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| Contribution by the UN Committee on the Rights of the Child | |
| CHILD RIGHTS IN DIGITAL ENVIRONMENT | |
| **Purpose**  Sharing information about the child rights in digital environment, including AI in the work of the UN Committee on the Rights of the Child  **Action required**  This report is transmitted to the Council Working Group on child online protection **for information**.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **References**  *Power Point Presentation* | |

The Committee performs its duties based on the Convention on the Rights of the Child and its 3 Optional Protocols. The Committee is ratified by 196 countries. Therefore, it is almost universally ratified Human Rights Treaty except of only one country.

The Committee is created for examining the progress made by States Parties in achieving the realization of the obligations undertaken in the Convention and its OPs. It supports State Parties to make progress in implementation of the rights of the child.

The most important duty of the CRC is the State Party Review process, which is carried through Constructive Dialogue with State delegations coming to Geneva. The composition of delegations differs from state to state, but in many cases, these are High-Level Delegations from various representatives of legislative, executive and judicial branches of State Power. CRC receives alternative information in advance from CSOs, International Organizations and Children, and ask questions to delegations and receive answers. Based on all Concluding Observations are adopted, which are the Recommendations of the Committee. In most of cases State Parties try to show progress made for the next coming round of the review.

On the basis of the 3rd Optional Protocol on Individual Communications CRC receives individual complaints from children and act as quasi-judicial entity and is also receives Inquiries requests in case of grave and systematic violation of child rights in certain State Parties.

The Committee elaborates also General Comments as some sort of “soft law”. It is not binding for States but it is an “authoritative guidance” as it is called in law science and it is about the interpretation of the rights enshrined in the Convention and its Optional Protocols by the CRC.

How is the digital environment related to child rights for the Committee?

Despite the fact, that the digital environment as such is not mentioned explicitly in the Convention, which goes back to 1989, the Committee interpret the Convention as “living instrument” in line with modern developments.

And therefore the CRC has developed the General Comment No. 25 on digital and actively prioritize digital environment problematic affecting child rights in constructive dialogue with State Parties.

First of all, where the Committee derives the legal reference to digital environment from? The CRC interprets the Convention in a way, that the digital environment concerns a wide range of rights enshrined in the Convention and its Optional Protocols.

2021 the CRC has adopted the General Comment No. 25 on Children’s Rights in relation to Digital Environment. It was adopted through an inclusive process unifying experience in reviewing States parties’ reports, CRC day on general discussion on digital media and children’s rights, the jurisprudence of the human rights treaty bodies, two rounds of consultations with States, experts and other stakeholders on the concept note and advanced draft and an international consultation with 709 children living in a wide variety of circumstances in 28 countries in several regions.

In this General Comment, the Committee explains, how States parties should implement the Convention in relation to the digital environment and provides guidance on relevant legislative, policy and other measures to ensure full compliance with their obligations under the Convention and the Optional Protocols thereto in the light of the opportunities, risks and challenges in promoting, respecting, protecting and fulfilling all children’s rights in the digital environment.

It is guidance on State Parties, but also guidance for other stakeholders, including Business Sector, which is especially important for AI topic in light of recent global developments.

About the question, whether General Comment No 25 explicitly mentions AI: the answer is –yes. It is included in the introduction within the definition of “digital technologies”. However, it does not cover specific issues which concerning Artificial Intelligence.

About the question, how the Committee includes in its work Digital Environment and AI in the framework of Constructive Dialogue with State Parties in the practice: The Committee has its Dialogue Structure, which include different directions related to child rights around which we ask questions to delegations coming to Geneva. Under the Cluster on Civil and Political Rights are included: Freedom of expression, Right to privacy, Access to appropriate information. These are thematic areas, where we ask questions about achievements and challenges on digital environment systematically. The questions sometimes can be asked in other clusters as well. In particular, we ask about measures undertaken how the State Protect children from harmful influences coming from media, social networks and other digital environment settings; The questions cover legislation, but also executive and judicial measures, it includes responsibility of private sector, media and business providers as well.

There are some examples: cyberbullying, cybercrime like grooming, investigations and bringing perpetrators to justice; how children can be aware of threats coming from digital environment; we ask questions about media literacy to raise awareness of children, parents, professionals working with and for children and wider society; Again the list is very long and depends on country specifics. And Since January/February Session 2024 the CRC asks questions specifically on AI.

Subsequent to the dialogue with State Party the Committee adopts Concluding Observations, which include concrete recommendations on digital environment. It is noteworthy to mention that the COBs are not the same for all State Parties, but rather tailored to State Party Specifics. Since May 2024 Session we already have given Estonia, a specific recommendation related to AI.

There are some new initiatives and developments on Artificial Intelligence in International Law, however there is no strong legal instrument for the moment. CRC receive usually alternative reports, as I have mentioned previously, from various stakeholders (like CSOs and International Organizations) and then it is able to elaborate specific recommendations. Since the Committee does not receive such kind of information from Stakeholders specifically on AI, it does not access the information about the situation on AI in State Parties. Therefore, there is a clear need for collecting information and analysing modern dynamics as well.

Due to the fact that the CRC has almost universal ratification, it has a huge opportunity to integrate AI related issues in its work in such a way that the CRC can support positive developments of AI in line with child rights. It can make a difference to address recent developments on Artificial Intelligence, which already affect children in everyday life.

This address could be proactive and preventive to support State Parties to increase opportunities for children and to minimize potential harm and to make them cautious, that they bear obligation to develop AI in line with the Convention on the rights of the child.

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