art. 17, para. 1, Pt. d, Subpt. 5).

The amendments to the Law of National Education in 2020 have invested in a network of educational facilities (schools, county boards of education, the county

16 Comisia pentru protecția drepturilor copilului.

17 Serviciul public de asistență socială.

18 Legea No. 35 din 13 martie 1997 privind organizarea și funcționarea instituției Avocatul Poporului*(Republicată). Publicată în Monitorul Oficial Partea I. No. 844 din 15 septembrie 2004.

19 Consiliul Național al Audiovizualului (CNA).

centres for resources and educational assistance, teacher training centres, and the Ministry of Education and Research) with the power to act on bullying and cyberbullying by implementing prevention strategies and swiftly addressing cases of this phenomenon in educational facilities.

The objective of the new methodology²⁰ included in the Law of National Education rests on four pillars, as stated in its Part One – Scope. The first objective is to help create a safe and positive environment in the educational facility, based on respect of people, non-discrimination, motivation to learn, and ensuring the well-being of children in nursery/kindergarten/school.

Its second objective is to offer a working instrument for professionals working with children in nursery/kindergarten/school, families of children, authorities responsible for protecting children against any form of violence, including psychological violence such as bullying, as well as specialised service providers for the rehabilitation of victimised children, witnesses, and/or children with aggressive behaviour.

The third objective is to promote activities to prevent and eliminate any form of bullying and cyberbullying in the pre-university educational system, while the fourth objective is to prevent, identify, signal, and intervene with a multidisciplinary team in cases of psychological violence such as bullying and cyberbullying.

4. Legal Practice Related to the Coming of Age of Children's Rights In Audiovisual and Online Environments

The Media Law governing audiovisual and online media content contains provisions referring to the protection and promotion of children's rights, including a separate chapter with the title "Protection of Children" (Chapter III²¹). Art. 39 of the chapter on the protection of children introduces a framework for using age-appropriate content rating and labelling of media content to prevent harm to children's development. Legal provisions in place state that audiovisual media content providers under Romanian jurisdiction offering audiovisual media services that may affect the physical, psychic, mental, or moral development of children may only communicate these services to the public in a way that ensures that under normal circumstances, children cannot see or hear them. Measures used in this sense include selecting the hours of broadcasting, age-checking mechanisms, or other technical measures. These measures must be proportionate to the possible negative effects of the program. The most offensive programs, such as those with unjustified violence or pornography, fall under the strictest measures.

It is forbidden to process children's personal data that are collected or otherwise generated by audiovisual media service providers for commercial purposes such as

20 ORDIN MEC No. 4.343/2020 din 27 mai 2020 privind aprobarea Normelor metodologice de aplicare a prevederilor art. 7 alin. (1¹), Art. 56¹ și ale pct. 6¹ din anexa la Legea educației.
Publicat în Monitorul Oficial No. 492 din 10 iunie 2020.

direct marketing, profiling, and behaviour marketing. Media service providers must offer the public sufficient information regarding the content that may affect children's physical, mental, or moral development. In this sense, audiovisual mass-media service providers must use a system that describes the potentially harmful nature of the content of an audiovisual mass-media service; such a system may be established by media service providers by coregulation and/or autoregulation, including here codes of conduct of the European Union.

The legal norms in the Regulatory Code on Audiovisual Content reiterate in the Preamble the legal responsibility of the NAC, as the warrant of public interest, to ensure protection of the physical, mental, and moral development of children in audiovisual programs, including commercial audiovisual communications. In this sense, as the measures for the protection of children must be correlated with the fundamental freedom of expression as established in the Charter of Fundamental Rights of the European Union, these measures enable the use of parental control or a program labelling system and the prohibition on distributing pornographic content.

The Regulatory Code on Audiovisual Content establishes different regimes for managing children's right to privacy in audiovisual media content: children younger than 14 years, children between 14 and 16 years, and children between 16 and 18 years. These age distinctions derive their legal basis from the principle of capacity to act as described in the New Civil Code.

Chapter I (Respecting children's rights in audiovisual programs) of Title II (Protection of children) comprises concrete measures relating to the obligations of media service providers relevant to the participation of children in media programs.

Article 4 details the legal norms governing the representation and participation of children of 14 years or younger in media programs, forbidding the broadcast of any indication that might lead to the identification of a child up to 14 years old if they are the victim of sexual abuse, if they are accused of committing a crime, or if they have been witnesses to crimes. If the child up to 14 years old is the victim of crimes other than the ones listed above or has been subjected to physical or psychical abuse, broadcasting of images of the child or its declarations is only possible after receiving the child's, parent's, legal representative's, or any other carer's consent. In situations where the child up to 14 years has been subjected by their parents or legal representatives to physical or psychical abuse, broadcasting images or declarations is possible only with the child's consent, the other parent's consent (who is not the presumed author of the abuse), or the consent of an authority responsible for the child.

Media service providers are prohibited from using reenactments of crime, abuse, or dramatic elements using children. Moreover, children up to 14 years old may not give interviews or declarations pertaining to dramatic events they witness in their community or their family (Art. 5).

The legal provisions of the Regulatory Code on Audiovisual Content distinguish between three age groups, setting different types of criteria for children under 14 years old, children between 14 and 16, and those between 16 and 18.

In the case of children between 14 and 16 who are accused of committing a crime or who are the victim of a crime or have been physically, psychologically, or sexually abused, their inclusion in news programs, debate shows, or audiovisual reportages can be made only by fulfilling all the following conditions: the written consent of the child; the written consent of the parents or the legal representative; assistance during the transmission or the recording by a parent or the legal representative, or by a lawyer in case of criminal investigation or arrest; and elimination of all elements that may lead to the identification of the child (Art. 6).

In the case of children over 16 who are accused of committing a crime, their participation in audiovisual programs requires explicit consent, written or recorded, as well as assistance by a lawyer if they are under criminal investigation, held in custody, or arrested. In the case of children over 16 who are either victims or witnesses to a crime or have been physically, psychologically, or sexually abused, the following steps are required: an explicit consent, written or recorded, as well as the elimination of all elements that may lead to the identification of the child, if requested by them, their parents, or their legal representative (Art. 6).

Generally, the participation of children in audiovisual media programs is conditioned by obtaining consent beforehand; participation of children under 14 years is discouraged, except for cultural events and sports competitions.

Chapter II of the Title on protection of children is dedicated to content rating of audiovisual media programs to protect children. The general rule is to restrict access to audiovisual media programs that may affect the physical, mental, or moral development of children either by conditioning access to the program or by broadcasting it only in the allotted timeframe based on its content classification (Art. 12).

Studio programs or live shows featuring smoking and alcohol consumption, as well as vulgar, trivial, or obscene behaviour, are prohibited from broadcasting in the timeframe between 6:00 and 20:00. It is also prohibited to illustrate information with pornographic images; moreover, the following types of productions are prohibited from broadcasting in the timeframe between 6:00 and 23:00: productions showing physical, psychological, or verbal violence in a reiterative manner or with a high level of intensity or gravity; productions showing scenes of sex, trivial, vulgar, or obscene language or behaviour; people in demeaning postures even with consent; and wrestling not regulated by national or international sport associations (Art. 18).

The scope of the classification of audiovisual programs is the protection of the child and providing information to the public regarding the content of the program. Content rating is conducted according to several criteria: frequency, nature, and techniques of violent scenes, especially if children are featured in them; sexual content; characters represented; and their typology and relation to violence (Art. 19 through Art. 28).

The content rating of programs follows a more nuanced age-limit structure than the one presented in the chapter relating to the participation of the child in audiovisual media programs, as it establishes six categories of content rating systems: programs suitable for all ages (no restrictions or warning signs); programs where

parental guidance is recommended for children up to 12 years old (AP label); programs forbidden for children under 12 (labelled “Progame 12”, broadcast after 20:00 o’clock), programs forbidden for children under 15 (labelled “Progame 15”, broadcast after 22:00/23:00 o’clock); programs forbidden for children, other than pornographic programs, such as horror movies, erotic movies, extreme violence, programs sponsored by alcohol producers (labelled “Progame 18”, broadcast only between 1 and 6 o’clock); pornographic programs (labelled “Progame 18+”, broadcast only between 1 and 5 o’clock under certain conditions).

News programs are also subject to certain criteria regarding protection of children and must use different means to mitigate potential risk to children, such as verbal and written warnings before scenes containing graphic descriptions or upsetting content, or delaying techniques when broadcasting live other than news and sports transmissions (Art. 29).

5. The Right of the Child to Be Informed, Heard, and Express His/Her Opinions

Articles 28 through 29 of Law 272/2004 on the protection and promotion of children’s rights create a framework for the optimal exercise of participation rights. The dimensions of the child’s right to actively participate in matters implicating him are conferred by the interplay of three adjoining rights under the greater umbrella of freedom of expression, that is, the child’s right to information on all matters of interest to them, the child’s right to be heard in all matters affecting him, and the child’s right to freely express his opinion in all matters affecting him.

Para 1 of Art. 28 confirms the freedom of expression granted to children in an indiscriminate manner. Besides the general principles regarding freedom of expression, this article has been amended in 2022 to contain *expressis verbis* provisions referring to the online format, thereby assimilating the online environment with the traditional forms and channels of expression.

The legal provisions state that the child has the right to freedom of expression. Moreover, the freedom of the child to seek, receive, and transmit information of any kind, including in online format, regarding the promotion of his social, spiritual, and moral well-being, physical and mental health, by any means and any methods of his choice, is inviolable. Parents or other legal guardians of the child, the persons who are legally responsible for children, as well as persons who, through the nature of their positions, promote and ensure the observance of the rights of children must provide information, explanations, and advice according to the children’s age and degree of understanding, as well as allow them to express their own point of view, ideas, and opinions. Also, parents may not restrict the right of the minor child to freedom of expression, except in the cases expressly stipulated by law.

The right to receive information has a corresponding part in the legal provisions, formulating the obligation of parents and guardians to provide information in a

format adapted to the understanding of the child, while also prohibiting any action by the parents or guardians that would censor the fundamental freedom of expression granted to the child.

The child's right to information covers every type and format of information necessary for his well-being, while the obligation of parents and guardians to provide the information requested also bears the necessity to adjust the information to the child's age and degree of understanding. The obligation to provide information necessary for the well-being of the child implies at the same time the responsibility of parents and guardians to shield the child from information that would have a negative impact on his development or is irrelevant or superfluous to him.

The child's right to information is protected by the greater freedom of expression, guaranteeing that he will receive all the information required without being influenced and will be able to formulate and express his own opinions.

Article 29 confirms two rights that are treated as adjoining but separate rights linked to the general notion of freedom of expression, that is, the right of the child to have the capacity to freely express their opinion in any matter pertaining to him and the right to be heard in any judicial or administrative procedure pertaining to him.

The text of the article states that the child who has the capacity to discern has the right to freely express their opinion regarding any matter that involves them. Also, the child has the right to be heard in any judicial or administrative procedure that involves him. The hearing of the child who has reached the age of ten years is mandatory. Nevertheless, the child who has not reached the age of ten years may also be heard if the competent authority deems it necessary to solve the case. The right to be heard grants to the child the possibility to request and receive any pertinent information, to be consulted, to express his opinion, and to be informed about the consequences that his opinion may generate, if observed, as well as the consequences of any decision involving him. In all legally regulated cases, the child's opinions will be taken into consideration, according to the child's age and degree of maturity.

It is the right of any child to be heard, according to the provisions of this article. If his request is denied, the competent authority will issue a motivated decision in this regard. The special legal provisions regarding the consent or the presence of the child in the procedures that involve him, as well as the provisions regarding the appointment of a curator in case of conflict of interests, are and remain applicable.

The right of the child to express his opinion on any matter pertaining to him originates from the Convention on the Rights of the Child, corroborated with legal provisions comprised in the Civil Code and other special legislative acts.

A legal analysis²¹ focusing on the nature of the two rights comprised in Art. 29 formulates several observations regarding the scope and extent of these rights. The right of every citizen to freely express his/her opinion is enshrined in the Constitution and, in this case, is assimilated with the fundamental right (freedom of expression). As such, freedom of expression is granted to every citizen and prevails over provisions in

21 Bodoaşcă and Murgu, 2020, pp. 82–84.

other legal texts. In this sense, the constitutional provision of freedom of expression extends indiscriminately to all citizens, regardless of whether they are children and regardless of whether the subject of their opinion concerns their person. Of course, the limitations to the constitutionally enshrined freedom of expression also apply in this case, as opinions expressed by the child may not violate the dignity, honour, and private life of a person, nor the right to one's own image. Freedom of expression must also respect the regime of prohibitions listed in the Constitution, that is, the prohibition of defamation of the country and the nation, calls to war and aggression, incitement to hate on the basis of nation, race, class, or religion, incitement to discrimination, territorial separatism or public violence, or obscene behaviour.

The conditioning set in Art. 29 seems to be problematic due to the potentially restrictive nature, as it limits freedom of expression based on two elements: having discernment and expressing opinions that directly have an impact on the bearer. That would imply, *per a contrario*, that a child having no discernment does not have the liberty to freely express his opinion on matters concerning him, nor in other matters that do not have a direct impact on him.

The two particularising elements in formulating the right to an opinion also contradict to a certain degree the constitutional principle granting "children and young people [the enjoyment of] special protection and assistance in the pursuit of their rights". This constitutional provision obliges the lawmaker to institute a regime favouring children's rights instead of a regime restricting them.²² An internal contradiction arises also when observing the principle of non-discrimination formulated in Art. 7, which states that children enjoy the rights conferred on them regardless of race, colour, sex, language, religion, political or other opinion, nationality, ethnicity or social origins, economic situation, type and grade of handicap, birth status or acquired status, difficulties in formation and development, or any other type of difficulty of the child, their parents, or their legal representatives.

As a *de lege ferenda* solution proposed by the legal examination cited above, the disputed provisions under Art. 29 para. 1 referring to the right of opinion could be removed, thus conferring the constitutional freedom of the child to express his opinion, including in matters that directly impact him.

Closely linked to the issue of the right to opinion is the issue of the right to be heard. The right of the child to be heard in any proceeding in front of a court of law or in any administrative procedure gives him/her the opportunity to express his/her opinion. The right of the child to be heard in legal or administrative procedures is confirmed also in the legal provisions of the Civil Code.

However, the special law 272/2004 does not confer the right to be heard to any child, only to children who have turned ten years of age, leaving the possibility to hear children younger than ten years as a facultative option. The right of the child to be heard should comprise an obligation for authorities to hear him. As the legal source formulates only a facultative option for authorities to hear children younger than

22 Ibid., p. 82.

ten years, it transpires that this right is not absolute. Moreover, while the freedom of expression is enshrined in the Constitution, there is no similar principle regarding the right of a person to be heard (the right of the child to be heard is comprised only in the special law 272/2004 and in the Civil Code). The right of the child to be heard and for his opinion to be considered, depending on his age and level of maturity, is a principle that ensures that children's rights are respected and guaranteed. The right of the child to express his opinion exceeds the coverage of the right to be heard, as the child can express his opinions in any circumstances, including legal or administrative proceedings. This thesis is sustained by the fact that unlike the right to an opinion, the right to be heard is manifested only within a legal or administrative procedure, with strict procedural rules enforced: the child acts in an official capacity (petitioner, applicant, accused, injured party, defendant, etc.), while the right to an opinion is exercised in the quality of a legal subject possessing different rights recognised by law.

The right of the child of ten years to be heard should be interpreted in a sense more resembling an obligation for authorities to hear the child in any legal or administrative procedure in matters pertaining to him. Nevertheless, children younger than ten years old can be heard too, if the competent authorities deem it necessary for the solution of the case. The right to be heard confers on the child the possibility to ask and receive information relevant to him and to be informed and consulted regarding the consequences of any decision he makes. In this framework, the opinion formulated by the child will be taken into consideration in corroboration with his age and level of maturity.

6. Personal Data and the Right to Be Forgotten

Children become data subjects when their personal data are being processed, and processing a child's personal data requires additional protection, as children are less aware of the risks and consequences of sharing data and their rights. As indicated previously, children represent a vulnerable category of data subjects, so management of their personal data presents multiple questions.

One of these questions is the problem of age: the New Civil Code confers partial capacity to act to children who have turned 14, while the regulatory framework on data protection in Romania²³ states the necessity of obtaining consent from a parent or legal guardian to enable companies to process personal data for children under 16 years old.

This raises the question of whether a child who has turned 14 may already exercise their right regarding processing their personal data and the right to be forgotten,

23 Legea No. 190 din 18 iulie 2018 privind măsuri de punere în aplicare a Regulamentului (UE) 2016/679 al Parlamentului European și al Consiliului din 27 aprilie 2016 privind protecția persoanelor fizice în ceea ce privește prelucrarea datelor cu caracter personal și privind libera circulație a acestor date și de abrogare a Directivei 95/46/CE (Regulamentul general privind protecția datelor). Publicată în Monitorul Oficial Partea I. No. 651 din 26.07.2018.

taking into consideration also the fact that the European General Data Protection Regulation²⁴ from 2018 allows countries to provide lower ages of consent (although not below 13 years).

The Civil Code grants the child partial capacity to act, the right to independently conduct acts of maintenance and management that do not cause any prejudice to him, as well as acts like accepting an inheritance, liberalities free of encumbrances, and acts of disposition for current, small-value operations payable by the time of the transaction.

This would entail the possibility that the child who has turned 14 could already decide independently upon the processing of his personal data and right to be forgotten.

As a rule, the Romanian data protection legal framework incorporates Art. 8(1) of the Regulation (EU) 2016/679 (the General Data Protection Regulation) and requires data controllers to make reasonable efforts to verify that the person exercising the parental authority has given consent on behalf of the child: “In relation to the offer of information society services directly to a child, the processing of the personal data of a child shall be lawful where the child is at least 16 years old. Where the child is below the age of 16 years, such processing shall be lawful only if and to the extent that consent is given or authorised by the holder of parental responsibility over the child”. However, the national regulatory authority did not specify and has not issued any guidance over how the age of children should be ascertained.

This ambivalence in the age of the child data subject – and implicitly, the lawfulness of data processing – becomes more visible in the relationship between children and educational facilities, as schools collect and store a great variety of children’s personal data, where some of the data must be shared with third parties inside or outside the educational system.

7. State of Play of the Protection of Children’s Rights in the Digital Space

The UNICEF Country Office Report 2023 for Romania²⁵ stresses that despite notable progress achieved across social sectors over the years, important child rights challenges, deprivations, and inequities remain. Over 49% of children live in rural areas, with lower living standards and more precarious access to quality social services compared to the urban population. Nearly one-third of children in Romania are affected by severe material and social deprivation. Romania has the highest rate of children at risk of poverty or social exclusion in the European Union (41.5%), nearly twice as high as the EU average (24.7%, according to Eurostat 2022).

Child rights challenges persist in Romania also according to the UNICEF Country Office Report 2024: poverty risks remain high, particularly in rural areas; one in five

24 European Parliament and Council, 2016.

25 UNICEF, 2024, p. 1.

children (22.6%, Eurostat, 2023) faces severe material and social deprivation, nearly three times the EU average (8.4%).²⁶

The functioning and the efficiency of the legal framework and the network of central and local authorities having responsibilities in the field of protection and promotion of children's rights is envisioned and subsequently assessed in several policy documents comprising the national agenda in this area. The Romanian Government has adopted "The national strategy on protection of children's rights in the period of 2014-2020"²⁷ and has offered an evaluation of the results in the present policy document: "The National strategy for protecting and promoting children's rights. Safe children, safe Romania 2023-2027".²⁸

The initial document from 2014 has set out its strategic objective of promoting investments by all public authorities and public institutions in the development and well-being of children, to enforce respect for children's rights and satisfaction of their needs, as well as universal access to services. Guiding principles of the former agenda have been the focus on the development and well-being of the child, respecting and promoting the best interest of the child, the primacy of parents' responsibility in the upbringing and care of their children, and the subsidiary but responsible intervention of public authorities, while also promoting institutional partnerships with civil society. Other key aspects of the document focused on participation and consultation of children in decisions implicating them, as well as ensuring stability, continuity, and complementarity in the personalised care for each child.

Parallel to the national strategy, several projects at the national level have been either continued in amended form or launched as new initiatives.²⁹ These projects include the "Safer Internet Program" – the national platform established in Romania in 2008 with several modules, such as Ora de net (The Internet Class) Project – for the promotion of internet safety by public awareness campaigns; esc_ABUZ (escape abuse) – a dedicated hotline for receiving and managing reports and data on online illegal child sexual abuse, hate speech, and discrimination; ctrl_AJUTOR (control help) – online helpline service for reporting and dealing with harmful contact (grooming), conduct (cyberbullying) and content by one-to-one conversations with trained counsellors; Telefonul Copilului (The Child Helpline) – information, counselling, referral to the institutions able to offer the adequate assistance to each case, case monitoring, and monitoring that child rights are respected.

26 UNICEF, 2025, p. 1.

27 Anexa la Hotărârea Guvernului 1113/2014 privind Strategia Națională pentru protecția și promovarea drepturilor copilului pentru perioada 2014-2020 și Planul operațional pentru implementarea Strategiei naționale pentru protecția și promovarea drepturilor copilului pentru perioada 2014-2016. Publicată în Monitorul Oficial Partea I No. 33 din 15.01.2015.

28 Anexa la Hotărârea Guvernului No. 969/2023 privind aprobarea Strategiei naționale pentru protecția și promovarea drepturilor copilului "Copii protejați, România sigură" 2023–2027. Publicată în Monitorul Oficial Partea I nr. 942 bis din 18.10.2023.

29 Cozma, 2020, p. 3.

The current state of play referring to children accessing digital services entices new opportunities to use global resources of knowledge and connection, but there are also risks attached. The chapter dedicated to the safety of children in digital environments in the National Strategy for protecting and promoting children's rights 2022-2027 offers a list of risks, comprising exposure to content not suited to their age or to inadequate contact-inclusive abusers, forms of violence, loss of privacy due to the publishing of sensitive personal data (in public or through interpersonal communication networks), loss of control over online identity, loss of confidentiality and disclosure of information on location, or abuse with personal data resulting in negative psychological consequences. In accordance with the EU Strategy on the rights of the child, the national strategy of Romania suggests that responsibilities in ensuring a safe digital environment for children should be assumed by companies providing these services, parents and adults who have responsibilities for children's care, teaching staff, and state institutions that establish the regulatory framework and conditions for the functioning of digital services.

8. Conclusions

Children's rights, such as the right to education, to information, to free expression of opinions, to confidentiality, to play, to rest, to leisure, and to protection against all forms of exploitation, are just as relevant in the virtual environment. However, methods of guaranteeing these rights in a digital environment need to be adapted to the specifics of the virtual environment.

Studies indicate that the number of children in Romania who engage in different online activities is high, but they are very poorly or not at all protected against risks, thus resulting in negative experiences.³⁰ The number of children to have a negative experience in online environments is also high. Studies have also demonstrated that only one out of five children are subjected to parental control over audiovisual media content or restriction to use the camera; the number of children restricted from accessing social media websites may be even lower.³¹

Amending and updating the regulatory framework on the protection and promotion of children's rights and creating a substantial corpus of documents ranging from reports, surveys, studies, strategy papers, agendas, problems, and best practice catalogues and information material to sustain the decision-making process have been in the forefront of policy makers in this field. At present, general objectives in this field envision access for children to digital public services in safe conditions and

30 Strategia națională pentru protecția și promovarea drepturilor copilului "Copii protejați, România sigură" 2023–2027. Publicată în Monitorul Oficial Partea I No. 942 bis din 18.10.2023, p. 50.

31 Ibid., p. 51.

establishing specific objectives in this field, such as increasing the adult population's capacities to contribute to the safe use of virtual environments by children.

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