

THE BEST INTERESTS OF THE CHILD AND THE DIGITALIZATION OF EDUCATION

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This article explores the relationship between the principle of the best interests of the child on the one hand and the right to education in the digital environment on the other hand. It presents and provides a comparison of national and international legal frameworks regarding the best interests of the child and the right to education. The main objective of the article is to identify and analyse the advantages as well as the disadvantages of the digitalization of education, taking into account the conditions of the best interests of the child, for a more efficient implementation of the rights of the child in the digital environment. In addition, the article attempts to explain the impacts and consequences of the digitisation of education. The aim of the article is to analyse and present the contribution of the digital environment to the child's long-term best interests.

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NAJVEČJA OTROKOVA KORIST IN DIGITALIZACIJA IZOBRAŽEVANJA

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Članek raziskuje razmerje med načelom največje koristi otroka na eni strani ter pravico do izobraževanja v digitalnem okolju na drugi strani. Predstavlja in primerja nacionalne in mednarodne pravne okvire glede načela največje koristi otroka in pravice do izobraževanja. Glavni cilj članka je identificirati in analizirati prednosti ter slabosti digitalizacije izobraževanja, ob upoštevanju pogojev največje koristi otroka, za učinkovitejšo izvajanje pravic otroka v digitalnem okolju. Poleg tega članek poskuša pojasniti vplive in posledice digitalizacije izobraževanja. Namen članka je analizirati in predstaviti prispevek digitalnega okolja k dolgoročni koristi otroka.



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1 Introduction

Nowadays, the right to education is considered a common public good, one of the most important human rights, and a highly important right for children. Education presents a crucial part of a child's life and has a major impact on the individual's future. The importance of children's rights, the freedom to play and explore, and the challenges of adult authority have shaped our understanding of children's use of the digital environment today, including the context of education. This has sometimes led to an overly solemn tone but has also mobilised social resources to support children's educational and participatory opportunities, even in the digital age (Livingstone, 2012, p. 34). The provision and implementation of children's rights must always aim at the best interests of the child. The best interest of the child is a dynamic concept that requires judgement appropriate to the specific context (Howe & Covell, 2013, p. 37).

In the following, the principle of the best interests of the child will be analysed and presented at both international and national levels in the Republic of Slovenia, followed by an explanation of the right to education at both international and national levels. Furthermore, the paper will address the aspects of the digitalization of education, the advantages and disadvantages, and the different factors that influence the realization of the right to education in the digital environment and conclude with the results of the research.

2 The principle of the best interests of the child

Children's rights began to be protected when children were no longer seen as mere objects of their parents' protection but were recognised as human beings with dignity. In the process, they became the holders of various rights, both at the familial and societal level (Lorubbio, 2022, p. 13). At the same time, the principle of the best interests of the child has been developed for the purposes of the realisation of children's rights.

2.1 Convention on the rights of the child

The principle of the best interests of the child is particularly strongly promoted and protected in the Convention on the Rights of the Child (1989). The latter is considered to be a specific legal document in comparison to other international documents, as it is explicitly based on and aimed at the protection and promotion of children's rights and not the general population.

The Convention on the Rights of the Child was adopted by the United Nations on 20 November 1989 and is considered to be the first internationally binding document to explicitly recognise the rights of the child. It has been adopted by the largest number of countries of any internationally recognised legal document in history. In fact, it has been adopted by virtually every country in the world except the USA. It has entered into force in international law on 2 September 1990 (Akhtar & Nyamutata, 2020, p. 86). It has also been adopted by the Socialist Federal Republic of Yugoslavia and, in accordance with the Notification of succession in respect of United Nations Conventions and conventions adopted by IAEA (1992), also by the Republic of Slovenia.

2.1.1 The guiding principle

The Convention on the Rights of the Child covers all aspects of the child's life, recognising the political, social, economic, and cultural rights to which children are entitled. These rights are defined, including in terms of adults respecting them in their interactions with children. The rights of the child must always be the guiding principle in all contacts and relationships between children and adults. The Convention on the Rights of the Child also explains how adults and law enforcement authorities must work together to ensure that children's rights are realised. All the rights of the child represent a complex unity that is interdependent, interrelated, and equivalent to each other. It provides children with a legal basis according to which they can exercise their rights throughout their childhood, including, *inter alia*, throughout their education (Kraljić, 2020, p. 28).

The principle of the best interests of the child is defined in article 3(1) of the Convention on the Rights of the Child, according to which the best interests of the child must be the primary consideration in all activities relating to children, whether

they are carried out by public or private social welfare institutions, courts, administrative authorities or legislative bodies. To improve its implementation, the Committee on the Rights of the Child has adopted General Comment No. 14 (Committee on the Rights of the Child, 2013) on the right of the child to have their best interests as the primary consideration in all decisions relating to children. At the same time, the best interests of the child principle is one of the most important general guiding principles in the interpretation and implementation of children's rights. In this regard, General Comment No. 5, General Measures for the Implementation of the Convention on the Rights of the Child, should also be taken into account (Committee on the Rights of the Child, 2003).

The principle of the best interests of the child aims to ensure the full and effective realization of all the rights recognized in the Convention and the full development of the child (Committee on the Rights of the Child, 2013). The Committee has already stated that "an adult's judgement of the best interests of the child cannot prevail over the obligation to respect all of the child's rights under the Convention". It has also been pointed out that there is no hierarchy of rights in the Convention, all the rights set out therein are for the "best interests of the child," and no right can be compromised by a negative interpretation of the best interests of the child. The comprehensive obligation of the state is represented by the consideration of the best interests of the child, which should be guaranteed by all public and private social welfare institutions, courts, administrative and legislative bodies involving or relating to children. The latter also includes parents, even if they are not explicitly mentioned in article 3(1) of the Convention on the Rights of the Child.

The principle of the child's best interests is flexible and adaptable. It must be considered and defined on an individual basis, according to the specific situation of each individual child or group of children, taking into account their personal context, situation and needs. In concrete (individual) decisions, the best interests of the child must be assessed and determined in light of the specific circumstances of the individual child. Legislative decisions thus need to recognize and take into account the best interests of the child, applicable to a very extensive and diverse group of children. In both cases, the assessment and determination must be made in full respect of the rights set out in the Convention on the Rights of the Child and its optional protocols (Convention on the Rights of the Child, article 3(1)).

In relation to implementation measures, it is necessary to ensure that the best interests of the child are a primary consideration in the development and implementation of legislation and policies at all levels of government, which requires an ongoing process of child rights impact assessment to anticipate the impact on children and the realisation of their rights of any proposed law, policy or related to budget, as well as child rights impact on the assessment to assess the actual impact of implementation (Committee on the Rights of the Child, 2013).

2.2 Charter of fundamental rights of the European Union

Children's rights are also regulated at the level of European Union (EU) law, which, in accordance with article 3.a of the Constitution of the Republic of Slovenia (1991) and the principle of primacy, prevails over the national law of the Republic of Slovenia. In concrete terms, the rights of the child are explicitly addressed in the Charter of Fundamental Rights of the European Union (2000), which defines the rights of the child in article 24, according to which children have the right to the necessary protection and care to ensure their well-being.

2.2.1 Primary consideration

The principle of the best interests of the child is explicitly recognised in article 24(2) of the Charter of Fundamental Rights of the European Union, which states that the best interests of the child must be a primary consideration in all actions by public authorities or private bodies affecting children. At the same time, every child has the right to regular personal relations and direct contact with both parents, in so far as this is not contrary to his or her best interests, as provided for in article 24(3) of the Charter of Fundamental Rights of the European Union. The best interests of the child must be assessed in a broad sense, encompassing everything from basic material needs, affection and security needs, to physical, educational and emotional needs. In this context, the principle of the best interests of the child applies equally to all children, i.e., without discrimination on any grounds whatsoever (European Commission, 2013).

It should be pointed out that the principle of the best interests of the child, as set out in the Charter of Fundamental Rights of the European Union, is derived from a provision of the Convention on the Rights of the Child. The Charter of

Fundamental Rights of the European Union is, however, more concise because, for example, it does not explicitly regulate judicial proceedings in the context of the best interests of the child principle, as the Convention on the Rights of the Child does, but these are already contained in the provision on "public authorities". In addition, the Charter of Fundamental Rights of the European Union provides two further rights for children concerning the right to protection, such as the right to have their welfare taken into account, together with a provision on their views, and the right to maintain a personal relationship and direct contact with both parents on a regular basis (Klaassen & Rodrigues, 2017, p. 195).

2.3 Family code of the Republic of Slovenia

In the Republic of Slovenia, the principle of the best interests of the child is also explicitly regulated by the Family Code (Family Code, 2017), (Novak, 2019, p. 64). The foundation of the latter can be traced back to the provision of Article 56 of the Constitution of the Republic of Slovenia, which stipulates that the child is an independent bearer of rights and obligations, according to his/her age and maturity. The application of the principle of the best interests of the child comes into consideration, in particular, when weighing two human rights.

Article 7(1) of the Family Code clarifies that parents shall in all their actions concerning children, consider the best interests of the child. They shall raise children in respect of their person, individuality and dignity. Simultaneously, parents shall have priority over any other person concerning the responsibility and actions in the best interests of the child, as defined by article 7(2) of the Family Code. The priority given to the best interests of the child is particularly important when taking into account the child's personality, age, developmental stage and aspirations. The child's material, emotional and psychosocial needs must be adequately met by conduct that demonstrates parental care and responsibility towards the child. Parents must also provide appropriate educational guidance and proper encouragement for the child's development, as set out in article 7(3) of the Family Code.

Parents are under a so-called "positive obligation" to ensure that children's rights are guaranteed (Novak, 2019, p. 65). Article 7(4) of the Family Code lays down the rule, that in their activities and proceedings, national authorities and public authority holders, local authorities and other natural and legal persons shall act in the best

interests of the child. Therefore, the best interests of the child are the primary consideration of all entities in any relation to the child. At the same time, the state shall provide the conditions for the operation of non-governmental organisations and professional institutions for developing positive parenthood in accordance with article 7(5) of the Family Code defines.

In addition, article 8 of the Family Code provides for the special protection of children, according to which children enjoy special protection by the state whenever their healthy development is endangered and other interests of the child require it. This is a derivation or continuation of the principle of the best interests of the child. The healthy development of the child, including his or her mental and physical state and well-being, constitutes a public interest that must be protected to the fullest extent, which is why special protection for children has been provided (Novak, 2019, p. 77).

The state has, in the first place, a positive obligation to intervene or protect the best interests of children when the healthy development of the child is at risk. This involves assessing whether the child's healthy development is at risk, whether the child has suffered or is likely to suffer harm, and whether that harm or the likelihood of harm is the result of an omission or commission by the parents, or the result of psychosocial problems manifested in the child's behavioural, emotional, learning or other problems in his or her upbringing, as provided for in article 157 of the Family Code. At the same time, the state also has a positive obligation to intervene when the best interests of the child require it. In this context, the damage shall include damage to the child's physical and mental health and development, and to the child's property, in accordance with article 157(3) of the Family Code (Novak, 2019, p. 77).

Determining the child's best interests is a dynamic process and is considered on a particular child's individual merits. The latter depends on different criteria or influences on the child at a specific moment in time, in a specific life situation and can constantly be changing. The social, economic, and cultural environment of the child play a major influence. It must be recognised that the mental and physical health, well-being, healthy development, and welfare of the child constitute a public good, which, as such is protected at the highest level. At the same time, the child's opinion and will must be considered in the assessment of the best interests of the child, so that children have the opportunity to participate or be involved in the

matters that concern them. The best interests of the child are, therefore a set of balanced criteria (Novak, 2019, p. 73).

3 The right to education

National education systems are very different around the world. Of paramount importance for the realisation and protection of the child's right to education is the fact that it is enshrined in a number of international instruments in force at the global level, which guarantee that the child's right to education is free and accessible to all.

3.1 Right to education in international legal acts

The Republic of Slovenia is legally bound by a number of such international legal acts regulating the child's right to education, including the Convention on the Rights of the Child (CRC, 1990), the Convention against Discrimination in Education (CADE, 1964), the Charter of Fundamental Rights of the European Union (EU Charter of Fundamental Rights, 2000), and Protocol No.1 to the European Convention for the Protection of Human Rights (ECHR 1, 1952).

The UN Committee on the Rights of the Child, in its General Comment No. 1: The aims of education (Committee on the Rights of the Child, 2001) to the Convention on the Rights of the Child, states that children's right to education is the direct realisation of their dignity and human rights. It underlines the coherent nature of the provisions of the Convention on the Rights of the Child, promoting the efficient exercise of the right to education. The pursuit of an appropriate approach to the provision of education is essentially the promotion and realisation of all other human rights, while understanding their individuality (Akhtar & Nyamutata, 2020, p. 205). The child's legal representatives also play a major role in the child's right to education, as article 18 of the Convention on the Rights of the Child gives them responsibility for the child's development, which must be in the best interests of the child, including education. This must be respected by the parents, and by the state and its authorities or institutions in contact with the child (Novak, 2004, p. 116). The most protected level of education is the basic or primary level, which is protected as such in various international documents and national legal acts. It represents the minimum standards of education offered by the state to all people, especially children (Lundy, 2017, p. 364). Primary education is, so to speak, a

passport to the opportunities in life where children are given a chance to realise their ambitions, to be involved in different activities, to be respected, to be involved and to fulfil their ambitions. Because of its purpose, primary education must be accessible to all and thus offered as free to everyone (Kraljić, 2020, p. 28). Education law is regulated at both the national and international level, in constitutional provisions, laws and regulations, as well as in the various regulations of each school individually (Blokhuis, 2021, p. 1).

The state is under a positive obligation to ensure that the right to education is respected, fulfilled and protected or safeguarded. The exercise of the latter, however, obliges the state not to take measures that prevent or impair the exercise of the right to education. It must take measures to promote education and to ensure access for every member of society. The state must thus act as a guarantor of the right to education (Kraljić, 2020, p. 32).

The most common problems are the question of the resources needed to provide education, such as the lack of facilities and buildings for the proper delivery of education, staff shortages and the lack of books and other teaching aids for education (Kraljić, 2020, p. 32). Important efforts are also needed to guarantee the right to education during wartime and to reorganise the education system after the war, where countries face many challenges and problems (Sommers, 2004, p. 14). Further limitations on this right are caused by poverty in each individual's home, such as lack of decent clothing, the need for domestic help and care for younger siblings or sick relatives, problems with transport, etc. There is an urgent need to ensure that children who have already lived in an educationally deprived environment prior to primary education are included in education at an early age in order to eliminate or remedy the effects and prevent any further consequences of educational deprivation. The state must try to make education accessible, available, acceptable and flexible (Kraljić, 2020, p. 28). It is also important that parents or legal guardians support the child's education, both materially, financially and emotionally. (Oliphant & Ver Steegh, 2016, p. 288).

Teachers and other staff in each school carry out activities within the legal system to promote the rights of the child and prevent any violation. Laws are used to establish, design and build schools, employ school staff, acquire school supplies, prescribe the curriculum and adopt regulations for pupils. The law limits the rights and obligations

relating to the right to education, guarantees procedural protections in cases of school disciplinary offences, and prohibits policies that discriminate on the basis of race, national origin, sex, special needs or religion (Blokhuis, 2021, p. 1).

Education is also based on the total elimination of discrimination at all levels to ensure a minimum of equality and is one of the starting points for the exercise of other civil, political, economic, or social rights (United Nations Educational, Scientific and Cultural Organization, 2007, p. 7). The need to ensure that the right of the child to education is established as a fundamental human right is based on the idea that we live and exist in a moral relation to one another that is independent from any community but is a universal and essential right that must be primary and universal (Lee, 2013, p. 4).

However, the state, through legislation and ultimately the schools that deliver education, must also keep up with the trend towards modernisation and novelties of the digital age. This raises enormous challenges in terms of how to provide the potentially essential supplies needed by both teachers and pupils to ensure an effective education system. The impact of today's digital age can be seen in just a few years, rather than the decades it used to take before (Shapiro, 2002, p. 90). The expansion of democracy through knowledge is on the rise, both through formal education in schools and through education through digital technologies, which encourages a demand for change in the way school systems are governed locally and globally, and thus for greater accountability, openness, fairness and equality (UNESCO, 2015, p. 72).

3.2 National regulation of the right to education

In Slovenia, education and schooling are first defined at the constitutional level. article 57 of the Constitution of the Republic of Slovenia (hereinafter referred to as CRS) stipulates that freedom of education shall be guaranteed. Furthermore, primary education is compulsory and financed from public funds. In this context, the state creates opportunities for citizens to obtain a proper education.

Education is also regulated in other provisions of the CRS, namely under the rights of persons with disabilities in Article 52 of the CRS, the rights and duties of parents in article 54 of the CRS and the special rights of the indigenous Italian and Hungarian

ethnic communities in Slovenia in article 64 of the CRS. The rights of children are addressed in Article 56 of the CRS, according to which children are entitled to special protection and care. Children enjoy human rights and fundamental freedoms in accordance with their age and maturity. They shall be granted special protection against economic, social, physical, mental or other exploitation and abuse and such protection shall be regulated by law.

The law also regulates the situation of children and adolescents who are not being cared for by their parents, who have no parents or who are without adequate family care, and who, therefore, benefit from special protection by the state. The best interests of the child are explicitly mentioned in article 54 of the CRS, which provides that parents have the right and duty to maintain, educate, and bring up their children. However, this right and duty may only be deprived or limited for reasons provided by law in order to protect the best interests of the child.

Primary education is therefore the only compulsory level of education, and is for this reason the most important. It is regulated by the Basic School Act (Basic School Act, 2006), for primary education provided by public and private primary schools or as home education, as defined in article 1 of the Basic School Act. Parents have the right to choose the form of education, pursuant to article 5 of the Basic School Act. Hybrid forms of education, such as physical attendance at school and home education, are not provided by law.

The digitalization matter is mainly expressed in the Basic School Act through the non-mandatory optional subject of computer science, which is defined indirectly through article 17 of the Basic School Act. The latter does not explicitly list elective subjects at the exclusive level. The subject of computer science is defined in article 20a of the Basic School Act as a non-compulsory optional subject to be taught by the school to pupils in grades 4, 5 and 6, but the school does not teach non-compulsory optional subjects to pupils in a specialised programme with a lower educational standard.

The explanation above may mean that children who do not take a computer science subject at the end of primary school gain practically no knowledge of digital literacy, which in the digital age seems to be of utmost importance for an individual's future success in society (Webb, 2017, p. 446). The latter importance of digital literacy is

also referred to in the definition of the subject of computer science in the Primary School Curriculum (Zavod RS za šolstvo, 2013). This can have even greater implications for individuals who do not continue their education after primary school. A similar result can occur when the secondary school of one's choice also does not offer a computer science subject in the curriculum.

Upgrading Slovenian curricula with digital content is foreseen in the Digital Education Action Plan 2021-2027 (MIZŽ, 2022). Digital transformation of education is also envisaged in Digital Slovenia 2030 - the framework strategy for the development of the digital society by 2030 (Vlada RS, 2023), based on the European Commission document Europe's Digital Decade: digital targets for 2030 (European Commission, 2022).

4 The principle of the best interests of the child and the digitalization of education

There is no doubt that we live in a digital age, where a certain level of digital literacy is required for everyday tasks. Digitalization is practically inevitable or has already been introduced in a wide range of areas of our daily lives. Children are also confronted with digitalization, its challenges, advantages and disadvantages. However, with the rapid development of digitalization, the question arises about the need to digitise education, taking into account the principle of the best interests of the child.

The best interests of the child must be the primary consideration in ensuring and exercising children's rights. The best interest of the child is a dynamic concept that requires judgements appropriate to the specific context, which is also the case in education and digitalization (Howe & Covell, 2013, p. 37). The principle of the best interests of the child must be considered, in particular when the right to education comes into conflict with another right. The importance of the right to education in relation to the exercise of other rights, to which the digital environment or education through the digital environment could also contribute, should be recognised (UNESCO, 2007, p. 64).

In order to ensure the effective implementation of children's rights in relation to the digital environment, the United Nations Committee on the Rights of the Child adopted General Comment No. 25 on the Rights of the Child in Relation to the Digital Environment on 2 March 2021 (Committee on the Rights of the Child, 2021), which provides guidance on how states parties of the Convention on the Rights of the Child should adapt legislation to enable children to exercise their rights in the digital environment.

It points out that States parties of the Convention on the Rights of the Child should ensure that the best interests of the individual child are a primary consideration in all measures relating to the provision, regulation, design, management and use of the digital environment. In considering the best interests of the child, they should take into account all children's rights, including their rights to seek, receive and impart information, to be protected from harm and to have their views duly taken into account, and ensure transparency in the assessment of the best interests of the child and the criteria used (Committee on the Rights of the Child, 2021).

In *Campbell and Cosans v. the United Kingdom*, 1982, the European Court of Human Rights recognised that while the state must guarantee the exercise of the right to education, its regulation must never prejudice or impede other rights guaranteed by the European Court of Human Rights or its protocols (Ovey, Robin & White, 2006, p. 376). It is important to recognise the importance of the right to education in relation to the exercise of other rights, to which the digital environment, or education through the digital environment, could also contribute (UNESCO, 2007, p. 64).

Access to digital technology can help children learn about the full range of their civil, political, cultural, economic and social rights, and the lack of access to digital technologies in certain countries can increase inequalities around the world and also create new ones. Technology is practically present throughout a person's life, increasingly from childhood to adulthood (Committee on the Rights of the Child, 2021).

However, the state, through legislation, and ultimately the schools that deliver education, must also keep up with the trend towards modernisation and the digital age. This raises a number of challenges in terms of how to provide the potentially essential supplies needed by teachers and pupils to ensure an effective education

system in relation to digitalization. Today's effects of the digital age can be seen within a few years, rather than the decades it used to take, and it would be necessary to adapt the regulation of education in this area (Shapiro, 2002, p. 90).

It is also a positive obligation for the state to strive for a quality education system. This means that the education curriculum must include and respect the rights of the child, in the implementation of which the principle of the best interests of the child is always the guiding principle. In doing so, a non-discriminatory educational environment shall be provided which enables children to participate and develop to the best of their ability, to which the digitisation of education can also contribute (Shapiro, 2002, p. 90). Acting in the best interests of the child means that educational institutions should also focus on other aspects besides intellectual development, academic performance, and test results, meaning the entire child's development (Shapiro, 2002, p. 37). It is the development, progress and effective transition from a child to a functional adult in a society that requires the adaptation of education to the innovations offered by the digital environment.

Technology and the digital environment are found virtually everywhere around us, and almost everyone is exposed to a certain level of digitalization. It seems essential that individuals know how to use it accordingly and avoid the potentially harmful consequences of ignorance or the dangers that lurk in the digital environment. In fact, even young children, before they enter primary school, are already in contact with digitalization. Some of them have access to telephones, computers and so on. Consequently, education about it is also necessary, but in the Slovenian curriculum, we have a single subject on the digital environment, computer science, as an optional subject in three grades of primary school, when pupils can already have some experience of the digital environment, potentially as part of their everyday life. However, given the scale of the digital environment, it seems that, given the benefits or advantages and the dangers (Livingstone, 2016, p. 2) that digitalization brings, the state should go a step further and adapt the curriculum.

4.1 Advantages and disadvantages

It is undeniable that the use of the digital environment for educational purposes has both advantages and disadvantages (Mineev, Viktoruk & Artemyeva 2023, p. 76), as well as risks and certain exceptions and deviations on a case-by-case basis. The most

obvious benefits of using the digital environment for the purpose of realising the right to education are the following examples: easier access to the latest, relevant information, information from different sources (Griffin & Roy 2022, p. 7) and greater criticality in making comparisons between them; improved adaptation of education activities to individuals with learning difficulties, for example through different apps designed to enable such adaptations (Hooft & Graafland, 2018).

With the help of the digital environment, there is also the possibility of a wider range of exploration, more freedom of expression; exercising of the right to development; easier and expanded exploration of the fields of study that children are actually interested in, making it easier and potentially more successful for them to decide later on, through the education system, how and where to continue their education at higher levels of study (Young, 2017, p. 285). Creating educational programmes through the digital environment could also potentially improve education or homeschooling. There is also an advantage in creating a digitally literate population, which could prevent the consequences of incorrect or incautious use of the digital environment.

The latter, however, also entails certain disadvantages (Vintar Spreitzer, 2011, p. 22), such as various possibilities to abuse personal data, the development of addiction to the digital environment (Young, 2017, p. 155), health problems that can occur with excessive use, increased financial costs (UNESCO, 2015, p. 450; Kalenze, 2014, p. 171), increasing responsibilities for teachers and parents (Webb, 2017, p. 450) and similar issues. Peer violence is also an issue – it used to occur in schools, during break time, lunchtime, extended stay, etc. Nowadays, however, with the help of digital technology, peer violence is being taken out of the classroom and brought into homes, so that it does not stop at school, but can follow the child through the digital environment also at home (Young, 2017, p. 287).

Consideration must also be given, in particular, to the consequences of children's frequent use of screens and the threat of online abuse, which is why distance education should never completely replace education with physical presence in schools (United Nations, 2020), against all the benefits of digital education, or even education about the digital environment itself. On the basis of the above, it would be necessary to investigate thoroughly what actually constitutes a greater share of advantages or disadvantages and subsequently find out what is in the best interest of

the child. Children's use of the digital environment is reflected in their mental as well as physical health, their relationships with each other and their academic performance (Young, 2017, p. 288).

There are also concerns that digitisation is increasing the gap between the rich and the poor (Dhawan, 2020, p. 17), but on the other hand, the digital environment can also make certain information and knowledge available to the poor that has previously not been available to them, for example if they have publicly accessible computers or are helped to acquire them through the welfare programs of the state. In the Republic of Slovenia, the Promotion of Digital Inclusion Act provided for digital vouchers, as a financial incentive in the form of a credit, for the purchase of computer equipment or participation in educational programmes to acquire digital competencies (Promotion of Digital Inclusion Act, 2022, article 18).

4.2 Factors affecting the exercise of children's rights in the digital environment

The possibility and actual use of the digital environment for educational purposes is influenced by various factors such as the environment, parents, friends, age of the child, culture, gender, socio-economic status, psychological factor, emotional problems of each individual child, self-sufficiency, challenge-seeking, danger-seeking, etc. (Livingstone, 2012, p. 58). In particular, the age of the child is generally a key criterion in terms of what kind and to what extent of supervision would be necessary when children are using a digital environment for educational purposes. It would be expected that the level of supervision would decrease with the age of the child, precisely because of digital literacy and knowledge of the dangers that lurk online; on the other hand, as children grow older, they inherently want to discover and know a wider range of information that interests them, which in some cases introduces new dangers (Odink, 2019, p. 5).

When considering the best interests of the child, all children's rights should be taken into account, including their rights to seek, receive and impart information, to be protected from harm and to have their views duly taken into account, as well as ensuring transparency in the assessment of the best interests of the child and the criteria used, considering exercising their rights in the digital environment (Committee on the Rights of the Child, 2021). At the same time, it is also important

to consider which rights conflict with the right to education, and which rights can be exercised through the right to education (UNESCO, 2007, p. 64). The digital environment was not originally designed for children, but it plays an important role in children's lives (Livingstone, 2014, p. 2), as recognised in many recent international commentaries.

5 Conclusion

The digitisation of education brings with it numerous challenges and opportunities, enabling a more effective implementation of the right to education for all. In any case, the digitalization of education is, to a certain extent, necessary and inevitable for the realisation of the principle of the best interests of the child. Determining to what extent the digitalization of education should be implemented will require careful assessment and thorough analysis, as well as a great deal of research, in order to meet the conditions of the principle of the best interests of the child.

The digital environment offers many advantages in terms of making a wide range of information available to students, which is updated and topical, given the constant updating of information on the web. The use of smart computers, iPads, smart boards, etc., during education could offer many advantages to students and thus contribute to effective learning or education. Teacher supervision and guidance could help to ensure that students obtain information from verified websites so that they get authentic information rather than false or incorrect information, as can often happen when browsing the web.

Similarly, learning or education in a digital environment, with a wide range of applications and digital tools, could also provide effective and accessible education for individuals with learning difficulties, for whom the applications could be customised and the level of knowledge could potentially be increased. The latter could also prove to be an effective approach for children with disabilities, both those attending regular primary schools and those attending special primary schools (Böttcher & Dammeyer 2016, p. 104). We must work to create opportunities where no child is left behind and equal opportunities are provided for everyone (Garber, 2010, p. 9).

It is precisely by educating people about the digital environment and helping them to use it, which could increase the level of digital literacy of the population and thus prevent potential risks for individuals in the digital environment. The use of the digital environment is practically inevitable for a functional society nowadays and even more so in the future. Education about the dangers of the digital environment can help to prevent risks and consequences before they arise or have the potential to arise.

Some level of digital transformation of education is inevitable, as digitalization is present in almost every aspect of our private and business lives. It is precisely for this reason that education about and through a digital environment is essential for the successful functioning of the individual in a digital society, making it an essential investment in a child's education.

Ensuring that a child receives a quality education means realising the child's long-term best interest, which is the time after the child reaches adulthood. Independent adult life and careers are often already dependent on knowledge of certain digital skills. It is therefore essential to strike a balance between the impact of digitisation on the education system and to adapt it so that the child can benefit not only in the short term, but also in the long term.

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