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COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

CDENF(2022)20rev

6 July 2022

## **Steering Committee for the Rights of the Child (CDENF)**

### **Proposals for a CDENF Report on the Rights of the Child and Artificial Intelligence**

*Concept Note revised and approved by the CDENF at its 5th plenary meeting  
(Strasbourg, 4-6 July 2022)*

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## Background and CDENF action required

1. Following the adoption, by the Committee of Ministers, of the new [Strategy for the Rights of the Child \(2022-2027\)](#) on 23 February 2022, the Steering Committee for the Rights of the Child (CDENF) will be invited to kick off the Strategy implementation and initiate its first substantive activities, including a “report on the rights of the child and artificial intelligence”, listed as main deliverable No.16 of the [CDENF Terms of Reference \(2022-2025\)](#), with a delivery date originally foreseen for 31/12/2025. In view of preparing meaningful contribution to ongoing developments both within the Council of Europe and beyond in this very dynamic area, it is proposed to aim at the finalisation of this report by the end of 2023. The present document includes a concept note outlining the proposals of the Secretariat for initiating and structuring the work process related to this activity.
2. At its 5<sup>th</sup> plenary meeting on 4-6 July 2022, the CDENF is invited to consider, review as appropriate and approve the proposals below, so as to allow the Secretariat to prepare the grounds for and advance on the steps to be taken, as well as to ensure a timeframe which takes into account activities carried out by other sectors of the Organisation.

## Overall approach proposed

3. Digital technologies offer unprecedented opportunities for children’s well-being and development, enhancing their enjoyment of human rights. However, their complex and constantly evolving nature also presents many risks to children’s rights and safety, and creates new challenges for the protection of children. Artificial Intelligence (hereinafter “AI”) is radically changing children’s lives. AI technologies are embedded in toys, videogames, and adaptive learning software. Algorithms suggest which videos children should watch and with whom to be friends. Even when AI systems are not used directly by children, they significantly impact their lives and rights. Although they have a great potential to foster children’s rights, awareness and concerns about potential dangers related to this new technology are rising.
4. On the occasion of the High-Level launching Conference of the new Council of Europe Strategy for the Rights of the Child (Rome, 7/8 April 2022), one of the thematic sessions was dedicated to “Artificial intelligence: maximising opportunities while minimising risks”.

Participants identified 3 key challenges:

- the lack of legal frameworks that address children’s rights in the context of AI,
- AI systems are designed in a way that does not consider children’s rights,
- the scientific evidence about the impact of AI on child’s development is still scattered, so is our understanding.

One of the key conclusions from the session was to address the need for legally binding frameworks for AI specifically used by children or for systems that affect children up to the age of 18.

5. In the light of the above considerations, it is proposed to initiate an in-depth study that would identify the main human rights challenges for children related to AI systems and include an overview of international standards and pertinent national practices, where available, in order to provide the basis for further action to ensure the protection of children's rights in this highly dynamic field both within the Council of Europe and beyond. The proposed work is intended to inform, as appropriate, and to complement the Council of Europe's other AI-related activities, notably the work of the Committee on Artificial Intelligence (CAI) on the elaboration of an appropriate legal framework on the development, design, and application of artificial intelligence based on the Council of Europe's standards on human rights, democracy and the rule of law.

6. Given the specific nature of the topic, which is currently being discussed in various fora at international, European and national level, it is proposed to associate external expertise to the work process, by contracting an external consultant(s), as appropriate, to provide substantive input into the work process and the report to be prepared. This collaboration would be undertaken in full respect of the Council of Europe procurement rules and could involve both shorter one-off contracts with consultants or longer contracts concluded following a tender call, depending on opportunity, availability of experts and resources available. The selected consultant(s) would work in close collaboration with the Council of Europe Secretariat. The thematic rapporteur (to be appointed by the CDENF) would be closely associated to this work and the CDENF and its Bureau would be regularly updated on the progress made on this activity.

## Tasks

The main assignment of the selected consultant(s) would be to identify key challenges for the human rights and fundamental freedoms of children in the application of AI technologies, by:

1. Collecting and analysing existing relevant data, reports and information from governmental and non-governmental sources, including findings of Council of Europe and other international bodies,
2. Giving an overview of existing international legal provisions and standards, as well as national practices, identifying any gaps regarding the protection of children,
3. Outlining main AI systems categories (Chatbots, co-bots and Robotics devices, Metaverse, virtual or augmented reality, etc.) and their impact on children's rights,
4. Exploring opportunities offered by AI for the prevention and investigation of online child sexual abuse and exploitation,
5. Providing for advice to states and policy makers on how to establish monitoring and other soft law mechanisms, including with information on risk assessment tools,
6. Preparing a draft report which would include a checklist of fundamental aspects concerning the protection of children's rights to be addressed in a legally binding instrument on AI, and outline of a model legal framework.

## Work process and timeline suggested

Tentative Timing	Step to be taken
July-September 2022	Preparation and launch of a call for expertise to identify external consultant(s) to be associated to the work process; appointment of a thematic rapporteur related to the subject matter.
September-October 2022	Preparation of a first outline report, including a proposed methodology and a draft questionnaire for collecting information on challenges encountered and good practices at the national level.
14-16 November 2022	Consideration of the outline report, methodology and draft questionnaire by the CDENF at its 6 <sup>th</sup> plenary meeting.
Following the CDENF meeting	Finalisation and, if appropriate, send-out of the questionnaire with a deadline of response by end of January 2023.
January-February 2023	Desktop research by the mandated consultant(s), including on relevant action undertaken by international or civil society organisations and other Council of Europe bodies; interviews with selected partners
February 2023	Analysis, if appropriate, of responses received from national delegations
March 2023 (date to be confirmed)	Presentation, if appropriate, of preliminary results to the CDENF at its 7 <sup>th</sup> plenary meeting
March-May 2023	Interviews with selected member states.
June-September 2023	Finalisation of the draft report by the consultant(s) in close collaboration with the Secretariat.
October/November 2023 (date to be confirmed)	Final draft report to be presented to the CDENF at its 8 <sup>th</sup> plenary meeting; followed by publication process and next steps to be taken according to the recommendations made by the report (e.g. proposals for the development of European guidance or capacity-building action).