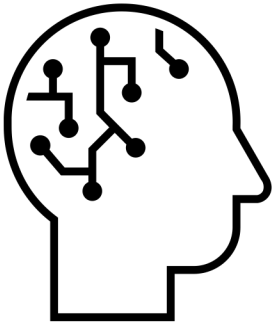


Children & Artificial Intelligence: Opportunities, Risks & Rights

Flanders AI Academy (VAIA), 24 May 2022 (online)

Prof. dr. Eva Lievens



The digital environment is reshaping children's lives in many ways, resulting in **opportunities** for and **risks** to their well-being and enjoyment of human rights.

Council of Europe Committee of Ministers' 2018 Recommendation on Guidelines to respect, protect and fulfil the rights of the child in the digital environment

AI driven healthcare

virtual voice assistants

ed(ucational) tech

facial recognition and other biometrics

content recommendation on social media platforms

chatbots

public sector algorithms (e.g. childcare benefits)

The risks and opportunities posed by the use of artificial intelligence systems are yet to be analysed.

Council of Europe, Strategy on the rights of the child 2022-2027

non-
discrimination
(article 2 UNCRC)

best interests
(article 3 UNCRC)

freedom of expression
(article 13 UNCRC)

freedom of thought
(article 14 UNCRC)

right to privacy
(article 16 UNCRC)

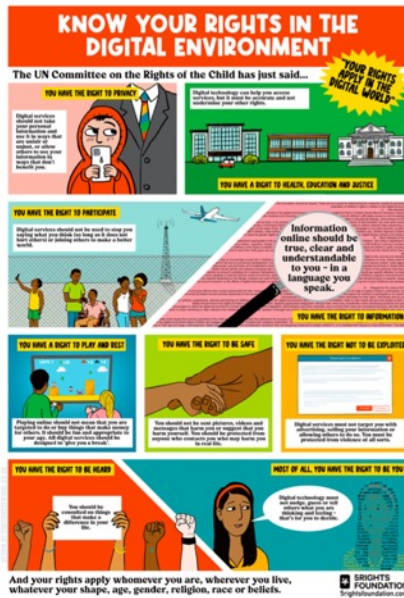
right to have access to
diverse information +
protection against
harmful content
(article 17 UNCRC)

right to leisure, play &
recreation
(article 31 UNCRC)

right to protection from
commercial exploitation
(article 32 UNCRC)

life &
development
(article 6 UNCRC)

right to be heard
(article 12 UNCRC)



Children today spend an increasing part of their lives online: since 2011, the number of 12- to 15-year-olds who own smartphones has increased by more than 50%. The digital environment offers tremendous benefits to children, opening new channels for education, creativity and social interaction. But it also presents serious risks, including cyberbullying, sextortion and risks to privacy. These risks have become particularly acute amid the COVID-19 crisis and the surge in screen time it has precipitated.

The **OECD Recommendation on Children in the Digital Environment**, adopted in May 2021, aims to help countries to find a balance between protecting children from online risks, and promoting the opportunities and benefits that the digital world provides. The Recommendation sets out principles for promoting a safe and beneficial digital environment for children, recommendations on overarching policy frameworks, and highlights the importance of international co-operation.



> [Read the Recommendation in English](#)

> [Lire la Recommandation en français](#)



Brussels, 24.3.2021
COM(2021) 142 final

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

EU strategy on the rights of the child



Digital and information society: An EU where children can safely navigate the digital environment, and harness its opportunities

COMMITTEE ON THE RIGHTS OF THE CHILD

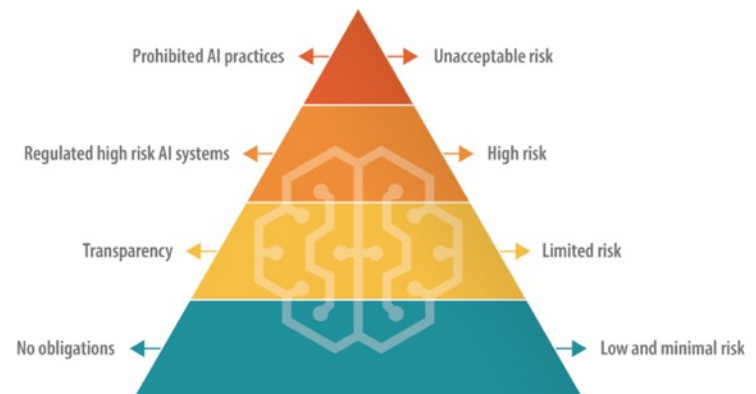
General Comment on children's rights in relation to the digital environment

A. Legislation

23. States parties should review, adopt and update national legislation in line with international human rights standards, to ensure that the digital environment is compatible with the rights set out in the Convention and the Optional Protocols thereto. Legislation should remain relevant, in the context of technological advances and emerging practices.

EU: Proposal for an Artificial Intelligence Act

- Prohibited practices
- High-risk: ex-ante conformity *assessment*, registration in database, requirements regarding risk management, testing, technical robustness, data training and data governance, transparency, human oversight, and cybersecurity
- Limited risk (e.g. chatbots): transparency
- Low or minimal risk: no obligations, code of conduct



The use of AI with its specific characteristics (e.g. opacity, complexity, dependency on data, autonomous behaviour) can **adversely affect a number of fundamental rights** enshrined in the EU Charter of Fundamental Rights ('the Charter'). This proposal seeks to ensure a **high level of protection for those fundamental rights and aims to address various sources of risks** through a clearly defined risk-based approach.

- the right to human dignity (Article 1)
- respect for private life and protection of personal data (Articles 7 and 8)
- non-discrimination (Article 21) and
- equality between women and men (Article 23)
- rights to freedom of expression (Article 11)
- freedom of assembly (Article 12)
- right to an effective remedy and to a fair trial,
- rights of defence and the presumption of innocence (Articles 47 and 48)
- good administration
- workers' rights to fair and just working conditions (Article 31)
- consumer protection (Article 28)
- the **rights of the child** (Article 24)
- integration of persons with disabilities (Article 26).

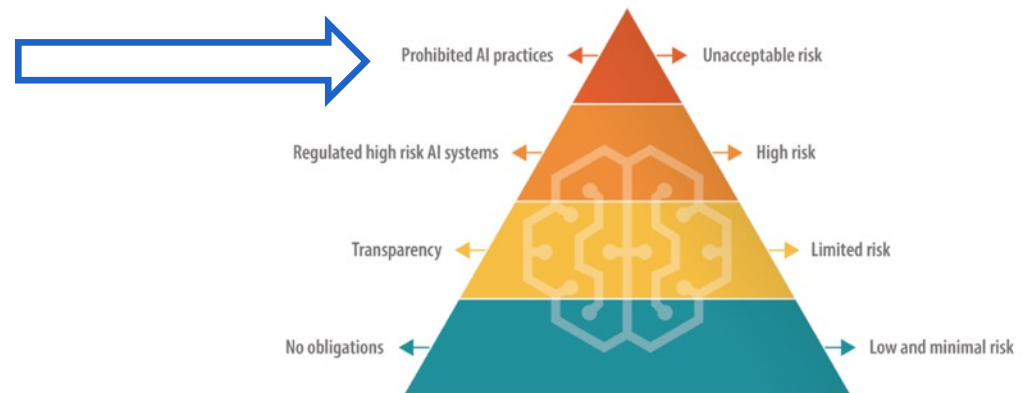
References to children in the proposal

(28) In addition to those rights, it is important to highlight that children have specific rights as enshrined in Article 24 of the EU Charter and in the United Nations Convention on the Rights of the Child (further elaborated in the UNCRC General Comment No. 25 as regards the digital environment), both of which require consideration of the children's vulnerabilities and provision of such protection and care as necessary for their well-being.

References to children in the proposal

Article 5 **Prohibited** AI practices

b) the placing on the market, putting into service or use of an AI system that exploits any of the vulnerabilities of a specific group of persons due to their **age**, physical or mental disability, in order to materially distort the behaviour of a person pertaining to that group in a manner that *causes or is likely to cause that person or another person physical or psychological harm*;

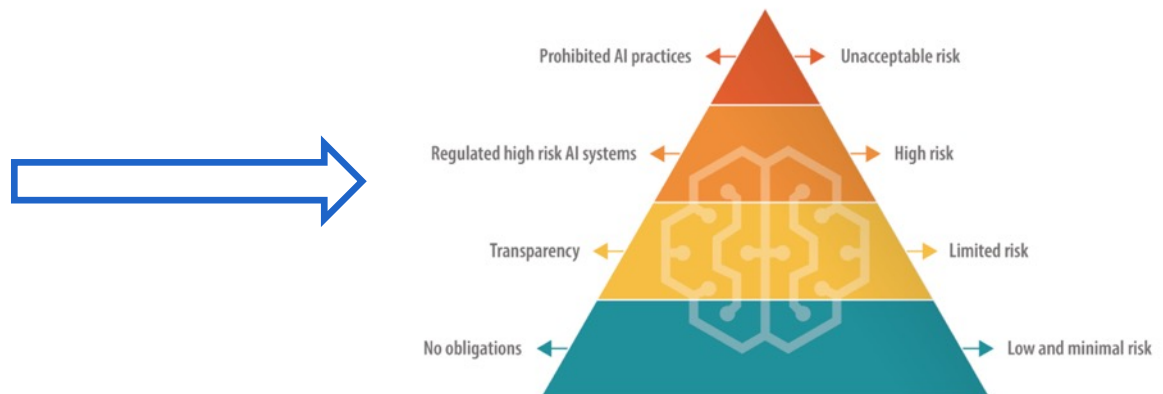


References to children in the proposal

Article 9 **Risk** management system

8. When implementing the risk management system described in paragraphs 1 to 7, specific consideration shall be given to whether the high-risk AI system is likely to be accessed by or have an impact on children.

[High risk Annex III: references to biometrics, education, ‘students’, allocation of public assistance benefits and services ...]



Children's rights perspective on the AIA

- ⊕ positive that proposal refers to children and their rights
- ⊕ does the proposal have the potential to **ensure** that children's rights will be **effectively** implemented?
- ⊕ were any children consulted in the process of drafting the proposal?
 - Child participation in the regulation, design and innovative use of the digital environment and technology is limited. There is a challenging balance to be struck between children's protection and privacy and their right to participate in the digital environment, whilst identifying innovative, child-sensitive ways of using the digital technologies in the best interests of the child and society. (Council of Europe, Strategy on the rights of the child 2022-2027)

Children's rights perspective on the AIA

Adoption of any legislative initiative that affects children should be accompanied by a thorough **Children's Rights Impact Assessment (CRIA)**

- assess the impact of the proposed measures on the **full range of children's rights** (prohibited practices: precautionary principle?)
- **best interests** (Article 3 UNCRC and Article 24 Charter of Fundamental Rights of the EU)
- **right to be heard** (Article 12 UNCRC): children's views must be taken on board and must be given due weight → actual engagement of children



Child and youth participation for Europe
#CoE4Children

Children have a lot to offer also in difficult situations and their expertise should never, ever be under estimated. We have to continue to offer these opportunities by creating safe spaces and tools to allow them to truly be part of our processes, any decision making. We might actually get more done and most certainly it would give us better outcomes

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