

Mid-term review conference for the Strategy for the Rights of the Child (2022-2027)

Children's Rights in the Era of Digital Technologies and Artificial Intelligence

Thursday 3 April, 10:30 - 13:00

AGORA GO2

<p>Speaking Points Matthias Kloth, Head of the Digital Governance and Sport Department</p>

Child protection at the heart of the Council of Europe's tools on Digital Governance (10 minutes)

Dear Minister Meisch,

Dear young participants in the room,

Dear colleagues and distinguished experts,

Let me start by thanking the Presidency of Luxembourg for organising this important mid-term review conference on the Strategy for the Rights of the Child, including today's thematic discussion about children's rights in the context of digital technologies and AI.

Minister Meisch has already described the opportunities and challenges of the digital world for children – a topic which could not be timelier.

And the Council of Europe is in the course of addressing these risks and challenges.

Our Organisation is committed to provide a framework to enable policy makers and other actors to take the most appropriate and robust measures to effectively protect children and guarantee them the safe use of such technologies.

As a pan-European international organisation with the mandate to protect human rights, democracy and the rule of law, it is natural that we look at new and emerging digital technologies from this particular angle.

Let me take as a starting point the 2023 Summit of Heads of State and Government of our 46 member states in Reykjavík.

European leaders acknowledged the positive impact and opportunities created by new and emerging digital technologies while recognising the need to mitigate risks of negative consequences of their use on human rights, democracy and the rule of law.

The starting point for us is the European Convention on Human Rights, interpreted and applied by the European Court of Human Rights as a “living instrument” also in the context of technological changes. This can be seen in important judgments on internet platform liability, “big data” or the use of facial-recognition technology.

And the Court has been instrumental in also strengthening the rights of children and young persons in various contexts. I think we can expect in the future more

cases which will concern both children's rights and digital technologies.

But not just the Court, the whole Council of Europe has made it a key objective to ensure that the Convention rights are equally protected both offline and online.

In this context, the Council of Europe Strategy for the Rights of the Child (2022-2027) places particular emphasis on access for all children to technologies, while also ensuring that their use is safe, equitable and respectful of their rights. Particular attention is paid to the rapid development of AI.

We all know that AI is a groundbreaking digital technology. Used responsibly, this technology comes with great promise for science, public health, the economy and of course education for children and young persons – in short for most aspects of society. Used irresponsibly it may lead to serious violations of human rights, including children's rights.

Our new Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law is the world's first international treaty on AI and provides a strong legal basis for cooperation on ensuring that AI systems throughout their lifecycles are compatible with international human rights law, the rule of law, and are not undermining democratic processes.

It has the potential to become a global standard. We hope it will follow in the footsteps of our Budapest Convention on Cybercrime, which has as to date 78 states parties

from all continents. The start has been promising: with last week's signature by Switzerland, we have now 15 signatories – including the European Union, the United States, Canada, Japan and Israel.

The Framework Convention also sets out an obligation for its Parties to take due account of “specific needs and vulnerabilities in relation to respect of the rights of ... children” in the context of the activities within the lifecycle of AI systems.

Within this framework, the Steering Committee for the Rights of the Child (CDENF), together with its partners, has readily assumed the task to elaborate tools to assist its member states to avoid risks and impacts on children's rights. Additional attention is paid to the need to inform design and development of AI - notably by considering children's needs, rights and vulnerabilities in the process and through their participation to design choices.

Part of today's session will be dedicated to the conceptualisation of a child rights impact assessment tool (“CRIA+”), which the CDENF is in the process of developing - together with its partners. This will be a practical tool that can help us navigate the challenges which AI presents in the context of children's rights.

This work will be building on the strong acquis of our Organisation in this area, including the relevant provisions of the Lanzarote Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, and the Guidelines to respect, protect and fulfil the rights of the child in the digital environment.

We are only at the beginning to understand what threats to children's rights digital technologies and AI may bring, if you think for example of sextortion, cyber-grooming or AI-generated sexual abuse material.

The Lanzarote Convention which I just mentioned does not specifically mention information and communication technologies. However, the Lanzarote Committee as the responsible monitoring body (and interpretative body of this Convention) has clarified that they criminal offences therein are applicable both offline and online.

AI in particular has brought new challenges in this context. Therefore, the Lanzarote Committee adopted a declaration in November 2024, urging states to consider criminalising the creation of AI-generated child sexual abuse material. I hope that all 46 member states of the Council of Europe will follow this as soon as possible.

Let me also say a few words about education. At the Reykjavík Summit in May 2023, European leaders underlined the importance of education to give children and young people the necessary references to grow up embracing our democratic values in culturally diverse societies and take an active part in the protection of our cultural heritage. This includes the use of new and emerging technologies.

Shortly after that Summit, the Council of Europe Standing Conference of Ministers of Education adopted in September 2023 a resolution on AI use in education, emphasising the need for AI systems in education to protect human rights and support democracy.

The Ministers supported proposals for a new legal framework to regulate AI's use in education and recommended integrating its impact on human rights into teaching while promoting active participation from educators and learners. Work on such a new framework is well underway.

Finally, our societies are increasingly facing the problem of democratic backsliding, which is amplified through the spread of mis- and disinformation. This concerns anybody who seeks information online, but children and young person can be particularly affected if they use social media as their main source of information. As in so many fields, AI can both serve as a sword and a shield here, i.e. to both generate and spread or detect disinformation.

In this context, it is crucial to have a strong independent and public media. The Council of Europe has issued guidance on the responsible implementation of AI systems in journalism. To ensure that also future generations can receive trustworthy and reliable information.

Let me close my intervention by saying that children are not just passive users of technology. They are active participants in shaping the digital world.

I would like to thank all participants, and specifically the young delegates present here today for their active

participation in this session, which will guide further Council of Europe action in this area.

And I hope we will have useful discussions which generate new ideas and an exchange of good practices on this increasingly important topic.