

CDENF(2023)20

Strasbourg, 20 July 2023

Steering Committee for the Rights of the Child (CDENF)

Mapping Study on Legal Frameworks that Address AI in the Context of Children's Rights (AICR)

Draft outline and questionnaire

At its Plenary session on 20 June 2023, the CDENF entrusted its Bureau to review and approve the questionnaire on the Rights of the Child and Artificial Intelligence in view of its circulation to the CDENF members. The CDENF Bureau gave its tacit consent on 14 July 2023.

CDENF members are invited to fill in the questionnaire through SurveyMonkey (<https://eu.surveymonkey.com/r/NT99CJ7>). Any additional information might be sent via e-mail to children@coe.int

Prepared by the Secretariat

Section 1: Background and scope

On 23 February 2022, the Council of Europe Committee of Ministers adopted the [Strategy for the Rights of the Child 2022-2027](#). As part of the Strategy's implementation by the Steering Committee for the Rights of the Child (CDENF), a report on the rights of the child and Artificial Intelligence (AI) is listed as a main deliverable under the CDENF's [Terms of Reference for 2022-2025](#), within the scope of **Priority 3, "Access to and safe use of technologies for all children"**. The Alan Turing Institute has been assigned as consultants to support the development of that report. The current document is the draft outline for that report.

While digital technologies can provide opportunities to enhance children's well-being and development, and their enjoyment of human rights, they simultaneously present many risks to children's rights and safety, and create new challenges for the protection of children, particularly with regard to AI. AI is impacting all areas of children's lives and children interact with AI systems in myriad ways on a daily basis. Some of these interactions are intentional (e.g., playing with interactive toys or speaking with voice assistants), whereas others may be much less visible (e.g., in accessing tailored or personalised services, such as in education). Therefore children, or their carers, are not always aware of the ways in which they are engaging with AI or able to make informed choices about this. Yet, AI is likely to have significant impacts on the children's lives now and in the future, this includes shaping the information they receive about the world (e.g. through search engines, social media or chatbots), influencing their friendships and social connections (e.g. through algorithms filtering content on social media), and directly affecting their access to services and important decisions that are made about their lives (e.g. through the provision or prioritisation of services in the public sector, such as identifying which children, or families, are considered to require interventions by social services). As such it is crucial to consider how AI impacts children's rights and how children's rights can be protected through the design, development, and use of AI.

This report, which will be in the form of a mapping study, is motivated by the following three key challenges identified during the [high-level launching Conference of the Council of Europe's Strategy for the Rights of the Child](#) (Rome, 7-8 April 2022):

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

It was concluded that an assessment of the need for legally binding frameworks for AI specifically used by children or for systems that affect children up to the age of 18 is necessary.

The mapping study therefore aims to identify where Council of Europe Member States stand at in relation to protecting the rights of the child in the context of AI legal frameworks and to provide an analysis of existing national challenges and responses to this end. This analysis will be informed by the **sources of information for this report**, namely: responses from Council of Europe Member States to a questionnaire (the draft of which is Annexed to this draft outline); and a review of main available materials and international legal frameworks, such as the UN Convention on the Rights of the Child, and UN Committee on the Rights of the Child's [General Comment No. 25 \(2021\) on children's rights in relation to the digital environment](#), as well as related Council of Europe standards, including the [Recommendation CM/Rec\(2018\)7 of the Committee of Ministers to member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment](#). The report aims at identifying key gaps and recommend avenues of action for the CDENF and ways forward for Council of Europe member States.

This work is to be seen in the context and aim at complementing other relevant Council of Europe work, notably, a multi-stakeholder consultations carried out by the 'Ad hoc Committee on Artificial Intelligence' (CAHA) to examine the feasibility and potential elements of a legal framework for the development,

design, and application of artificial intelligence, and the ongoing work of the [Committee on Artificial Intelligence \(CAI\)](#), on “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.” The findings and conclusions of this mapping study is expected to inform further action specifically in the area of the rights of the child.

Section 2: Report structure and content

1. Executive Summary
2. List of Annexes
3. Concepts and definitions
4. Introduction
 - a. Brief overview of the landscape of artificial intelligence (AI) and its impacts on children and young people
 - i. Baseline understanding of key terms within children’s rights and AI
 - ii. Examples of AI benefits and harms in this space
 - iii. Raison d’être and scope of the study
 - b. The relevant standards on children’s rights and AI
 - i. International standards
 - ii. Council of Europe standards
5. Overview of guidelines relating to AI in the context of children’s rights
 - a. Overview of international frameworks that address AI in the context of children’s rights
 - b. Lack of legal frameworks specifically designed to address AI in the context of children’s rights
6. Assessing the implementation of international and Council of Europe standards through legal frameworks that address AI in the context of children’s rights across Europe
7. Taking stock of the data: What does it take to set up a legal framework that addresses AI in the context of children’s rights in Europe?
8. Challenges and opportunities in the development of a legal framework or guidelines that addresses AI in the context of children’s rights
9. Conclusion: A look towards the future and recommendations

Annex: Questionnaire

The Secretariat of the Steering Committee for the Rights of the Child (CDENF) will administer the below questionnaire for Council of Europe Member States through the CDENF and its observers. The draft questionnaire seeks to gather data to assess the extent to which children's rights and AI frameworks have been created, adopted, and evaluated across the Member States. This data will inform the mapping study which offers an overview of international standards and pertinent national practices while providing the basis for proposing further action to ensure the protection of children's rights relating to AI.

Although the draft questionnaire (which is designed as an online questionnaire) is somewhat lengthy, many of its questions have been framed in a way that respondents can easily select one or more of the suggested responses, rather than requiring lengthy answers to be provided to each question in an online format.

Key Terms, Definitions, and Acronyms

For the purposes of this questionnaire:

- a. **"Artificial intelligence system"** refers to software or machine-based models that carry out functions such as making recommendations, predictions, or classifications. Some examples of AI systems include chatbots, online translation tools and self-driving cars. A detailed definition from the Council of Europe's Committee on Artificial Intelligence (CAI) is provided below:

CAI(2023)01 revised Zero Draft: *"artificial intelligence system" means any algorithmic system or a combination of such systems that, as defined herein and in the domestic law of each Party, uses computational methods derived from statistics or other mathematical techniques to carry out functions that are commonly associated with, or would otherwise require, human intelligence and that either assists or replaces the judgment of human decision-makers in carrying out those functions. Such functions include, but are not limited to, prediction, planning, classification, pattern recognition, organisation, perception, speech/sound/image recognition, text/sound/image generation, language translation, communication, learning, representation, and problem-solving.*

- b. **"Legal framework"** refers to any legally binding frameworks, regulations, children's rights specific law and policies, as well as national AI strategies.
- c. **"Guidance document"** or **"guidelines"** refers to any non-binding, voluntary frameworks which provides general guidance in which to operate. This includes non-binding **"recommendations"** elaborated upon by the Committee of Ministers for the member states of the Council of Europe, which 'provides a policy framework and proposals that governments should implement on the national level'. For example, Recommendation CM/Rec(2018)7 of the Committee of Ministers [Guidelines to respect, protect and fulfil the rights of the child in the digital environment](#).
- d. **"Information society services" (ISS)** refers to 'any service normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient of services'. The definition covers most of the online services even if the remuneration of the service doesn't come directly from the user. For example, online services that are provided 'free to the end user but funded via advertising still comes within the definition of an ISS'. Most services children use is considered ISS including apps, social media platforms, websites including search engines, content streaming services, online games, smart toys, or any online platform providing goods or services to users over the internet.

- e. “**UNCRC**” is the [United Nations Convention on the Rights of the Child \(UNCRC\)](#) and is a legally binding international human rights treaty and is the most complete statement of children’s rights in the world. The UNCRC outlines the political, civil, economic, social, and cultural rights of every child under the age of 18 regardless of race, gender, religion, nationality, legal status, or abilities.
- f. “**GDPR**” is the [General Data Protection Regulation](#) (Regulation (EU) 2016/679) which is a part of EU law on data protection and privacy in the EU and the European Economic Area (EEA). The GDPR is an important component of EU privacy law and of human rights law and aims to enhance individuals' control and rights over their personal data and to simplify the regulatory environment for international business.

Start of questionnaire

Part 1: Existing Legal framework on AI and children’s rights

1. **Is there a legal framework that addresses Artificial Intelligence (AI) in the context of children’s rights in your country? ***

Single response possible

- ☐ a. Yes, there is a legal framework that addresses AI in the context of children’s rights
- ☐ b. No, a legal framework that addresses AI in the context of children’s rights is not available but is in the process of being set up
- ☐ c. No, a legal framework that addresses AI in the context of children’s rights is not available but the government is interested in setting it up
- ☐ d. No, a legal framework that addresses AI in the context of children’s rights is not available, but there are recommended guidance documents/guidelines in place
- ☐ e. No, a legal framework that addresses AI in the context of children’s rights is not available
- ☐ f. No information

Comments:

If you selected 1.a, please kindly proceed with [Part 2](#) . If you selected 1.b, 1.c, or 1.d, please kindly proceed with [Part 3](#). If you selected 1.e or 1.f, please kindly proceed to [Part 4](#).

Part 2: Legal framework that addresses AI in the context of children's rights

Section to be kindly completed by Member States where a legal framework that addresses AI in the context of children's rights is in place.

Information on legal frameworks that address AI in the context of children's rights

2.1. When was the legal framework that addresses AI in the context of children's rights first set up in your country? *

Year:

☐ No information

Comments:

Please provide the reference to any legal framework available in the public domain or provide such legal framework via e-mail (children@coe.int). Should those resources not be available in English or French, please provide an English or French translation or summary, where possible:

2.2. Is the legal framework that addresses AI in the context of children's rights a stand-alone framework, or is it an appendix or addition to an existing legal framework?

- ☐ Yes, it is a stand-alone framework
- ☐ Yes, it is a part of another existing framework
- ☐ No information

Comments:

If you indicated in 2.2 that the framework is part of another existing framework, please proceed to 2.3, otherwise skip to 2.4.

2.3. If you answered 'Yes, it is a part of another existing framework' to 2.2, please indicate which framework.

Please indicate which framework:

2.4. Which stakeholders have been involved/consulted in the development of your country's general AI policy/strategy or other legal frameworks that address AI in the context of children's rights?

- ☐ Policy makers
- ☐ Private sector (private service provider, for-profit-organisation, company or other)
- ☐ Data protection authorities
- ☐ Academia
- ☐ Non-governmental organisation or other civil society actors

- ☐ General public
- ☐ Other, please specify:
- ☐ No information

2.5. Within your legal framework, does it recommend an impact assessment be carried out as a requirement for examining AI in context of children's rights? *

- ☐ Yes, there is a dedicated AI and children's rights impact assessment
- ☐ Yes, the legal framework requires an existing impact assessment be carried out (such as a children's rights impact assessment, data protection impact assessment, human rights impact assessment, or an algorithmic impact assessment)
- ☐ There is a requirement to conduct an impact assessment under certain circumstances (please elaborate in the comments)
- ☐ No, there is no requirement to conduct an impact assessment
- ☐ No information

Comments:

2.6. Was the legal framework that addresses AI in the context of children's rights developed through consultations with children and/or young people?

Single response possible

- ☐ Yes, it was developed through continuous engagements with children and young people
- ☐ Yes, it was developed with one consultation with children and young people
- ☐ No, no children or young people were consulted in the development of this legal framework
- ☐ No information

Comments:

2.7. If you answered 'Yes' to 2.6, were the consultations held with a diverse group of children and/or young people?

Single response possible

- ☐ Yes, a diverse group of children and young people were consulted in the development of this legal framework
- ☐ No, a diverse group of children or young people were not consulted in the development of this legal framework
- ☐ No information

Comments:

2.8. If your country is a party to GDPR, do you consider this a sufficient legal framework for the protection of children's privacy rights as they relate to AI? *

Please select as appropriate and kindly provide information in the comments line.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Undecided
- ☐ Disagree
- ☐ Strongly Disagree
- ☐ Other, please specify:
- ☐ My country is not a party to GDPR

Comments:

2.9. If your country is party to the GDPR, what is the established Age of Digital Consent for an information society service (ISS) to process personal data in your country? *

Single response possible

- ☐ Age 12
- ☐ Age 13
- ☐ Age 14
- ☐ Age 15
- ☐ Age 16
- ☐ Age 17
- ☐ Age 18
- ☐ Other, please specify:

Comments:

2.10. What is the definition of AI used in the legal framework that addresses AI in the context of children's rights in your country?

Please provide answer here:

Please provide the reference(s) for the above definition:

Legal and policy framework

2.11. Please provide additional information about the legal framework that addresses AI in the context of children's rights in your country.

Multiple responses possible

The enforcement of the legal framework that addresses AI in the context of children's rights is regulated by:

- ☐ national law
- ☐ national policy
- ☐ regional or local law
- ☐ regional or local policy
- ☐ memorandum of understanding or cooperation protocol
- ☐ other, please specify:
- ☐ No information

Please provide the references for above indicated laws, policy documents or agreements, which are available in the public domain:

Comments:

2.12. Does the law and policy framework indicated above refer to international or Council of Europe standards? If so, kindly indicate which ones: *

Multiple responses possible

- ☐ United Nations Convention on the Rights of the Child (1989)
- ☐ United Nations Committee on the Rights of the Child, General Comment 25 on children's rights in relation to the digital environment (2021)
- ☐ European Convention on the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, 1950)
- ☐ Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), (CETS No. 201, 2007)
- ☐ Possible elements of a legal framework on artificial intelligence (CAHAI(2021)09rev)
- ☐ Council of Europe Strategy for the Rights of the Child (2022-2027)
- ☐ Declaration by the Committee of Ministers on the need to protect children's privacy in the digital environment (2021)
- ☐ Guidelines to respect, protect and fulfil the rights of the child in the digital environment - Recommendation CM/Rec(2018)7 of the Committee of Ministers (2018)
- ☐ Case law of the European Court on Human Rights, please specify:
- ☐ Other, please specify:
- ☐ No information

Comments:

Institutional framework

2.13. Which institution(s) have the lead role in ensuring the uptake of the legal framework that addresses AI in the context of children's rights in your country?

Multiple responses possible

- ☐ Ministry of Interior
- ☐ Law enforcement services (police, prosecution services)

- ☐ Ministry of Justice
- ☐ Judiciary (courts of law)
- ☐ Children's Commissioner / Ombudsperson
- ☐ Ministry of Health
- ☐ Health care sector (university hospital, clinic, medical centre)
- ☐ Ministry of Social Affairs / Family / Children
- ☐ Child protection agency at the national, regional, or local level
- ☐ Regional authority (regional ministry or other)
- ☐ Local authority (municipality or other)
- ☐ Independent state entity or human rights institution
- ☐ Private sector (private service provider, for-profit-organisation, company or other)
- ☐ Non-governmental organisation or other civil society actors
- ☐ Other, please specify:
- ☐ Not applicable
- ☐ No information

Comments:

2.14. Which institution(s) have the legal duty to ensure the uptake of the legal framework that addresses AI in the context of children's rights in your country?

Multiple responses possible

- ☐ Ministry of Interior
- ☐ Law enforcement services (police, prosecution services)
- ☐ Ministry of Justice
- ☐ Judiciary (courts of law)
- ☐ Children's Commissioner / Ombudsperson
- ☐ Ministry of Health
- ☐ Health care sector (university hospital, clinic, medical centre)
- ☐ Ministry of Social Affairs / Family / Children
- ☐ Child protection agency at the national, regional, or local level
- ☐ Regional authority (regional ministry or other)
- ☐ Local authority (municipality or other)
- ☐ Independent state entity or human rights institution
- ☐ Private sector (private service provider, for-profit-organisation, company or other)
- ☐ Non-governmental organisation or other civil society actors
- ☐ Other, please specify:
- ☐ Not applicable
- ☐ No information

Comments:

Target group and scope of service provision

2.15. Please describe the target group(s) of the legal framework that addresses AI in the context of children's rights in your country.

Multiple responses possible

- ☐ Businesses that provide digital services that may be accessed by children
- ☐ Children and young people
- ☐ Members of public sector
- ☐ Policymakers
- ☐ Others, please specify:
- ☐ The target group is not specifically defined
- ☐ No information

Comments:

2.16. Please describe the specific domains referenced within the legal framework that addresses AI in the context of children's rights in your country.

Multiple responses possible

- ☐ Education
- ☐ Private and family life
- ☐ Gaming and play
- ☐ Cybersecurity and online safety
- ☐ Health
- ☐ Others, please specify:
- ☐ There is no specific domain defined
- ☐ No information

Comments:

Other guidelines or guidance documents relating to children's rights and AI

2.17. In addition to the legal framework that addresses AI in the context of children's rights, are other guidelines or guidance documents for children's rights and AI available in your country? *

Please select as appropriate and kindly provide information in the comments line.

- ☐ Yes, there are other guidance documents that are recommended alongside this framework, please specify:
- ☐ No, no other guidance documents for children's rights and AI are recommended in my country
- ☐ Other, please specify:
- ☐ No information

Comments:

2.18. Has your country developed any non-binding guidelines or guidance documents that relate to children's rights and AI? *

Please select as appropriate and kindly provide information in the comments line.

- ☐ Yes, we have developed non-binding guidance(s) that relate to children's rights and AI, please specify:
- ☐ No, no we have not developed non-binding guidance(s) that relate to children's rights and AI, but we are in the process of developing one
- ☐ No, no we have not developed non-binding guidance(s) that relate to children's rights and AI
- ☐ Other, please specify:
- ☐ No information

Comments:

2.19. If your country has a National AI Strategy, does it explicitly mention children? *

Single response possible

- ☐ Yes, children are explicitly mentioned in the National AI Strategy
- ☐ No, children are not explicitly mentioned in the National AI Strategy but are considered implicitly under another category (e.g., vulnerable groups)
- ☐ No, children are not mentioned in the National AI Strategy
- ☐ No National AI Strategy published to date

Research and evaluation

2.20. Since its implementation, has the legal framework that addresses AI in the context of children's rights operating in your country been evaluated?

Multiple responses possible

- ☐ Yes
- ☐ An evaluation is currently underway
- ☐ An evaluation is planned for the year:
- ☐ No evaluation done thus far
- ☐ No information

Kindly provide the reference to any evaluation reports available in the public domain or provide such reports via e-mail (children@coe.int). Should those resources not be available in English or French, please provide an English or French translation or summary, where possible:

Comments:

2.21. Has research been conducted on the landscape of AI and its impacts on children and young people within your country?

Multiple responses possible

- ☐ Yes, research by the academia
- ☐ Yes, research by an independent institution
- ☐ Yes, research by ministries or other state agencies
- ☐ Yes, research by civil society organisations or NGOs
- ☐ Research is currently underway
- ☐ Research is planned for the year:
- ☐ No research carried out thus far
- ☐ No information

Kindly provide the reference to any research reports available in the public domain or provide such reports via e-mail (children@coe.int). Should those resources not be available in English or French, please provide an English or French translation or summary, where possible:

Comments:

2.22. Have children been consulted in your country regarding their experiences stemming from the legal framework that addresses AI in the context of children's rights?

Multiple responses possible

- ☐ Yes, children have been consulted
- ☐ Consultations of children are currently underway
- ☐ Consultations with children are planned for the year:
- ☐ No consultations carried out thus far
- ☐ No information

Kindly provide the reference to any consultation reports available in the public domain or provide such reports via e-mail (children@coe.int). Should those resources not be available in English or French, please provide an English or French translation or summary, where possible:

Comments:

Challenges and success factors, innovation, and learning

2.23. What were the main difficulties in setting up a legal framework that addresses AI in the context of children's rights in your country?

Multiple responses possible

- ☐ Organising multidisciplinary and interagency cooperation (MDIA)
- ☐ Understanding the concept of AI as it relates to children's rights
- ☐ Law reform to set up the framework's implementation
- ☐ Mobilising political support

- ☐ Securing budget
- ☐ Guaranteeing sustainability of the framework
- ☐ Other, please specify:
- ☐ No information

Comments:

2.24. Are there any specific challenges with the legal framework that addresses AI in the context of children's rights in your country that you are currently struggling with?

Please provide any examples and information you would like to share in the comment line below or send relevant reports and materials via e-mail (children@coe.int).

Comments:

2.25. Are there any outstanding success factors, innovative aspects, or projects in relation to the legal framework that addresses AI in the context of children's rights in your country that you would like to bring to the attention of the CDENF mapping study?

Please provide any examples and information you would like to share in the comment line below or send relevant reports and materials via e-mail (children@coe.int).

Comments:

Please proceed to [Part 5](#)

Part 3: Other guidelines or guidance documents relating to AI in the context of children's rights

Section to be kindly completed by Member States where a legal framework that addresses AI in the context of children's rights is currently not in place but other guidelines on the topic are available.

Future plans regarding a legal framework that addresses AI in the context of children's rights

3.1. Are there state or non-state actors advocating for the development of a legal framework that addresses AI in the context of children's rights in your country?

Multiple responses possible

- ☐ Yes, state actors are advocating for it
- ☐ Yes, civil society actors are advocating for it
- ☐ Yes, there is a public or political debate on it
- ☐ No, there is no advocacy or debate on it
- ☐ No information

Comments:

3.2. What would you consider the main incentives for setting up a legal framework that addresses AI in the context of children's rights in your country?

Multiple responses possible

- ☐ More effective implementation of international and Council of Europe standards
- ☐ Prevention of discrimination of children or specific groups of children
- ☐ Implementation of EU law (where relevant)
- ☐ More effective protection of children online or within the context of digital services
- ☐ Prevention of harms against children
- ☐ A social investment in the best interests of children and society
- ☐ Other, please specify:
- ☐ No information

Comments:

3.3. What would you consider the main reasons for not developing a legal framework that addresses AI in the context of children's rights in your country?

Multiple responses possible

- ☐ Have not yet considered this topic in enough depth
- ☐ While children's rights are important, it is not currently our top priority
- ☐ Do not know where to begin
- ☐ Existing legal frameworks relating to data protection are sufficient when considering children's rights
- ☐ Existing legal frameworks relating to children's rights, more generally, are sufficient when considering children's rights as they relate to AI

- ☐ Do not have the time or resources
- ☐ Do not wish for such a framework to be legally binding
- ☐ Other, please specify:
- ☐ No information

Comments:

3.4. Were you to proceed with the development of a legal framework that addresses AI in the context of children's rights, what would you consider to be the main difficulties or obstacles?

Multiple responses possible

- ☐ Organising multidisciplinary and interagency cooperation (MDIA)
- ☐ Understanding the concept of AI as it relates to children's rights
- ☐ Law reform to set up the framework's implementation
- ☐ Mobilising political support
- ☐ Securing budget
- ☐ Guaranteeing sustainability of the framework
- ☐ Other, please specify:
- ☐ No information

Comments:

3.5. If your country is a party to GDPR, do you consider this a sufficient legal framework for the protection of children's privacy rights as they relate to AI? *

Please select as appropriate and kindly provide information in the comments line.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Undecided
- ☐ Disagree
- ☐ Strongly Disagree
- ☐ Other, please specify:
- ☐ My country is not a party to GDPR

Comments:

3.6. If your country is a party to GDPR, what is the established Age of Digital Consent for an information society service (ISS) to process personal data in your country?

Single response possible

- ☐ Age 12
- ☐ Age 13
- ☐ Age 14
- ☐ Age 15

- ☐ Age 16
- ☐ Age 17
- ☐ Age 18
- ☐ Other, please specify:

Comments:

3.7. Do you consider the UNCRC a sufficient legal framework for the protection of children's rights as they relate to AI?

Please select as appropriate and kindly provide information in the comments line.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Undecided
- ☐ Disagree
- ☐ Strongly Disagree
- ☐ Other, please specify:

Comments:

3.8. If your country has a National AI Strategy, does it explicitly mention children?

Single response possible

- ☐ Yes, children are explicitly mentioned in the National AI Strategy
- ☐ No, children are not explicitly mentioned in the National AI Strategy but are considered implicitly under another category (e.g., vulnerable groups)
- ☐ No, children are not mentioned in the National AI Strategy
- ☐ No National AI Strategy published to date

Target group and scope

3.9. Please describe the target group(s) of a possible legal framework that addresses AI in the context of children's rights in your country.

Multiple responses possible

- ☐ Businesses that provide digital services that may be accessed by children
- ☐ Children and young people
- ☐ Members of public sector
- ☐ Policymakers
- ☐ Others, please specify:
- ☐ The target group is not specifically defined
- ☐ No information

Comments:

Other guidelines or guidance documents relating to children's rights and AI

3.10. Has your country adopted any non-binding guidelines or guidance documents that relate to children's rights and AI?*

Please select as appropriate and kindly provide information in the comments line.

- ☐ Yes, there are other non-binding guidance documents that have been adopted alongside this framework, please specify:
- ☐ No, other non-binding guidance documents for children's rights and AI have been adopted in my country
- ☐ Other, please specify:
- ☐ No information

Comments:

3.11. Has your country developed any non-binding guidelines or guidance documents that relate to children's rights and AI? *

Please select as appropriate and kindly provide information in the comments line.

- ☐ Yes, we have developed non-binding guidance(s) that relate to children's rights and AI, please specify:
- ☐ No, we have not developed non-binding guidance(s) that relate to children's rights and AI, but we are currently in the process of developing one
- ☐ No, we have not developed non-binding guidance(s) that relate to children's rights and AI
- ☐ Other, please specify:
- ☐ No information

Comments:

If you answered 'Yes' or 'No, but currently developing' in 3.11, please proceed to 3.12, if not please skip to [Part 5](#).

3.12. Where can we find the existing guidelines or guidance documents on children's rights as they relate to AI or draft plans, if any, on the development of a non-binding guidance document within your country?

Please provide any examples and information you would like to share in the comment line below or send relevant reports and materials via e-mail (children@coe.int).

Comments:

3.13. Were the guidelines or guidance documents listed above in 3.12 developed through consultations with children and young people?

Single response possible

- ☐ Yes, it was developed through continuous engagements with children and young people
- ☐ Yes, it was developed with one consultation with children and young people
- ☐ No, children or young people were not consulted in the development of this guidance document(s)
- ☐ No information

Comments:

3.14. If you answered 'Yes' in 3.13, were the consultations held with a diverse group of children and young people?

Single response possible

- ☐ Yes, a diverse group of children and young people were consulted in the development of this guidance document(s)
- ☐ No, a diverse group of children or young people were not consulted in the development of this guidance document(s)
- ☐ No information

Comments:

3.15. Which stakeholders have been involved/consulted in the development of non-binding guidelines or guidance documents that relate to children's rights and AI??

- ☐ Policy makers
- ☐ Private sector (private service provider, for-profit-organisation, company or other)
- ☐ Data protection authorities
- ☐ Academia
- ☐ Non-governmental organisation or other civil society actors
- ☐ General public
- ☐ Other, please specify:
- ☐ No information

3.16. Within your guidelines or guidance documents, does it recommend an impact assessment be carried out as part of examining AI in the context of children's rights? *

- ☐ Yes, there is a dedicated AI and children's rights impact assessment
- ☐ Yes, the guidance documents recommend an existing impact assessment be carried out (such as a children's rights impact assessment, data protection impact assessment, human rights impact assessment, or an algorithmic impact assessment)
- ☐ There is a recommendation to conduct an impact assessment under certain circumstances (please elaborate in the comments)

- ☐ No, there is no recommendation to conduct an impact assessment
- ☐ No information

Comments:

3.17. What is the definition of AI used in the guidelines or guidance documents that addresses AI in the context of children's rights in your country?

Please provide answer here:

Please provide the reference(s) for the above definition:

3.18. Do the guidelines or guidance documents indicated above refer to international or Council of Europe standards? If so, kindly indicate which ones: *

Multiple responses possible

- ☐ United Nations Convention on the Rights of the Child (1989)
- ☐ United Nations Committee on the Rights of the Child, General Comment 25 on children's rights in relation to the digital environment (2021)
- ☐ European Convention on the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, 1950)
- ☐ Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), CETS No. 201, 2007
- ☐ Possible elements of a legal framework on artificial intelligence (CAHAI(2021)09rev)
- ☐ Council of Europe Strategy for the Rights of the Child (2022-2027)
- ☐ Declaration by the Committee of Ministers on the need to protect children's privacy in the digital environment (2021)
- ☐ Guidelines to respect, protect and fulfil the rights of the child in the digital environment - Recommendation CM/Rec(2018)7 of the Committee of Ministers (2018)
- ☐ Case law of the European Court on Human Rights, please specify:
- ☐ Other, please specify:
- ☐ No information

Comments:

Please proceed to [Part 5](#)

Part 4: No legal frameworks or non-binding guidelines or guidance documents relating to AI in the context of children's rights

Section to be kindly completed by Member States where a legal framework that addresses AI in the context of children's rights or other guidance documents on the topic are not in place.

4.1. What would you consider the main reasons for not developing a legal framework that addresses AI in the context of children's rights in your country? *

Multiple responses possible

- ☐ Have not yet considered this topic in enough depth
- ☐ While children's rights are important, it is not currently our top priority
- ☐ Do not know where to begin
- ☐ Beliefs that existing legal frameworks relating to data protection are sufficient when considering children's rights
- ☐ Beliefs that existing legal frameworks relating to children's rights, more generally, are sufficient when considering children's rights as they relate to AI
- ☐ Do not have the time or resources
- ☐ Do not wish for such a framework to be legally binding
- ☐ Other, please specify:
- ☐ No information

Comments:

4.2. What would you consider the main reasons for not developing any non-binding guidelines or guidance document or any guidelines that addresses AI in the context of children's rights in your country?

Multiple responses possible

- ☐ Have not yet considered this topic in enough depth
- ☐ While children's rights are important, it is not currently our top priority
- ☐ Do not know where to begin
- ☐ Beliefs that existing legal frameworks relating to data protection are sufficient when considering children's rights
- ☐ Beliefs that existing legal frameworks relating to children's rights, more generally, are sufficient when considering children's rights as they relate to AI
- ☐ Do not have the time or resources
- ☐ Other, please specify:
- ☐ No information

Comments:

- 4.3. Were you to proceed in the future with developing a legal framework, or guidelines or a guidance document that addresses AI in the context of children's rights, what would you consider to be the main difficulties or obstacles?**

Multiple responses possible

- ☐ Organising multidisciplinary and interagency cooperation (MDIA)
- ☐ Understanding the concept of AI as it relates to children's rights
- ☐ Law reform to set up the framework's implementation
- ☐ Mobilising political support
- ☐ Securing budget
- ☐ Guaranteeing sustainability of the framework
- ☐ Other, please specify:
- ☐ No information

Comments:

- 4.4. Are you aware of the international or Council of Europe standards related to children's rights? If so, kindly indicate which ones:**

Multiple responses possible

- ☐ United Nations Convention on the Rights of the Child (1989)
- ☐ United Nations Committee on the Rights of the Child, General Comment 25 on children's rights in relation to the digital environment (2021)
- ☐ European Convention on the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, 1950)
- ☐ Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), (CETS No. 201, 2007)
- ☐ Possible elements of a legal framework on artificial intelligence (CAHAI(2021)09rev)
- ☐ Council of Europe Strategy for the Rights of the Child (2022-2027)
- ☐ Declaration by the Committee of Ministers on the need to protect children's privacy in the digital environment (2021)
- ☐ Guidelines to respect, protect and fulfil the rights of the child in the digital environment - Recommendation CM/Rec(2018)7 of the Committee of Ministers (2018)
- ☐ Case law of the European Court on Human Rights, please specify:
- ☐ Other, please specify:
- ☐ No information

Comments:

- 4.5. If your country is a party to GDPR, do you consider this a sufficient legal framework for the protection of children's privacy rights as they relate to AI? ***

Please select as appropriate and kindly provide information in the comments line.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Undecided
- ☐ Disagree
- ☐ Strongly Disagree
- ☐ Other, please specify:
- ☐ My country is not a party to GDPR

Comments:

4.6. If your country is a party to GDPR, what is the established Age of Digital Consent for an information society service (ISS) to process personal data in your country?

Single response possible

- ☐ Age 12
- ☐ Age 13
- ☐ Age 14
- ☐ Age 15
- ☐ Age 16
- ☐ Age 17
- ☐ Age 18
- ☐ Other, please specify:

Comments:

4.7. Do you consider the UNCRC a sufficient legal framework for the protection of children's rights as they relate to AI?

Please select as appropriate and kindly provide information in the comments line.

- ☐ Strongly Agree
- ☐ Agree
- ☐ Undecided
- ☐ Disagree
- ☐ Strongly Disagree
- ☐ Other, please specify:

Comments:

4.8. If your country has a National AI Strategy, does it explicitly mention children?

Single response possible

- ☐ Yes, children are explicitly mentioned in the National AI Strategy

- ☐ No, children are not explicitly mentioned in the National AI Strategy but are considered implicitly under another category (e.g., vulnerable groups)
- ☐ No, children are not mentioned in the National AI Strategy
- ☐ No National AI Strategy published to date

Please proceed to [Part 5](#)

Part 5: Concluding remarks

5.1 Please provide any further information or clarification you consider useful for the purpose of this questionnaire.

Please provide answer here: