Policy spotlight on AI: A Children's Rights Review

September 2025

ombudsman
do leanaí
for children

"Because a child's brain is still evolving until you're 25, habits you learn when you are younger are harder to break."

"AI does take over a lot of the creativity that we could easily have ourselves. Somebody might have an idea and rather than develop it on their own as their idea, it becomes AI's idea"

"Schools should adapt and move forward rather than staying in the past."

"It can help teachers when they are trying to teach a lesson and summarise things better and make it more understandable. It can also help teach concepts that some people can't understand when their teachers are teaching them"

"Nowadays AI can generate deepfakes, like fake videos and it could be of you or another person, and of what you're saying as well, and I think that really affects the person emotionally"

MEMBERS OF THE OCO YOUTH ADVISORY PANEL IN 2025

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Executive Summary

The Ombudsman for Children's Office (OCO) is placing a spotlight on Artificial Intelligence (AI) and the implications of it for children and their rights. Children are likely to be the group most impacted by AI, with the potential to shape or influence their lives, how they access information and establish social relationships.

The purpose of this report is the shine a light on the children's rights implications of AI and put forward a children's rights framework to policy makers based on international human rights standards, research on AI and its impacts, the views of experts and most importantly the voices of children and young people. This report should be read alongside the OCO Young Advisory Panel (YAP) consultation, *AI and US*, which outlines how they use AI every day, what they like and don't like about AI, and includes their ideas for making sure children enjoy AI in a safe way.

Our hope is that this report will help shape current and future discussions on AI and children's rights and will be used by policymakers when developing policies, laws and guidelines on AI. It also provides a resource for other organisations working on AI and its impact on children and their rights.

A CHILDREN RIGHTS REVIEW: KEY FINDINGS

AI and children's rights: what does the research say?

Understanding the impact of AI on children is limited but a substantial research agenda for AI and children is emerging. A growing body of research includes research on recommender algorithms, AI-generated child sexual abuse material, AI in education and AI in health and the impacts of AI on child development. However, limited research on AI, its impacts on children, and on children's rights specifically, is available in Ireland. There is a need for further research on the impact of AI on the rights of children and to map AI technologies that have the greatest potential to create a positive and negative impact on children's rights.

AI and children's rights: what do children say?

A review of national and international research and consultations with children and young people, mirror the findings from our consultation with the OCO YAP. Children are engaged and familiar with AI and how it is part of their everyday lives. They see the benefits of it but are also very concerned by the risks. Children want to be heard, and they want the State to take a more active role in the regulation of companies to keep them safe online. They see AI literacy as crucial and want a deeper understanding of AI, including on how to ensure they can benefit most from

it while protecting themselves from any potential harms. This should also extend to literacy for parents and teachers. Children also want governments to address the environmental impacts of AI.

AI and children's rights: what do policies, laws and guidelines say?

At international level, reference to children rights in AI laws, policies and frameworks is inconsistent or lacks detail. Many international standards, guidance and initiatives do not include a comprehensive reference to their rights. The UN Committee on the Rights of the Child does not have specific guidance on AI, but the general comment on children's rights in the digital environment sets out detailed guidance that can apply to AI as with other technology. The UN Committee has recommended that States parties elaborate safeguards with a view to ensuring the rights of children in the use of AI.

In terms of European policy and law, there have been a number of developments. The new EU AI Act refers to children's rights and the EU Digital Services Act sets out obligations for online service providers, including high privacy, safety and security standards for children. While efforts to regulate AI are welcome, more robust regulation, stronger enforcement and a children's right framework is needed to respond to the evolving AI landscape and risks that arise for children's rights.

At a national level in Ireland, children and their rights are almost entirely absent from current Government policies, law and governance structures, with very little attention explicitly given to safeguarding the rights of children. Ireland's National Strategy on AI focuses on economic competitiveness and does not reflect a unified, government-wide approach. Children are referenced on only two occasions in the National Strategy on AI: once in relation to teaching children the skills to engage with AI and the second in connection with opening a conversation with children about AI. There are no structures that allow regular, meaningful opportunities for children to participate in AI processes and governance. Clear and consistent guidance is needed on child rights-centred actions that can be taken across law, policy and practice.

AI and children's rights: what do experts say?

In February 2025, the OCO brought together children's rights and AI experts from across academia and civil society to discuss the implications of AI for children's rights. Similar to the analysis presented in this report, there was a strong consensus that children and their rights are invisible in current policy, laws and regulations and that children should have a say in AI policy and decision-making. There were also calls for greater and braver enforcement of existing laws, with more joined-up thinking across government on AI. A significant part of the discussion focused on recommender systems, with a strong consensus that recommender systems should be turned off by default for children. Experts highlighted that Ireland needs a policy on the procurement and use of AI technology by educators, and guidance on the use by students of AI in their schoolwork. Another recommendation to emerge from

the discussion was that the Government must identify and address gaps in law concerning AI-facilitated Child Sex Abuse Material (CSAM). Finally, digital literacy was viewed as a critical component of the curriculum and parents, carers and teachers need training and resources as well.

A children's rights approach to AI: OCO recommendations

The Taoiseach has stated that he wants a human rights approach to AI but this review shows that this desire has not translated into the current policies and law. Overall, the focus on children, children's rights, and human rights more broadly, has been marginal at best.

Our main recommendation is that the Government and regulators must include a special focus on children and adopt a child rights approach when developing polices and laws on AI. In practice this means regularly consulting with children and young people and including children and human rights experts in AI governance structures. It also means ensuring;

- AI legislation that is compliant with the UNCRC and that enables business enterprises to develop child-centred AI.
- Effective child-sensitive procedures for redress for AI-related harms.
- AI policy that is rooted in the UNCRC.
- Coordination of initiatives on children and AI across government.
- Child rights impact assessments of AI legislation, policy and the AI system development lifecycle.
- Data collection on the impact of AI on children.
- Training and capacity-building on children's rights and a child rights-based approach to AI for government officials, parliamentarians, AI developers and companies.
- Independent monitoring of actions taken by public and private organisations in the sphere of AI with sufficient resources provided to nominated fundamental rights bodies to ensure the effective discharge of powers under Article 77 of the EU AI Act.

Given the common themes and concerns in regarding recommender systems, use of AI in education and AI generated images of Child Sex Abuse Material (CSAM), the OCO also makes specific recommendations for enhanced regulations and safeguards in these areas.

All of this should be pursued alongside the goal of full and direct incorporation of the UNCRC into domestic law. This fundamental shift would create the culture change and legal landscape needed to ensure children's rights are fully respected, protected and fulfilled.

1. Introduction

The Ombudsman for Children's Office (OCO) is placing a spotlight on Artificial Intelligence (AI) and the implications of it for children and their rights. Children are likely to be the group most impacted by AI, with AI informing decisions that have the potential to shape or influence their lives, how they access information and establish social relationships.[1]

AI is already an integral part of children's lives. Though much of the current discussion around AI focuses on latest developments in generative AI, AI has been around, and impacting children, for many years.[2] Despite this, AI regulation and policy adopted in Ireland focus generally on the development and use of AI, with little, if any, focus on the impact that AI has on children and their rights. Adults, policy makers and regulators are playing catch up and it is time to ensure children rights in this space are respected, protected and fulfilled.

The gap in relation to children in Ireland is within the context of systemic challenges of AI for children's rights as highlighted by the Council of Europe. These include: the lack of legal frameworks that address children's rights in the context of AI; AI systems not being designed in a way that considers children's rights; and the scientific evidence about the impact of AI on children is scattered as is our understanding.[3] Up to 2024, there was no international convention or law that dealt specifically with AI and human rights. The adoption of both the EU AI Act and the Council of Europe Framework Convention on AI provide opportunities for children's rights to be considered as part of a more rights-based approach to regulation of AI.

In 2024, our Youth Advisory Panel (YAP) appeared before the Oireachtas Committee on Children, Equality, Disability, Integration and Youth to speak about their report to the UN Committee on the Rights of the Child, entitled Pieces of Us and their follow up report Pieces of Us – What's Next?. At this meeting the Committee also sought their views on AI. The YAP clearly articulated how AI is a feature of their day to day lives, as well as highlighting both the risks and benefits of it. They spoke about the need for greater regulation, monitoring, education and child-friendly AI. This was the starting point for the OCO to examine the children's rights issues associated with AI.

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1   S. Mahomed, M. Aitken, A. Atabey, J. Wong and M. Briggs (2023), *AI, Children's Rights, & Wellbeing: Transnational Frameworks November 2023 Mapping 13 Frameworks at the Intersections of Data-Intensive Technologies, Children's Rights, and Wellbeing.*

2   CyberSafeKids, Presentation to the Committee on Children, Equality, Disability, Integration and Youth on the topic of "Engagement on the protection of children in the use of Artificial Intelligence", 13 February 2024.

3   Council of Europe (2023), *Mapping Study on Legal Frameworks that Address AI in the Context of Children's Rights (AICR): Draft outline and questionnaire.*

At the end of 2024, the OCO partnered with National Youth Council of Ireland (NYCI) and Insights, Dublin City University (DCU), and were awarded funding for a two-year project to raise awareness, educate, and provide access to AI, data capture, and other emerging technologies for young people, particularly those from marginalised groups. The project will involve a youth consultation process on awareness and education of emerging technologies, AI, and data for children and young people, as well as development of a continuous professional development course for youth workers, focusing on essential digital skills and competencies in AI, data, and emerging media. The issue of AI and its impact on children's rights is now a significant part of the OCO work programme.

The purpose of this spotlight is to gather existing evidence on AI and children's rights to identify opportunities and challenges from a policy and regulatory perspective. The spotlight has two strands. First, it gathers available information on international human rights and children's rights standards and guidance relating to AI, domestic law, regulation and policy and international and national research on AI to understand what work is being done on AI and children. It examines the extent to which children and their rights are being considered in this regulatory and policy area. It also draws together consultations with children on their views on AI, as well as providing on overview of the issues raised on AI by the OCO YAP. Secondly, it provides an overview of feedback from children's rights and technology experts during a roundtable discussion hosted by OCO in February 2025. This report should be read alongside our report by the OCO YAP, *AI and Us*, which outlines how they use AI every day, what they like and don't like about AI, and includes their ideas for making sure children enjoy AI in a safe way. This report has also been used to inform the development of the spotlight. It concludes with recommendations on where policy, laws and regulations should be strengthened from a children's rights perspective. This spotlight aims to provide a resource for other organisations working on AI and its impact on children and their rights.

2. What is AI? Background, Definitions and Examples

Background

The concept of AI is not new and has existed since the 1950s.[4] Similarly, AI is a topic that has been discussed in international human rights fora for some time. Reference to artificially created imagery in the context of child sexual abuse and exploitation online was made as far back as 2004. Recent interest in AI comes from progress made in the last decade in the subfield of AI called machine learning, highlighted by generative AI such as ChatGPT.[5] Interest in international AI governance has also grown in the last decade, reflecting the more widespread use of AI, its greater policy significance, and a greater consensus among States on the need to regulate AI, among other technological developments.

Though AI and wider digital technology is constantly evolving, AI is often framed as an 'emerging' technology or children's rights issue. However, it is the oversight and governance of AI that is 'emerging', with governments and regulators only now putting in place regulatory frameworks and seeking to address the human rights impacts of AI.

Definitions

AI is defined in many different ways. However, international and human rights-based sources provide a common definition to use. The European Union, Organisation for Economic and Cooperative Development (OECD) and Council of Europe define an AI system very similarly as "a machine-based system that is designed to operate with varying levels of autonomy and that may exhibit adaptiveness after deployment, and that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations or decisions that may influence physical or virtual environments."[6]

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4   Barry O'Sullivan, Opening Statement on "Engagement on the protection of children in the use of Artificial Intelligence" to the Oireachtas Joint Committee on Children, Equality, Disability, Integration, and Youth, 1 3 February 2024.

5   Ibid

6   OECD, Recommendation of the Council on Artificial Intelligence, 22 May 2019; Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act), Article 3(1); Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, Article 2.

Examples of AI

AI is found in every corner of the Internet, on digital devices and in technical systems, search engines, social media platforms, messaging applications and public information mechanisms.[7] They are prevalent in daily lives, but their presence is not always apparent despite playing a crucial role in decision-making, information filtering, system control and creative tasks.[8]

Examples of AI used and accessible by children online include:

- Large language models (LLMs) such as ChatGPT that generate text and images based on pre-existing datasets
- Smart home devices
- Smart toys
- Voice assistance technology
- Online translation tools
- Search engine results
- AI-driven recommender systems on social media platforms, streaming services or shopping platforms, that rank/recommend content appearing on news/social media feeds based on learning from user behaviour and preferences over time
- Chatbots on customer service websites and social media
- Companion apps that create an AI buddy or partner that users can interact with
- Interactive games
- Image editing tools
- Video production tools
- Facial recognition
- AI-generated content, including deep fake images
- Online maps

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7   UN General Assembly (2018), *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, A/73/348.

8   European Programme for Human Rights Education for Legal Professionals: Artificial Intelligence and Human Rights course.

3. AI and children's lives: What does research tell us?

Key research takeaways

- Understanding of the impact of AI on children is limited but a substantial research agenda for AI and children is emerging. There is a need for research on the impact of AI on the rights of children and to map AI technologies that have the greatest potential to create a positive and negative impact on children's rights.

- Limited research on AI, its impacts on children, and on children's rights specifically, is available in Ireland. A growing body of research includes research on recommender algorithms, AI-generated child sexual abuse material, AI in education and AI in health.

- AI can be a lever for early childhood development, with opportunities to enhance learning, support language acquisition, develop social skills and creativity, and provide inclusive learning tools.

- AI also presents several significant challenges that may hinder growth and learning, including risks of data breaches and misuse of sensitive data, exacerbation of existing inequalities in accessing technology, over-reliance on technology leading to diminished interpersonal interactions, social and emotional skills. Adverse impacts on social, emotional and cognitive development and maturation.

- Children and their rights are not sufficiently considered in AI strategies and frameworks. AI strategies are typically led by ministries in charge of economy or business affairs, prioritising a focus on economic competitiveness, business, research, innovation and talent. Children and their rights must be reflected in, and addressed through, legislative and policy frameworks on AI.

- Decisions and discussions about AI have left children behind. Young people must be engaged as an integral part of decision-making processes relating to AI.

- Research notes that organisations lack the policy capacity to manage the child-centric requirements when it comes to AI because such policies are developed in siloes and there is an absence of clear and consistent guidance on addressing children's rights in policy.

International research on the impact of AI on children and their rights

A substantial research agenda for AI is emerging.[9] Shekhawat and Livingstone note that technological innovation tends to "stimulate doom-laden and panicky" calls to protect children at all costs, in advance of any evidence. They note that more research is needed to understand how AI models, especially the use of chatbots and smart toys, may affect cognitive functioning among children, and that studies on how AI affects different age groups can aid precise policies.

European level research has identified the need for further research to understand the impact of AI on the rights of children, including in areas beyond the use of social media, and to map AI technologies that have the greatest potential to create a positive and negative impact on children's rights.[10]

UNICEF states that limited research has been conducted on the impact of AI on early childhood development.[11] Understanding of the impact of AI on children's cognitive, emotional and behavioural development is limited. Interactions with AI at a critical stage of growth and development can potentially have a lifelong impact on children and needs to be better understood to inform relevant guidance and action by the technology industry, policymakers and caregivers. While the few studies on AI in early childhood show that AI is a lever for early childhood development, with opportunities to enhance learning, support language acquisition, develop social skills and creativity, and provide inclusive learning tools, AI also presents several significant challenges that may hinder growth and learning. Such challenges include risks of data breaches and misuse of sensitive data, exacerbation of existing inequalities in accessing technology, over-reliance on technology leading to diminished interpersonal interactions, social and emotional skills, and impacts on social, emotional and cognitive development and maturation. UNICEF are working with Wharton Neuroscience Initiative to produce research and recommendations to assess the impact of AI in early childhood development and develop recommendations for leveraging AI to enhance brain capital and support early childhood development.

Research has been conducted on the impact of conversational AI on young children's well-being and offers ethical considerations for early childhood,[12] as well as on the ethics and children's rights implications of supporting young children with disabilities with AI companions.[13] Research highlights the need for more research to understand

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9   G. Shekhawat and S. Livingstone, _AI and children's rights: a guide to the transnational guidance_, 1 November 2023.

10   V. Stefan (2023), _Shapers & Shakers: Young people's voices in the world of Artificial Intelligence_, p. 38.

11   UNICEF (2024), _How is artificial intelligence reshaping early childhood development?_.

12   N. Kurian (2023), _AI's empathy gap: The risks of conversational Artificial Intelligence for young children's well-being and key ethical considerations for early childhood education and care_, _Contemporary Issues in Early Childhood._

13   Ibid

the way children interact with, and relate to, interactive GenAI agents (from chatbots to tools baked into software and apps).[14]

Researchers in the Netherlands, Norway and Switzerland have highlighted the need for policymaking to consider the impact of smart connected toys on children and for regulation of smart connected toys to put children and their rights at the centre.[15] The research notes that children increasingly use smart connected toys, which are connected to the internet, equipped with machine learning and an ever-increasing capability to listen, observe, talk, and interact with them without appropriate guidance. They state that an overfocus on the opportunities of these systems for children overlooks and underestimates the risks and challenges that AI systems may hold for this group. The research shows that the redress mechanisms found in regulations and ethical statutes do not primarily have children in mind when drafted.

A body of research examines AI in education, which notes that AI can support learning but also introduce risks for data privacy and equity.[16] Such research also highlights the need for AI literacy, ethical considerations and data privacy.[17] Research in this area has also examined national policies on AI and found that the use of AI in education, and the ethical implications of such use, is largely absent from policy conversations, while the instrumental value of education in supporting an AI-ready workforce and training more AI experts is overwhelmingly prioritised.[18] Researchers have also highlighted the need for research on effective strategies to expand digital literacy education to include AI literacies as both users and potential future shapers of AI.[19]

Research conducted by Amnesty International found that TikTok's recommender systems and underlying business model pose a danger to young users by amplifying depressive and suicidal content that risk worsening existing mental health challenges.[20] It makes a series of recommendations for TikTok and States. A lawsuit taken by Kentucky in the US against TikTok shows that TikTok senior executives

14   T. Leaver and S. Srdrarov (2025), Generative AI and children's digital futures: New research challenges, *Journal of Children and Media.*

15   E. Fosch-Villaronga, S. van der Hof, C. Lutz and A. Tamò-Larrieux (2023), Toy story or children story? Putting children and their rights at the forefront of the artificial intelligence revolution, *AI and Society*, Vol. 38, pp. 133-152.

16   M. T. K. Farooqi, I. Amanat & S. M. Awan (2024), Ethical Considerations and Challenges in the Integration of Artificial Intelligence in Education: A Systematic Review, *Journal of Excellence in Management Sciences*, Vol. 3 No. 4, pp. 35–50.

17   European Commission (2023), *AI report by the European Digital Education Hub's Squad on Artificial Intelligence in Education.*

18   D. Schiff (2022), Education for AI, not AI for Education: The Role of Education and Ethics in National AI Policy Strategies, *International Journal of Artificial Intelligence in Education*, Vol. 32, No. 3, pp. 527–563.

19   T. Leaver and S. Srdrarov (2025), Generative AI and children's digital futures: New research challenges, *Journal of Children and Media.*

20   Amnesty International (2023), *Driven into the Darkness: How TikTok's 'For You' Feed Encourages Self-Harm and Suicidal Ideation; I Feel Exposed: Caught in TikTok's Surveillance Web.*

are aware of the risk of harm to children by its algorithms yet prioritise features that increase children's time spent on the app for the purpose of advertising and profit.[21] Research highlights a range of risks from recommender systems, including overexposure to content, harmful content, commodification of childhood, addiction and propagation of stereotypes.[22] Research by the Institute for Strategic Dialogue has found that YouTube is not adequately safeguarding young users from harmful content.[23] It found that YouTube's recommender systems recommend harmful content to children, including sexualised gaming videos, misogynistic content and self-harm and suicide videos, with little indications that recommendations differed in accordance with the age of the user. Research on ChatGPT by the Center for Countering Digital Hate in 2025 found that ChatGPT produces instructions relating to self-harm, suicide, disordered eating and substance abuse when prompted and does not enforce age restrictions.[24] It recommended that OpenAI and policymakers must ensure the safety of children using AI chatbots.

European Parliament research highlights the need for legal action to tackle the threats of deepfakes, increased industry efforts, and better implementation of relevant EU legislation including the AI Act and Digital Services Act, enhanced generative AI literacy for children, educators and parents, and monitoring indicators for children's online use.[25]

The Internet Watch Foundation based in the UK reports that the use of AI to generate child sexual abuse material (CSAM) is increasing, including AI CSAM videos and AI models for generating images of specific children.[26] The Digital Futures Centre at London School of Economics, in conjunction with UNICEF, and the Universities of Oxford and Cambridge, produced guiding principles in 2024 on a child rights-based approach to addressing technology-facilitated child sexual exploitation and abuse.[27] It notes how AI has introduced a range of opportunities for creating and distributing CSAM content through different mechanisms presents challenges for defining technology-facilitated child sexual abuse and exploitation, as deepfakes and modified images blur the lines between reality and fabrication, complicating legal and regulatory responses.

21   *Commonwealth of Kentucky, Attorney General v TikTok.*

22   E. Gómez, V. Charisi and S. Chaudron (2021), *Evaluating recommender systems with and for children: Towards a multi-perspective framework.*

23   A. Gallagher, L. Cooper, R. Bhatnagar and C. Gatewood (2024), *Pulling Back the Curtain: An Exploration of YouTube's Recommendation Algorithm.*

24   Center for Countering Digital Hate (2025), *Fake Friend: How ChatGPT betrays vulnerable teens by encouraging dangerous behaviour.*

25   European Parliamentary Research Service (2025), *Children and deepfakes.*

26   Internet Watch Foundation (2024), *What has changed in the AI CSAM landscape?.*

27   A. van der Spuy, S. Witting, P. Burton, E. Day, S. Livingstone and K. R. Sylwander (2024), *Guiding principles for addressing technology-facilitated child sexual exploitation and abuse.*

Irish research on the impact of AI on children and their rights

A limited but growing body of research on AI, its impacts on children, and on children's rights specifically, is available in Ireland.

The DCU Anti-Bullying Centre published research on co-designing AI-based cyberbullying interventions on social media with children in 2022.[28] The report notes that algorithmic applications such as natural language processing, machine learning and deep learning, are common in apps to help automate the process of content moderation to determine whether reported content violates a company's policy and should be taken down. The report sought to advance understanding of youth perspectives towards AI mechanisms and platform tools targeting cyberbullying and online forms of abuse. The research refers to children's rights and the UN Committee on the Rights of the Child General Comment No. 25 on children's rights in the digital environment and focused on children's right to protection, privacy, freedom of expression and access to information. The research made policy recommendations for technology companies and policy makers, including in particular the need to ensure that children's rights are implemented, interventions respect children's rights, and children's views inform technology design as well as codes of conduct and enforcement of regulation.

The DCU Anti-Bullying Centre published research in 2024 on the role of algorithmic recommender functions in promoting male supremacist influencers.[29] The study examined the content recommended to male accounts on YouTube Shorts and TikTok and found that all of the male accounts, whether they sought out gender-normative or manosphere-related content, were fed masculinist, anti-feminist and other extremist content including reactionary right-wing, conspiracy, anti-trans content, and that, once the account showed interest by watching this sort of content, the amount rapidly increased. It sets out recommendations for social media companies, parents, schools and teachers.

A survey by the Irish Council for Civil Liberties in 2024 found 74% of the Irish population believe social media algorithms should be regulated more strictly and that 82% of people are in favour of prohibiting social media companies from gathering and using user data to pick what videos are shown to them.[30]

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28   T. Milosevic, K. Verma, S. Viil, M. Carter, D. Laffan, B. Davis and J. O'Higgins Norman (2022), *Co-Designing Artificial Intelligence-Based Cyberbullying Interventions on Social Media with Children: Qualitative Research Findings.*

29   C. Baker, D. Ging and M. B. Andreasen (2024), *Recommending Toxicity: The role of algorithmic recommender functions on YouTube Shorts and TikTok in promoting male supremacist influencers.*

30   ICCL, 82% of the Irish public wants Big Tech's toxic algorithms switched off, 22 January 2024.

Research commissioned by Women's Aid in 2024 notes that evidence is emerging of the production and distribution of growing volumes of AI-generated and deepfake pornography, with women and girls as the primary targets.[31] It notes dedicated nudify apps have been designed for this purpose using AI to undress women in photos. It also notes that there is a global rise in the use of AI to generate CSAM, with material of increasing severity on the rise.

Research has also been conducted on AI in education. Researchers at University of Limerick and the ESRI examined the Acceptable Use Policies (AUPs) of 51 second-level schools and surveyed school leaders, and found that the AUPs all lacked guidelines on recent technological advancements, including AI. It notes that, as policies surrounding AI use in education continue to evolve, it is essential to provide children with opportunities to become familiar with and comfortable using AI tools from an early age, fostering a foundation for future interactions with AI technologies. The research notes that, despite the Department of Education acknowledging the need for guidelines on the use of AI in education, there is limited guidance available for schools, leaving schools without a standardised framework for responsible AI use, as well as leaving gaps in consistent understanding and responsible AI use among students. and recommended that schools incorporate AI guidelines into existing AUPs and/or develop a standalone AI policy.

Various research centres or programmes have been established on AI. Examples of research initiatives relating to children include research on enhancing speech and language therapy for children through AI,[32] the use of AI to diagnose congenital heart disease in children,[33] the use of AI to improve the detection of cerebral palsy,[34] use of AI in paediatric emergency care,[35] AI-based bullying interventions,[36] and young people's use of the internet including AI-generated content.[37] Mary Immaculate College established a research programme in 2024 to research the integration of AI into education.[38] Trinity College Dublin launched a research group to advance AI accountability research.[39]

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31   R. Breslin and M. O'Connor (2024), _Facing Reality: Addressing the role of pornography in the pandemic of violence against women and girls,_ p. 65.

32   Trinity College Dublin, _Enhancing Speech and Language Therapy though Artificial Intelligence (Project ESTA)._

33   South East Technological University, _New research explores using AI to diagnose congenital heart diseases,_ 15 July 2024.

34   University College Cork, _Tánaiste launches new €11.6 million Cerebral Palsy research programme at University College Cork,_ 22 March 2024

35   F. Leonard et al., _Machine Learning for Paediatric Related Decision Support in Emergency Care – A UK and Ireland Network Survey Study,_ Medrxiv, 30 June 2025.

36   DCU Anti-Bullying Centre, _OSAIBI: Open Standards for AI-based Bullying Interventions._

37   DCU Anti-Bullying Centre, _Young People's Use of Internet and Smartphones._

38   Mary Immaculate College, _Irish Centre for AI Research in Education._

39   Research Ireland, _ADAPT researcher to lead AI Accountability Lab at Trinity College Dublin,_ 3 December 2024.

Research on children's rights approaches to AI policy

A body of research has examined policies relating to AI and human rights. This research shows that national policies on AI do not take sufficient account of children and their rights.

Research that reviewed 32 strategies on AI adopted by countries worldwide before 2020 found that, though most strategies referenced human rights in some way, relatively few strategies deeply engaged with the human rights framework and the human rights impacts of AI, with most strategies including human rights only in passing.[40] Though many strategies referred to the need for ethical frameworks/ approaches or human-centred approaches, they lacked clarity on how this would be achieved and a definition of what these frameworks/approaches would look like. Most strategies failed to set out how negative human rights impacts could be mitigated. The researchers recommended that a strategy on AI should explicitly include human rights throughout a strategy, should set out the steps taken to ensure human rights are protected, should include grievance and remediation processes for human rights violations, and should include human rights organisations and experts in their drafting.

A study conducted by UNICEF in 2020 found that in 20 national strategies on AI that it analysed, only cursory mention is made of children and their specific needs.[41] UNICEF states that there is significant room for improvement in how children's rights are considered in the AI policy space and that policymakers urgently need to prioritise children's issues in the development of their national AI strategies. UNICEF notes, "AI policies and recommendations that are grounded in children's rights are essential to effectively guide the development and deployment of AI systems in order to enable protection, provision and participation for all children."[42] The European Commission's Joint Research Centre has also urged policymakers to consider the re-prioritisation of children's rights in national AI policies to be of critical importance.[43]

Research commissioned by the European Union and Council of Europe on youth involvement in shaping AI governance has found that young people do not have a clear role in structures for participation in AI processes.[44] It calls for young people to be engaged as an integral part of participatory processes in AI governance and recommends that advisory, consultative and decision-making processes relating to AI should include children and young people.[45]

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40   Global Partners Digital and Stanford Global Digital Policy Incubator (2020), *National Artificial Intelligence Strategies and Human Rights: A Review.*

41   UNICEF (2020), *National AI strategies and children: Reviewing the landscape and identifying windows of opportunity.*

42   Ibid

43   V. Charisi, S. Chaudron, R. Di Gioia, R. Vuorikari, M. Escobar-Planas, I. Sanchez and E. Gomez (2022), *Artificial Intelligence and the Rights of the Child: Towards an Integrated Agenda for Research and Policy,* p. 13.

44   V. Stefan (2023), *Shapers & Shakers: Young people's voices in the world of Artificial Intelligence*, p. 17.

45   Ibid.

Research at the European level found that national approaches "have a strong focus on economic competitiveness that results in priorities related to the business environment, research, innovation and talent", a reason for which may be "because AI strategies are often led by ministries in charge of economy or business affairs".[46] The research notes that "youth ministries do not seem to be relevant actors in shaping or implementing such strategies", that "young people are not often mentioned" and the youth sector "does not seem to be a stakeholder group", "despite concern around ethics and citizens' protections". Research in Sweden notes that most institutions and organisations lack the policy capacity to manage the child-centric requirements when it comes to AI because such policies are developed in siloes, directed within sectoral boundaries, as opposed to being guided by a unified, institution-wide policy.[47]

Researchers in the UK Alan Turing Institute that examined frameworks on AI, children's rights and well-being found that there are significant differences in the approaches taken across international frameworks that address both AI and children.[48] This presents challenges for stakeholders seeking to navigate the existing landscape or identify requirements of best practice and compliance, with policymakers reporting that they lacked clear or consistent guidance on addressing children's rights in policy. It recommended that policymakers should work together with transnational organisations and other stakeholders to uphold children's rights, wellbeing and ensure child-centred AI for children. It also states that it is vital that regulation, policy and research engage with impacts on children as an urgent, high priority focus.

Research conducted by the EU Agency for Fundamental Rights (FRA), which interviewed over a 100 public administration officials, private company staff, and experts from supervisory and oversight authorities, non-governmental organisations and lawyers, who work in the AI field, to analyse how fundamental rights are taken into consideration when using or developing AI applications, notes that none of the interviewees or experts directly mentioned the rights of the child.[49] The FRA noted that this clearly reflects the fact that this topic is not high on the agenda of many of those working in AI. The report recommended that:

- When introducing new policies and adopting new legislation on AI, the EU legislator and the Member States, acting within the scope of EU law, must ensure that respect for the full spectrum of fundamental rights, as enshrined in the Charter and the EU Treaties, is taken into account. In doing so, the EU and its Member States should rely on robust evidence concerning AI's impact

46   Ibid.

47   UNICEF (2021), *AI Sweden & Three Cities*, p. 6.

48   S. Mahomed, M. Aitken, A. Atabey, J. Wong and M. Briggs (2023), *AI, Children's Rights, & Wellbeing: Transnational Frameworks November 2023 Mapping 13 Frameworks at the Intersections of Data-Intensive Technologies, Children's Rights, and Wellbeing,* p. 36.

49   FRA (2020), *Getting the Future Right: Artificial Intelligence and Fundamental Rights,* p. 72.

on fundamental rights to ensure that any restrictions of certain fundamental rights respect the principles of necessity and proportionality.

- The EU legislator should consider making mandatory impact assessments that cover the full spectrum of fundamental rights. These should cover the private and public sectors, and be applied before any AI-system is used.

- The EU and Member States should ensure that effective accountability systems are in place to monitor and, where needed, effectively address any negative impact of AI systems on fundamental rights. The EU and Member States should also make better use of existing oversight expert structures to protect fundamental rights when using AI. These include data protection authorities, equality bodies, national human rights institutions, ombuds institutions and consumer protection bodies.

- EU Member States should consider encouraging companies and public administration to assess any potentially discriminatory outcomes when using AI systems.

- In addition, national data protection bodies should provide practical guidance on how data protection provisions apply to the use of AI.

4. What are children's views on AI? Overview of consultations with children

Key takeaways

- Children are engaged and familiar with AI and how it is part of their everyday lives. They see the benefits of it but are also very concerned by the risks.
- Children want to be heard: they must be involved in decisions about how AI is made and used.
- Children want the government to take a human rights approach to regulating AI.
- Children want greater regulation on companies to keep them safe online.
- Children want a deeper understanding of AI, including on how to better ensure they can benefit most from it while protecting themselves from any potential harms.
- AI literacy for children, parents and teachers is seen as crucial.
- Children also want governments to address the environmental impacts of AI.

This section reviews research and consultation that have directly or indirectly included the views of children and young people on AI. These findings here largely mirror those found in our YAP consultation on AI which was carried out in May 2025 to inform the OCO's work on promoting the rights and welfare of children.

International consultations

As noted in the research outlined above, AI decision-making, policy and debate do not take sufficient account of children and their rights. In particular, children's views are not routinely sought in policy development. However, a number of initiatives offer insights into children's views on AI.

UNICEF's policy guidance on AI for children, published in 2021, was informed by consultations with children.[50] Some of the key points made by children consulted include:

- While there is much about AI that excites children, they don't want AI to completely replace engagement with humans.

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50   UNICEF (2021), *Policy guidance on AI for Children*.

- Parents or caregivers are seen as key stakeholders in children's AI-powered lives.
- Children have high expectations of the AI technology industry.
- Concerns about data privacy in the context of AI are a common theme.
- Local context influences children's views on AI.

The European Commission's Joint Research Centre published a report on the views of 18 young people aged 14 to 20 from 9 countries on AI and its impact on children's rights.[51] The young people reported that they see AI as an opportunity with potential benefits but expressed concerns about risks and harms. Their primary concern was that AI is progressing a lot, while many people still lack knowledge about what it is and its implications. They expressed concern about privacy, data protection and trust. They proposed age-appropriate awareness raising and empowerment through education on AI, child-friendly risk assessments of AI, as well as transparency and child-friendly information on AI's uses and the data it is based on.

In Scotland, the Children's Parliament was invited to develop a programme of work on engaging children with AI. This was to feed into the delivery of Scotland's AI Strategy.[52] The project engaged 87 children between 7 and 11 years old across four schools and explored themes of how children interact with AI, what they know and think about it, what the possibilities and risks are for AI, with specific reference to impacts on children's rights. The project found that:

- Children are engaged and familiar with the concept of AI being a part of their everyday lives but do not necessarily understand the detail of where and how it is used.
- While children were excited about the uses of AI to improve lives, they remained highly concerned about risks associated with AI systems creating outcomes without sufficient human oversight. This was especially relevant in the context of online AI use, where a child may not be able to identify who is operating it or gathering data. They were very concerned to hear about the potential for AI systems to replicate existing bias in society and felt strongly that it should not be used for anything that would lead to discrimination
- Overall, children felt strongly that they should learn about how AI systems are created, including what data is gathered by adults and from who.
- The children had mixed feelings about how AI is, and could be, used in schools. They felt it could be very useful, but also worried about what might happen if it was relied on too heavily.
- Children felt that AI should be used in the future to help children.

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51   Joint Research Centre (2022), _Artificial Intelligence and the Rights of the Child - Young people's views and perspectives._

52   Children's Parliament, Scottish AI Alliance and The Alan Turing Institute (2023), _Children's Parliament Exploring Children's Rights and AI: Stage 1 (Summary Report)_. See further: Children's Parliament, _Exploring Children's Rights and AI_.

- Children want AI to help to keep them safe, both online and off – in their schools, homes and communities.
- When asked, the children were also near-unanimous in the view that for AI to serve their needs, they needed to be involved in making decisions about how AI is made and used. Children felt that they should be consulted on data collection and the creation and use of AI systems.

The project also involved children in developing a teaching pack for teachers in primary schools in Scotland, with children's rights at its core.[53]

Work has also been done in The Netherlands to consult with children aged 4 to 18 years on AI, in recognition of the fact children are not included in public dialogue about AI in line with Article 12 of the CRC.[54] The research focused on asking children to reflect on the AI systems they use, the experiences with AI that they consider good and bad, and to imagine AI scenarios and their impacts.

In February 2025, the Alan Turing Institute and Queen Mary University of London held a Children's AI Summit, which gathered 150 children in the UK to develop recommendations for the future of AI.[55] The Summit was held in recognition of the fact that children have been missing from international and national discussions on AI regulation and policy. A Children's Manifesto for the Future of AI was developed by the children at the summit. The manifesto asks leaders to:

- Listen to children!
- Think about children's experiences and needs around the world and put things in place to make sure AI is safe for children, including restrictions on social media.
- Track all training data used to develop AI models and remove biased and racist data.
- Put in place new laws that make sure that AI is developed and used ethically.
- Address the environmental impacts of AI: we want AI to be powered by clean energy sources.
- Create more education about AI, so people understand better what it is and how it works, and also how we can use it well.
- Create guidance and advice for people to know how to use AI safely and appropriately, specifically for young people and their caregivers.
- Require companies to be open and honest about the ways they use AI, and to be really clear about how AI systems have been developed.
- Make sure AI systems are safe against hackers and criminals.
- Make sure that all children have the opportunity to benefit from AI.

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53 Scottish AI Alliance, Resources for Primary Teachers: Children's Rights & AI: Teaching Pack.

54 K. La Fors (2022), 2022 AI Register of Children in The Netherlands: Mapping children's awareness, ethical and social sense-making and imaginaries of artificially intelligent systems via meaningful participation.

55 Alan Turing Institute, Children's AI Summit and Children's Manifesto for the Future of AI.

Irish consultations

The Irish Department of Enterprise, Trade and Employment, in cooperation with the Department of Children, Equality, Disability, Integration and Youth, held a National Youth Assembly on AI in October 2022.[56] Further information is included later in this document under the section on national structures on AI.

Barnardos published a report in October 2024 that explored AI in a consultation with children through focus groups and surveys as well as surveys of teachers and parents.[57] The report consulted 65 children aged 10-15 in focus groups and received responses from 470 children surveyed in schools, as well as 101 parents and 63 teachers. It asked children what is good about AI and what is not so good about AI. It asked parents about their children's usage of AI, their engagement with their children about AI, and the future impacts of AI. It found that 54% of children want to learn more about AI at school, yet 95% of teachers have not received any training on AI. 93% of parents said they have concerns about children using AI and 86% felt it was important that their child learned about AI. The report concluded that children need a deeper understanding of AI, in particular from their parents and teachers, including on how to better ensure they can benefit most from it while protecting themselves from any potential harms, while parents and teachers need more information and training to better support their children/students. The recommendations include:

- Ensure school curriculum includes practical lessons on understanding AI, its benefits, risks and how to use it safely and responsibly.
- Provide parents with accessible, easy-to-understand resources to help them guide their children safely and confidently in their engagement with AI.
- Provide teachers with clear guidelines and practical training to confidently teach and guide students in understanding and using AI.

As outlined in the introduction to this spotlight, the starting point for the OCO to examine the children rights issues associated with AI was the OCO Youth Advisory Panel meeting at the Oireachtas in 2024.

During the meeting with the Committee, the points made by the YAP on AI included:

- *"Asking an AI application for pornography will give links to 100 different sites. It is relatively easy to do and AI content is not filtered. Users of any age can type in a message and access material. It is really simple. AI causes issues*
- *just because there is so much information at users' fingertips. It is really simple to use."*
- *"the rise in pornography usage is partially because AI can bring up deep fakes from the Internet. If children do not have access to those sites on Google Chrome or whatever they use, they can still go onto their Snapchat AI feature*

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56   Government of Ireland (2022), *National Youth Assembly on Artificial Intelligence Report.*

57   Barnardos (2024), *Exploring AI with Children & Young People.*

and access whatever they want. The restrictions have not been made clear enough or adjusted. There are no proper guidelines. To me, that says the problem is getting out of control."

- *"There have been examples of phones and people needing them for safety or to tell their parents they are at home. There is something I feel very strongly about that has not been mentioned yet. I have been volunteering with another group for about two years. It has to do with individuals who are visually impaired, perhaps with no vision or who are partially blind. They use technology, phones and AI for absolutely everything. It is astonishing how they do it. The phone speaks out to them and guides them through everything. The fact they are able to use their phones brings them joy and allows them to do so much more. They had a talent show a few months ago and all of these young people were able to make songs and write up lyrics and chords with the AI on their phones. It brought them so much joy and happiness. They had all of their families there and everyone who worked with them along the way. This is a great thing with AI and phones. When people look at AI we always speak about the negative parts of it, but there are many positives to AI and this one should be mentioned more and spoken about."*

- *"Quarantine during Covid made everyone get a phone because you needed one or some sort of device to go to class. I do not believe electronic devices are the problem so much as the regulation of social media, as other speakers have said. I was on my first social media platform when I was seven. It is really easy to set up once you see other people do it. It would be good if social media platforms checked ID to make sure users are not really young children. The same applies to AI. Let me refer to an idea that just popped into my head: just as there is a YouTube for everyone and YouTube Kids, there could be a child-friendly version of AI to make sure what children see is appropriate to their age group and not what they should not be seeing."*

- *"I am quite negative about AI in general. I can go onto Snapchat and have an artificial conversation. I tried it and it felt like talking to a real person. It felt like I was having a social interaction with one of my friends. That is how real it was to me. That is scary and worrying because I do not want my family to grow up on that, saying they do not need a conversation with their best friends as they have their AI. That is not a real person. Using it will limit people. It will limit their social interaction, increase social anxiety, increase stress levels in public places and make people unable to do something like we are doing now. This is something that we should continue all the time, forever. I feel AI will be nothing but limiting if it is not regulated in the right sense and by the right people."*

- *"A specific worry I have about AI is sexual violence online, specifically grooming. Older men or women can go online, on Google or Google Chrome, get photos of young teenage boys or girls and portray themselves as them. They can go onto Snapchat and talk to young people. It hurts me to say it, but it is so easy for people to get sexually assaulted online from the way AI*

is progressing and its technological advancements. It is so easy. You will not know who you are talking to anymore. You will not be able to tell if it is an actual teenage boy you are talking to, or a 50-year-old man behind a phone screen or laptop."

- *"I agree there should be parental monitoring when you are on social media and when you are using AI and with all of the regulations. There should also be more education for young people on AI, to talk about how to use it and how not to use it, who made it and who gets the benefit of using the content. I come from a big family. I have ten siblings and my mum is a single mother so it would be impossible for her to mind all of us until we are adults in terms of using our phones or whatever. On the subject of verification for social media platforms and AI, young people are smart and they evolve and will figure ways around IDs. They can get fake IDs fairly easily. They will figure out ways to go around things. Everything that has been said is important, but we also need to emphasise the importance of education in AI, so young people can regulate and figure out what is right and wrong for themselves."*

5. International human rights and children's rights standards, guidance and AI initiatives

Key takeaways

- There is a substantial body of international standards, guidance and other initiatives on AI that have been adopted in the last decade.

- Most initiatives adopted to date are in the realm of soft law, which are not legally binding and lack enforceability but which nevertheless represent a consensus, can guide behaviour in the absence of binding law and provide an important benchmark against which to measure progress.

- Many international standards, guidance and initiatives do not address children nor do they include comprehensive reference to their rights.

- The UN Convention on the Rights of the Child sets out the range of rights that States are required to respect, protect and fulfil when it comes to AI. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which Ireland has yet to ratify, includes provisions that apply to child sexual abuse material online generated and facilitated by AI.

- The UN Committee on the Rights of the Child general comment on children's rights in the digital environment sets out detailed guidance that can apply to AI as with other technology. The Committee has recommended that States parties elaborate safeguards with a view to ensuring the rights of children in the use of AI.

- The Council of Europe notes that rights-centred AI regulation and policy is lacking, replaced instead with industry-focused strategies that overamplify the voice of business and don't consider human rights expertise, instead referring to vague notions of ethics and self regulation.

- The Council of Europe standards and guidance on children's rights including the Lanzarote Convention, guidelines on children's rights in the digital environment and the Framework Convention on AI and Human Rights offer frameworks for a child rights-based approach to AI. Article 18 of the Framework Convention requires states parties to take due account of any specific needs and vulnerabilities in relation to respect for the rights of children.

- UNICEF notes that global policy and implementation efforts do not reflect the fact that the rights of children need acute attention in this space. Few AI strategies around the world engage with the human rights impacts of AI; only cursory mention is made of children and their specific needs.

- UNICEF has issued policy guidance on AI to assist States and business enterprises to take a child rights-based approach to AI. Scotland is leading by example by committing to implement the UNICEF policy guidance.

- The 5Rights Foundation in the UK has developed a Children and AI Design Code, a checklist of key actions and guidance for each stage of the lifecycle of an AI system.

There is a substantial body of international standards and guidance on AI and human rights. Ireland has been involved in negotiating some of these initiatives and signing up to them. This section sets out the international human and children's rights standards, guidance and other initiatives of international bodies that address AI and children to date.

UN human rights frameworks
UN Convention on the Rights of the Child

The UN Convention on the Rights of the Child (CRC), which Ireland ratified in 1992, contains several rights engaged in relation to AI and the digital environment.

Human rights sources consulted consistently highlight both the opportunities as well as the risks that AI presents to children and their rights. AI can both give rise to children's rights concerns and can facilitate the enjoyment of children's rights.

Some of the opportunities offered by AI that can advance the enjoyment of rights include:[58]

- **Right to development and evolving capacities of the child (Articles 5 and 6):**
  - AI can adapt to children's maturity and capacities, and be tailored to children's individual needs
  - AI can contribute to development of social skills
- **Right to seek, receive and impart information (Article 13), access to material from a diversity of sources (Article 17):**
  - AI can facilitate access to information
  - AI filter systems can steer children to appropriate online content or content tailored to their interests

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58   Council of Europe (2020), *Handbook for policy makers on the rights of the child in the digital environment,* pp. 78-80; V. Stefan (2023), *Shapers & Shakers: Young people's voices in the world of Artificial Intelligence.*

- **Protection from violence (Article 19) and from harmful material online (Article 17):**
    - AI is also used as a tool to protect children online
    - Age estimation tools for age verification to prevent children accessing websites with adult-only or age-inappropriate content
    - AI content moderation on social media platforms that can filter and block harmful content before reaching children
    - AI systems to detect, report and remove child sexual abuse material
    - AI-powered chatbots used by child helplines and Safer Internet Centres to provide live advice to children
    - AI-powered chatbots that intervene with perpetrators and those at risk of offending, e.g. when searching for CSAM online
- **Rights of children with disabilities (Article 23) and non-discrimination (Article 2):**
    - accessible technology for children with disabilities
- **Right to the highest attainable standard of health (Article 24):**
    - At a societal level, AI can contribute to the improved quality of health and public service systems.
- **Right to education (Articles 28 and 29):**
    - Adaptive learning systems tailored to children's needs
    - AI in digital literacy can ensure children safely use AI
- **Right to rest and leisure, play and recreational activities, cultural life and the arts (Article 31):**
    - AI can provide opportunities for play and recreation
    - AI in interactive toys and devoices can personalise and enhance children's play experiences

Some examples of how AI can pose harm, be misused, or present a barrier to the enjoyment of rights include:[59]

- **Right to non-discrimination (Article 2), rights of children with disabilities (Article 23) and right to practise their own language (Article 30):**
    - AI as a perpetrator of historic social biases and discrimination based on pre-existing datasets that are not reflective of children's varied characteristics, particularly children with disabilities and children in marginalised groups such as racial and ethnic minorities
    - Facial recognition technologies are less reliable when used on children's

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59   ; Council of Europe (2020), _Handbook for policy makers on the rights of the child in the digital environment_, pp. 78-80; V. Stefan (2023), _Shapers & Shakers: Young people's voices in the world of Artificial Intelligence_; UNICEF (2024), _The State of the World's Children 2024: The Future of Childhood The State of the World's Children 2024 in a Changing World_, p. 21; Council of Europe (2024), _Joint statement on the occasion of the 2024 edition of the Day for the Protection of Children against Sexual Exploitation and Sexual Abuse (18 November)_.

faces and other groups based on gender and ethnicity, which can lead to discrimination and further marginalisation of minority communities

– Large language models trained on major global languages are not accessible to children who use different native languages, risking prejudicial decisions being made about speakers of minority dialects

- **Right to have their best interests taken as a primary consideration (Article 3) and right to express their views and to have those views given due weight (Article 12):**

  – AI technologies that are not designed with children in mind

  – AI law, policy and practice developed without input of children and child rights advocates, impinging on the right to be heard and overlooking their interests

- **Right to freedom of expression and access to information, including from a diversity of sources (Articles 13 and 17):**

  – Algorithms and micro-targeting have amplified the power of filter bubbles and increased polarisation, impacting on the extent to which people are free to choose the content and interactions they wish, and thus on freedom of speech and association

  – AI recommender systems operating according to opaque criteria risk unjustified interference with freedom of expression and access to information

  – AI risks preventing access to quality information due to information disorder (e.g. fake or misleading content)

  – AI will widen the digital divide due to prohibitive costs and inaccessibility

- **Right to privacy (Article 16):**

  – AI systems can pose risks to privacy and data protection if not compliant with data protection law and if used to profile children for the purpose of micro-targeting in commercial advertising

- **Right to protection from violence (Article 19):**

  – Where apps or a potential victim's device have poor cybersecurity, those seeking to groom children could exploit these vulnerabilities to hijack an app and pose as a child's buddy or relative.

  – Bots could be used to automate grooming approaches to a large number of children by one perpetrator.

  – Circulation on the dark and open web of Child Sexual Abuse Material (CSAM) that are realistic 'deepfake' images and videos of real children. These normalise sexual activity with children and can be used for grooming to abuse children.

  – 'Face-swap' or 'declothing' apps can allow users to upload a photo or video of a real person and then alter it in a way that transforms it into sexual content.

- – Cloned audio recordings used to dupe people into falling for scams.
- – Virtual friend apps could engage children and young people in sexual conversation that is not age appropriate and that would be a criminal offence in some jurisdictions if committed by an adult human.
- **Right to the highest attainable standard of health (Article 24):**
  - – Algorithmic filtering and addictive nature of social media use has lead to increased body image, depression and suicide.
- **Right to education (Articles 28 and 29):**
  - – Risk to data protection and privacy by using AI-powered educational tools
  - – AI-powered performance monitoring risks breaches to privacy
  - – Lack of AI literacy can put children at risk when using AI

Optional Protocol to the CRC on the sale of children, child prostitution and child pornography

The [Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#) (OPCRCSC) adopted in 2000, which Ireland has yet to ratify, includes provisions that would be applicable to child sexual abuse material online. In 2019, the Committee also published [Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#), which offer an interpretation of the OPCRCSC adapted to advancements in ICTs. It notes that ICT advancements expose more children to the risk of sale and exploitation, including new ways for sexual offenders to connect with and solicit children for sexual purposes (grooming), to view and participate in online child sexual abuse and distribute CSAM. The Committee also encourages States to pay attention to the [Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse](#) (Luxembourg Guidelines) for guidance regarding the terminology to be used in the development of legislation and policies addressing the prevention of and protection from the sexual exploitation and sexual abuse of children.

In 2021, the UN Committee on the Rights of the Child published [General comment No. 25 on children's rights in relation to the digital environment](#), which provides guidance to States on how they can respect, protect and fulfil children's rights in the digital environment. The general comment notes that the digital environment encompasses AI and, though it makes little express reference to AI, the general comment should be taken to apply to AI. The general comment sets out the interpretation of the CRC general principles and relevant rights as they apply to the digital environment, and the actions that States parties must take to ensure opportunities for the realisation of children's rights and their protection in the digital environment.

Though the Committee has not engaged comprehensively with the topic of AI in its guidance, the Committee has made the following recommendations specific to AI as part of its reviews of 7 States parties in 2024 and 2025 to date:

- elaborate safeguards with a view to ensuring the rights of children in the use of AI;[60]
- prohibit the use of children's personal data in AI systems and provide mechanisms for accountability and remedy;[61]
- expedite legislation criminalising CSAM generated by AI;[62]
- enhance digital literacy for children, teachers and families, including on potential threats and opportunities relating to the use of AI;[63]
- ensure access to appropriate information and protection from harmful content, including with respect to AI.[64]

While the Committee has not made recommendations to Ireland in relation to AI, it has included recommendations about the digital environment more generally in its concluding observations to Ireland in 2023.[65] Their recommendations included the development of laws and effective regulation of service providers that protect the rights of children in the digital environment, in line with children's rights standards, including protection from harmful content and online risks, as well as enhancing digital literacy of children, families and teachers.

Other UN initiatives with a focus on children

- In 2004, 2009 and 2014, the Special Rapporteur on the sale of children, child prostitution and child pornography published reports on the issue of information and communication technologies and the sale and sexual exploitation of children, including child sexual abuse material that is artificially created.[66] Among the recommendations repeatedly made to States in these reports was the establishment of clear and comprehensive legal frameworks that take account of technological advancements.

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60   UN Committee on the Rights of the Child (2024), *Concluding observations on the combined fifth to seventh periodic reports of Estonia*, CRC/C/EST/CO/5-7, para. 22(c); UN Committee on the Rights of the Child (2025), *Concluding observations on the second periodic report of Saint Kitts and Nevis*, CRC/C/KNA/CO/2, para. 31(c); UN Committee on the Rights of the Child (2025), *Concluding observations on the sixth periodic report of Slovakia*, CRC/C/SVK/CO/6, para. 19(c); UN Committee on the Rights of the Child (2025), *Concluding observations on the seventh periodic report of Norway*, CRC/C/NOR/CO/7, para. 17(a).

61   UN Committee on the Rights of the Child (2025), *Concluding observations on the combined fifth to seventh periodic reports of Brazil*, CRC/C/BRA/CO/5-7, para. 25.

62   Ibid.

63   UN Committee on the Rights of the Child (2025), *Concluding observations on the combined fifth and sixth periodic reports of Turkmenistan*, CRC/C/TKM/CO/5-6, para. 21(c).

64   UN Committee on the Rights of the Child (2025), *Concluding observations on the combined six and seventh periodic reports of Romania*, CRC/C/ROU/CO/6-7, para. 19(b).

65   UN Committee on the Rights of the Child (2023), *Concluding observations on the combined fifth and sixth periodic reports of Ireland*, CRC/C/IRL/CO/5-6, para. 22.

66   UN Commission on Human Rights (2004), *Report submitted by Mr. Juan Miguel Petit, Special Rapporteur on the sale of children, child prostitution and child pornography*, E/CN.4/2005/78; UN Human Rights Council (2009), *Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'jid Maalla*, A/HRC/12/23; UN Human Rights Council (2014), *Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Maud de Boer-Buquicchio*, A/HRC/28/56.

- In 2006, the UN Secretary General produced a study on violence against children following a request from the UN General Assembly.[67] In 2014, the UN Special Representative of the Secretary-General on Violence against Children produced a report on the potential and risks associated with children's use of new information and communication technologies.[68] The report sets out crucial steps for a safe, inclusive and empowering digital agenda for children.

- The UN Special Rapporteur on Education published a report in 2024 on AI in education, which sets out strategies for aligning AI in education with human rights frameworks and principles.[69] She states that "unregulated AI adoption in education poses risks to democratic values and individual freedoms, while unequal access to AI tools within … countries worsens educational disparities." She states that AI in education "should not be merely for 'digital transformation'. Its use should be pedagogically justified and aligned with the overarching goal of promoting quality education for all, particularly for marginalized students". She outlines how some policymakers globally have adopted special measures to ensure access to trustworthy and pedagogically appropriate AI tools, such as in Canada and Luxembourg. She recommends that the State, among other things:

  - Assert the State's regulatory role to ensure that AI technologies respect human rights and serve the public good, including by:

  - Ensuring that AI in education adheres to ethics, privacy and transparency by design principles, with a focus on protecting human rights.

  - Establishing specific oversight mechanisms for AI in education, including human rights and child rights impact assessments prior to deployment.

- In October 2024, the UN Special Rapporteur on sale and sexual exploitation of children published a report on existing and emerging sexually exploitative practices against children in the digital environment, which includes a discussion of AI-generated child sexual abuse materials.[70] The report notes that emerging technologies risk not only replicating existing safety concerns in the digital environment but exacerbate and facilitate more severe threats against children if not mitigated.

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67   UN General Assembly (2006), *Report of the independent expert for the United Nations study on violence against children*, A/61/299.

68   Office of the Special Representative of the Secretary-General on Violence against Children (2014), *Releasing children's potential and minimizing risks: ICTs, the Internet and violence against children*. See also: UN Human Rights Council (2014), Annual Report of the Special Representative of the Secretary-General on Violence against Children, A/HRC/28/55.

69   UN General Assembly (2024), *Report of the Special Rapporteur on the right to education, Farida Shaheed: Artificial intelligence in education*, A/79/520.

70   UN General Assembly (2024), *Report of the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children, Mama Fatima Singhateh*, A/79/122.

Other UN initiatives with a general focus

These initiatives do not include information on children, including the specific impacts of AI on children and related children's rights considerations. However, they provide broader guidance and recommendations for States on implementing human rights obligations in the context of AI.

The UN General Assembly and Human Rights Council have adopted resolutions addressing the digital environment for some time, including on the promotion, protection and enjoyment of human rights on the Internet since 2012, the right to privacy in the digital age since 2013, and new and emerging digital technologies and human rights since 2019. The UN General Assembly adopted a resolution, Seizing the opportunities of safe, secure and trustworthy artificial intelligence systems for sustainable development, in March 2024. It emphasises that "human rights and fundamental freedoms must be respected, protected and promoted throughout the life cycle of artificial intelligence systems, calls upon all Member States and, where applicable, other stakeholders to refrain from or cease the use of artificial intelligence systems that are impossible to operate in compliance with international human rights law or that pose undue risks to the enjoyment of human rights, especially of those who are in vulnerable situations, and reaffirms that the same rights that people have offline must also be protected online, including throughout the life cycle of artificial intelligence systems".

Various UN Special Rapporteurs, Independent Experts, and Treaty Bodies have referred to AI in their reports and general comments. For example:

- the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression published a report in 2018 on the implications of AI technologies for human rights in the information environment, focusing in particular on rights to freedom of opinion and expression, privacy and non-discrimination;[71]
- the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance published a report in 2020 on racial discrimination in the design and use of emerging digital technologies;[72]
- The UN Committee on the Elimination of Racial Discrimination issued a general recommendation on preventing and combating racial profiling by law enforcement officials in 2020. Though it does not have a specific focus on children, it makes several recommendations relating to the use of algorithmic decision-making and AI used for the purpose of law enforcement;[73]

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71 UN General Assembly (2018), Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/73/348.

72 UN Human Rights Council (2020), Racial discrimination and emerging digital technologies: a human rights analysis, A/HRC/44/57.

73 UN Committee on the Elimination of Racial Discrimination (2020), General recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials, CERD/C/GC/36.

- the United Nations High Commissioner for Human Rights published a report in 2021 on how the widespread use by States and businesses of AI, including profiling, automated decision-making and machine-learning technologies, affects the enjoyment of the right to privacy and associated rights;[74]
- the UN Special Rapporteur on the right to privacy published a report in 2021 on AI and privacy;[75]
- the Special Rapporteur on the rights of persons with disabilities published a report in 2022 on AI and the rights of persons with disabilities;[76]
- the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance published a report in 2024 on the ways in which the predominant assumption that technology is objective and neutral is allowing AI to perpetuate racial discrimination.[77]

The UN Guiding Principles on Business and Human Rights should be applied in the development and deployment of AI. The UN Guiding Principles were adopted by the UN Human Rights Council in 2011 which underline that companies have responsibilities under human rights law. In the context of AI, the Guiding Principles require companies to:

- make high-level policy commitments to respect the human rights of their users in all AI applications;
- avoid causing or contributing to adverse human rights impacts through their use of AI technology and prevent and mitigate any adverse effects linked to their operations;
- conduct due diligence on AI systems to identify and address actual and potential human rights impacts;
- engage in prevention and mitigation strategies;
- conduct ongoing review of AI-related activities, including through stakeholder and public consultation; and
- provide accessible remedies to remediate adverse human rights impacts from AI systems.[78]

In October 2023, the UN Secretary General established a new High-Level Advisory Body on AI to undertake analysis and advance recommendations for the international governance of AI. The Advisory Body issued a final report in September 2024 in

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74   UN General Assembly (2021), The right to privacy in the digital age: Report of the United Nations High Commissioner for Human Rights, A/HRC/48/31.

75   UN Human Rights Council (2021), Artificial intelligence and privacy, and children's privacy, A/HRC/46/37.

76   UN Human Rights Council (2021), Report of the Special Rapporteur on the rights of persons with disabilities, A/HRC/49/52.

77   UN Human Rights Council (2024), Contemporary forms of racism, racial discrimination, xenophobia and related intolerance, A/HRC/56/68.

78   UN General Assembly (2018), Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/73/348, para. 21.

which it made 7 recommendations for future work.[79] Though general in its focus, the report notes the need for a comprehensive governance approach to AI that focuses on the unique circumstances of children, to ensure that governments, developers, businesses and schools address the needs and rights of children, and sets out a number of actions that must be taken to achieve this.

In September 2024, the UN adopted the Global Digital Compact, as part of a Pact for the Future negotiated and adopted by UN Member States, including Ireland, at the UN Summit of the Future. The Global Digital Compact's goal is an inclusive, open, sustainable, fair, safe and secure digital future for all. It sets out objectives, principles, commitments and actions to achieve this. As regards human rights, it commits to:

- respect, protect and promote human rights in the digital space;
- uphold international human rights law throughout the life cycle of digital and emerging technologies so that users can safely benefit from digital technologies and are protected from violations, abuses and all forms of discrimination;
- ensure that the development and implementation of national legislation relevant to digital technologies is compliant with obligations under international law, including international human rights law;
- establish appropriate safeguards to prevent and address any adverse impact on human rights arising from the use of digital and emerging technologies and protect individuals against violations and abuses of their human rights in the digital space, including through human rights due diligence and establishing effective oversight and remedy mechanisms;
- strengthen legal and policy frameworks to protect the rights of the child in the digital space, in line with international human rights law, including the Convention on the Rights of the Child;
- refrain from imposing restrictions on the free flow of information and ideas that are inconsistent with obligations under international law;
- call on digital technology companies and developers to respect international human rights and principles, including through the application of human rights due diligence and impact assessments throughout the technology life cycle;
- call on digital technology companies, developers and social media platforms to respect human rights online, be accountable for and take measures to mitigate and prevent abuses, and to provide access to effective remedy in line with the United Nations Guiding Principles on Business and Human Rights and other relevant frameworks;
- create a safe and secure online space for all users that ensures their mental health and well-being by defining and adopting common standards, guidelines and industry actions that are in compliance with international law, promote

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79   UN AI Advisory Body (2024), Governing AI for Humanity: Final Report.

safe civic spaces and address content on digital platforms that causes harm to individuals, taking into account work under way by United Nations entities, regional organizations and multi-stakeholder initiatives;

- prioritize the development and implementation of national online child safety policies and standards, in compliance with international human rights law, including the Convention on the Rights of the Child;

- monitor and review digital platform policies and practices on countering child sexual exploitation and abuse which occurs through or is amplified by the use of technology, including distribution over digital platforms of child sexual abuse or child sexual exploitation material, as well as solicitation or grooming for the purpose of committing a sexual offence against a child;

- call on digital technology companies and social media platforms to provide online safety-related training materials and safeguards to their users, and in particular, related to children and youth users;

- call on social media platforms to establish safe, secure and accessible reporting mechanisms for users and their advocates to report potential policy violations, including special reporting mechanisms adapted to children and persons with disabilities.

Council of Europe

European Convention on Human Rights

The European Convention on Human Rights (ECHR) sets out a range of rights applicable to AI, including the right to be free from inhuman or degrading treatment (Article 3), respect for private and family life (Article 8), freedom of expression (Article 10), prohibition of discrimination (Article 14), and education (Protocol 1, Article 2), which should be fully respected, protected and fulfilled.

Lanzarote Convention

The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) criminalises sexual offences against children, including child sexual abuse material. Ireland ratified the Lanzarote Convention in 2020. The Lanzarote Committee, which is responsible for monitoring the Convention, is made up of States parties to the Convention. Ireland's representative is the Department of Justice's Criminal Justice Policy Unit.[80]

The Lanzarote Committee adopted an Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies (ICTs) in 2017. The Committee states in it that the "existing offences in the Lanzarote Convention remain criminalised by national law in the same way, whatever the means used by sexual offenders to commit them, be it through the use of ICTs or not".

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80   Council of Europe (2024), *Lanzarote Committee List of members.*

In November 2024, the Lanzarote Committee adopted a [Declaration on the protection of children against sexual exploitation and sexual abuse facilitated by emerging technologies](#). The Committee prepared a paper on the threats and opportunities presented by new technologies in advance of the adoption of the Declaration.[81] The Declaration calls on States parties to protect children against sexual exploitation and sexual abuse facilitated by emerging technologies, including AI.

On 19 November 2024, Council of Europe member states issued a [Joint statement on the occasion of the 2024 edition of the Day for the Protection of Children against Sexual Exploitation and Sexual Abuse (18 November)](#). It is supported by 36 Council of Europe member states and the European Union. Ireland is not included among the list of states that supported the statement. Among other things, the statement reiterates that any sexual offence committed against a child and facilitated by emerging technologies falls within the scope of the criminal sphere, whatever the means used.

Framework Convention on AI and Human Rights, Democracy and the Rule of Law

In May 2024, the Council of Europe adopted the [Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law](#), following work over a number of years on developing a human rights framework for AI. It sets out legally binding obligations for states parties that ratify it. Article 1 of the Framework Convention states that it aims to ensure that activities within the lifecycle of AI systems are fully consistent with human rights, democracy and the rule of law. The preamble of the Framework Convention refers to the CRC and Article 18 requires states parties to take due account of any specific needs and vulnerabilities in relation to respect for the rights of persons with disabilities and of children. The explanatory report that accompanies the Framework Convention states that the objective of Article 18 is to guarantee the highest possible level of consideration for any specific needs or vulnerabilities in relation to respect of the rights of children.[82] The explanatory report also notes that, in light of the serious risk that AI technologies could be used to facilitate sexual exploitation and abuse of children, and the specific risks that it poses to children, the drafters of the Framework Convention considered the obligations set out in the Lanzarote Convention, the OPCRCSC and the general comment on children's rights in the digital environment.

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81   Council of Europe, [Protecting children from sexual exploitation and abuse: threats and opportunities of new technologies](#), 5 November 2024.

82   Council of Europe (2024), *[Explanatory Report to the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law](#)*, p. 25.

Policy spotlight on Artificial Intelligence: A Children's Rights Review

Among the obligations set out in the Framework Convention are requirements to adopt or maintain measures to:

- give effect to the provisions set out in the Framework Convention (Article 1(2));
- ensure that the activities within the lifecycle of AI systems are consistent with obligations to protect human rights (Article 4);
- adopt or maintain measures to respect human dignity and individual autonomy (Article 7);
- ensure that adequate transparency and oversight requirements tailored to the specific contexts and risks are in place, including with regard to the identification of content generated by AI systems (Article 8);
- ensure accountability and responsibility for adverse impacts on human rights, democracy and the rule of law (Article 9);
- ensure respect for equality, including gender equality, and the prohibition of discrimination (Article 10);
- ensure privacy rights of individuals and their personal data are protected (Article 11);
- promote the reliability of AI systems and trust in their outputs (Article 12);
- enable the establishment of controlled environments for developing, experimenting and testing AI systems (Article 13);
- ensure availability of accessible and effective remedies for violations of human rights resulting from the activities within the lifecycle of AI systems (Article 14);
- identify, assess, prevent and mitigate risks posed by AI systems (Article 16);
- important questions raised in relation to AI systems are, as appropriate, duly considered through public discussion and multistakeholder consultation in the light of social, economic, legal, ethical, environmental and other relevant implications (Article 19);
- encourage and promote adequate digital literacy and digital skills for all segments of the population, including specific expert skills for those responsible for the identification, assessment, prevention and mitigation of risks posed by AI systems (Article 20). The explanatory report notes that the drafters of the Convention highlighted the particular beneficial effects of literacy and skills programmes for children.

The Framework Convention opened for signature on 5 September and will come into force four months after five states have ratified it. The European Commission has signed the Framework Convention on behalf of the EU. The European Commission has stated that the Convention aligns with the EU AI Act.[83] Ireland was included as part of the EU's signature of the Convention. If Ireland ratifies the Convention, it will be required to report to the Conference of the Parties (a group of representatives of states that ratify the Convention) within 2 years and then on a periodic basis,

83   Delegation of the European Union to the Council of Europe, The European Commission signs historic Council of Europe Framework Convention on Artificial Intelligence and Human Rights, 10 September 2024.

detailing the activities undertaken by public authorities and by private actors in the lifecycle of AI systems. The Department of Enterprise, Trade and Employment represent Ireland on the Council of Europe Committee on AI that was established to negotiate the Convention.[84]

Recommendations and guidance on the digital environment and AI

The Council of Europe has adopted a series of outputs relating to AI between 2017 and 2021, including a declaration on AI's manipulative capabilities,[85] guidelines on data protection and AI,[86] and a number of recommendations and resolutions on technological convergence, AI and human rights,[87] the human rights impacts of algorithmic systems,[88] democratic governance of AI, preventing discrimination, and AI in justice systems.[89] No specific reference is made to children in these documents. However, these resolutions provided the basis for the Framework Convention on AI.

In 2018, the Council of Europe Committee of Ministers (the Council of Europe's main statutory decision-making body comprised of Ministers for Foreign Affairs of Council of Europe Member States) adopted 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. A recommendation is not binding, however it provides a policy framework and guidance that governments can implement at national level. The guidelines are intended to provide assistance to Member States and stakeholders in implementing the rights enshrined in international and European human rights conventions and standards. The Council of Europe also published a Handbook for policy makers on the rights of the child in the digital environment to accompany the recommendation. Though the recommendation does not make any reference to AI, the handbook included a

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84   Council of Europe, Committee on Artificial Intelligence (CAI).

85   Council of Europe (2019), Declaration by the Committee of Ministers on the manipulative capabilities of algorithmic processes.

86   Council of Europe (2019), Guidelines on Artificial Intelligence and Data Protection. Convention 108 is the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data adopted in 1981 by the Council of Europe adopted otherwise known as Convention 108. Ireland ratified the Convention in 1990. See further: Council of Europe, Convention 108 and Protocols. The guidelines note that parties to the Convention, including Ireland, will ensure and enable that AI development and use respect the rights to privacy and data protection.

87   Parliamentary Assembly of the Council of Europe, Technological convergence, artificial intelligence and human rights;

88   Council of Europe (2020), Recommendation CM/Rec(2020)1 of the Committee of Ministers to member States on the human rights impacts of algorithmic systems. The recommendation reaffirms that member states must ensure any design, development and ongoing deployment of algorithmic systems occur in compliance with human rights and fundamental freedoms, with a view to amplifying positive effects and preventing or minimising possible adverse effects.

89   Parliamentary Assembly of the Council of Europe, Need for democratic governance of artificial intelligence Resolution 2341 (2020); Parliamentary Assembly of the Council of Europe, Justice by algorithm – The role of artificial intelligence in policing and criminal justice systems Resolution 2342 (2020); Parliamentary Assembly of the Council of Europe, Preventing discrimination caused by the use of artificial intelligence Resolution 2343 (2020);

chapter on AI and implications for children's rights. The chapter sets out a range of measures that Member States should include in their national legal framework and policies regarding AI and children's rights. The handbook states that the impact of AI on children and their rights should be taken into account at all stages of policy, law and practice in relation to children's rights in the digital environment. These considerations should be mainstreamed. In particular, the handbook emphasises that States should require and encourage businesses to ensure children's rights and wellbeing when developing or using AI technology, and that States should engage with businesses who develop or use AI technologies on children's rights issues and help them fulfil their responsibilities in this regard.

In 2019, the Commissioner for Human Rights published a recommendation Unboxing Artificial Intelligence: 10 steps to protect Human Rights. No substantive reference is made to children apart from the need to take into account risks to the rights of vulnerable groups, including children. In 2023, the Commissioner for Human Rights published a follow-up recommendation, Human rights by design: future-proofing human rights protection in the era of AI, based on a review of challenges faced in protecting and promoting human rights in the use of AI.[90] The report notes that human rights-centred regulation of AI systems is lacking, with countries too often adopting sector-specific approaches to the implementation of human rights standards and focused on a subset of rights only, such as privacy. She observes that countries either fail to recognise the full spectrum of human rights threatened or discuss vague ethical frameworks rather than referring to specific established human rights standards. The report notes that the voice of business is overamplified in the AI context as too little human rights expertise is included in the development of AI strategies, which are usually industry-focused and refer to vague notions of ethics and self-regulations rather than binding human rights obligations. The report also notes a remarkable reluctance at senior policy level to engage comprehensively with the potential human rights harms caused by AI, the lack of effective enforcement of existing legal standards or adequate mechanisms to mitigate threats. It also notes insufficient transparency and information sharing about AI and its potential impact on human rights. It notes a reactive approach taken by public authorities rather than proactive regulation, which would prompt alternative innovation by AI developers. The Commissioner makes a series of recommendations in line with the areas set out in the 2019 recommendation. In preparation of this report, the Commissioner noted that effective, independent national human rights structures play a crucial role in the prevention, mitigation and oversight of the human rights impacts of AI systems.[91] She stated that it is crucial they be involved in all processes related to AI and its regulation, particularly enforcement and supervision of standards at national level.

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90   Council of Europe (2023), *Human rights by design: future-proofing human rights protection in the era of AI*. See also: Commissioner for Human Rights, Ensure human rights in the era of AI and unleash its potential to protect rather than harm, 9 May 2023.

91   Commissioner for Human Rights, National human rights structures play a key role in addressing the impacts of artificial intelligence on human rights, 31 March 2023.

The Council of Europe published a [Declaration on Youth Participation in AI Governance](#) adopted by young people in December 2020. The Declaration highlights the exclusionary nature of the fast-paced development of AI technologies driven by the private sector, the need to develop and ensure legal safeguards, the absence of youth in the emerging AI governance processes, the imperative to respect ethical principles and the need to assess the value of AI technologies on the impact of their consequences and benefits on individuals and society, noting that not all social and economic problems need to be anchored in technological solutions. The Declaration calls on States to safeguard and promote quality and meaningful youth participation in all AI governance processes, support the democratisation of AI as a complementary approach to all AI governance processes, put respect for human rights at the centre of AI policies and foster cross-sectoral and multi-stakeholder cooperation between AI, educational and youth stakeholders.

The [Council of Europe Strategy for the Rights of the Child 2022–2027](#) includes access to and safe use of technologies for all children as a strategic objective and action. Under this area, it notes that one of the challenges faced is that the risks and opportunities posed by the use of AI systems are yet to be analysed. The Strategy commits to analysing the risks posed by and possibilities to benefit from the use of AI technologies.

The Council of Europe published a [Mapping Study on the rights of the child and artificial intelligence: Legal Frameworks that Address AI in the Context of Children's Rights](#) in November 2024. It is based on a survey of Council of Europe member states to which 16 responded – Ireland did not respond. The key findings of the study are that:

- Most member states do not have a legal framework that addresses AI in the context of children's rights;
- Various countries did not believe or were undecided on whether existing frameworks such as the CRC were sufficient in protecting and upholding children's rights in relation to AI systems;
- While incentives and barriers to development were listed by respondents, the recurring comment was that a national legal framework would not be established until the EU AI Act (for those countries who are also EU member states) and the Council of Europe [Framework] AI Convention were made final;
- The survey also indicated that several non-EU member states are also interested in following the lead of the EU AI Act, demonstrating the weight placed on this particular instrument.
- While the survey results did not provide clear consensus on the perceived need to develop national legal frameworks on AI in the context of children's rights, future harmonisation efforts – between national and intergovernmental frameworks – may leave gaps in considerations for AI-based harms in the context of children's rights.

The study recommends:

- the use of child rights impact and risk assessments,
- a child rights-based approach to future legal frameworks for AI systems,
- meaningful engagement with children and young people on these topics, and
- awareness-raising campaigns and educational pathways.

It states that it "is critical to emphasise that the onus of ensuring that online systems are designed in ways that safeguard children's rights should not fall on children and young people but with public authorities and companies."

UNICEF

UNICEF published [Policy guidance on AI for children](#) in 2021, noting that global policy and implementation efforts do not reflect the fact that the rights of children need acute attention in the digital age. The policy guidance, which was developed with experts on AI systems, children and digital rights across the world, and consultations with 250 children, is aimed to complement efforts to promote human-centric AI by introducing a child rights lens.

UNICEF noted that children interact and/or are impacted by AI systems not designed for them. UNICEF notes that AI strategies do not deal comprehensively with human rights obligations and even less so with children and their rights. They note that there is little acknowledgement in national policies of how AI affects children and any references to children's rights tend to be limited to education, health and privacy, if at all. UNICEF states that children "have unique physical and psychological attributes that require special attention in the application of AI systems that increasingly shape the information and services children receive and the opportunities they are afforded. It is crucial to recognize that their development and education will further be mediated and filtered by AI, and they will have an increasingly high level of exposure to AI systems over the course of their lives. National AI strategies, corporate codes of conduct and the implementation of AI systems must reflect the needs and potential of at least one-third of online users: children".

In this guidance, UNICEF states that AI policies and systems should aim to:

1. Protect children;
2. Provide equitably for their needs and rights; and
3. Empower them to participate in an AI world by contributing to the development and use of AI.

UNICEF sets out nine requirements for child-centred AI, each of which has a series of recommendations to guide governments and the business sector:

1. Support children's development and well-being
2. Ensure inclusion of and for children

3. Prioritize fairness and non-discrimination for children

4. Protect children's data and privacy

5. Ensure safety for children

6. Provide transparency, explainability, and accountability for children

7. Empower governments and businesses with knowledge of AI and children's rights

8. Prepare children for present and future developments in AI

9. Create an enabling environment

UNICEF also makes cross-cutting recommendations:

- Apply requirements whenever AI systems interact with or impact children, regardless of whether the system was designed for or targeted at children.

- Develop and deploy AI systems in a way that simultaneously upholds children's collective rights to protection, provision and participation.

- Foster a multi-stakeholder approach both in government and in business.

- Adapt to the national or local context.

To support implementation, UNICEF has produced an operationalisation roadmap for policymakers, a development canvas for AI software teams and two guides for parents and for teens.

UNESCO

UNESCO has conducted research and produced guidance on AI in education.[92] In 2021, UNESCO adopted a Recommendation on the Ethics of Artificial Intelligence. Though it is voluntary, it recommends that member states apply the provisions of the Recommendation and engage with all stakeholders including business enterprises to apply the Recommendation. The Recommendation sets out values and principles as well as areas of policy action. The values include respect, protection and promotion of human rights. Its recommendations to member states about children include:

- inclusive approaches to AI governance necessitate participation of different stakeholders throughout the AI system life cycle, including groups for youth and children;

- promote awareness programmes about AI, including on the impact of AI systems on human rights, including children's rights;

- regulate the development and deployment of AI systems related to health, paying due attention to children and youth, to ensure that they are safe, effective, efficient, scientifically and medically proven and evidence-based;

- develop guidelines for human-robot interactions and their impact on human-human relationships, with particular attention to the use of robots in health

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92   UNESCO (2021), *AI and education: guidance for policy-makers*; UNESCO, Artificial intelligence in education.

care, education, for use by children, toy robots, chatbots and companion robots for children;

- implement policies to raise awareness about the anthropomorphisation[93] of AI technologies and technologies that recognise and mimic human emotions and assess the manifestations, ethical implications and possible limitations of such anthropomorphisation, especially when children are involved;
- encourage and promote collaborative research into the effects of long-term interaction of people with AI systems, paying particular attention to the psychological and cognitive impact that these systems can have on children and young people;
- put in place mechanisms to meaningfully engage children and young people in conversations, debates and decision-making with regard to the impact of AI systems on their lives and futures.

OECD

In 2019, the OECD adopted the Recommendation of the Council on Artificial Intelligence. It is the first intergovernmental standard agreed on AI. The recommendation was revised in 2024 to reflect new developments. The recommendation sets out five high-level principles for responsible stewardship of trustworthy AI, including respect for human rights, and five recommendations for national policies and international cooperation. No reference is made to children. Ireland is an adherent to the Recommendation.

In 2021, the OECD adopted a Recommendation of the Council on Children in the Digital Environment. Ireland is an adherent to the Recommendation. Though no reference is made to AI, the recommendations set out a number of actions to be taken in five areas for a safe and beneficial digital environment for children:

- Demonstrate leadership and commitment taking into account the best interests of the child in the digital environment;
- Review, develop, and amend as appropriate, laws that directly or indirectly affect children in the digital environment;
- Promote digital literacy as an essential tool for meeting the needs of children in the digital environment
- Adopt evidence-based policies to support children in the digital environment;
- Promote the adoption of measures that provide for age-appropriate child safety by design.

In 2024, the OECD paper Shaping a rights-oriented digital transformation states that an approach grounded in human rights, including children's rights, is necessary to help shape digital policies, including on AI, that put people at the centre and states that human rights should be embedded in digital technologies across their lifecycle.

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93   The attribution of human traits, emotions, or intentions to non-human entities.

Other international initiatives

In 2018, Amnesty International and Access Now, a digital rights group, published The Toronto Declaration. Its aim is to show the importance and relevance of existing human rights laws, standards and principles on the development and use of machine learning systems. It focuses particularly on the rights to equality and non-discrimination and sets out the duties of States and private sector actors. No specific reference is made to children.

Scotland's first Artificial Intelligence Strategy: Trustworthy, Ethical and Inclusive adopted in 2021 recognises the specific challenges and opportunities presented by AI for children. In this regard, it adopts UNICEF's policy guidance on AI for children and commits to considering the guidance in its work.

Portugal adopted the Portuguese Charter of Human Rights in the Digital Age in 2021. It includes provisions on the rights of children and on the use of AI. It states that the use of AI must be guided by respect for fundamental rights and that children have a right to special protection and care in cyberspace.

China adopted Regulations on the Protection of Minors in Cyberspace that came into effect on 1 January 2024. The regulations require service providers to take actions that include regular child impact assessments, a designated area for children and a prohibition on automated decision-making in commercial marketing to children and on addictive products or services.

The World Economic Forum published an AI for Children Toolkit in 2022, which is designed to help companies develop trustworthy AI for children and help parents and children responsibly buy and safely use AI products. It references children's rights under the CRC and sets out five areas of action critical to putting children first: Fair, Inclusive, Responsible, Safe and Transparent.

The Digital Futures for Children centre run by the London School of Economics and 5Rights Foundation has carried out work on the area of AI. Included among its work is recommendations for a child rights-centred approach to AI use in education.[94] The 5Rights Foundation published a Children and AI Design Code in 2025. It aims to ensure that decisions on how and on what basis AI is adopted into public and private life considers children's needs from the outsets and by design. It seeks to address the concerns that there is no clear framework for a child rights approach to AI by operationalising the various international frameworks relevant to children and working them into an implementable process. It sets out a checklist of key actions and guidance at each stage of the lifecycle of an AI system for those who are designing, adapting or deploying an AI system that impacts on children. The Code states that it is compatible with the CRC, EU AI Act and the Framework Convention.

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94   Digital Futures for Children (2024), *Response to the Call for Contributions: Artificial intelligence in education and its human rights-based use at the service of the advancement of the right to education by the UN's Special Rapporteur on the right to education*.

6. European Union law and policy

Key takeaways

- Article 24 of the EU Charter of Fundamental Rights requires Member States to comply with children's rights when implementing EU law.

- The new EU AI Act adopted in 2024 refers to children's rights under Article 24 of the EU Charter of Fundamental Rights, the CRC, and the general comment on children rights in the digital environment. It requires EU Member States, developers and users of AI systems to take measures depending on the level of risk posed by the AI system.

- The EU Audiovisual Media Services Directive sets out obligations for video-sharing platform services in regulating harmful content, which may include AI-generated content.

- The EU Digital Services Act sets out obligations for online service providers, including high privacy, safety and security standards for children. It obliges providers to take measures concerning recommender systems, including transparency, risk assessments and providing algorithmic options for users that are not based on profiling.

- The EU General Data Protection Regulation must also be applied and enforced in relation to AI systems. The Data Protection Commission's Fundamentals for a child-oriented approach to data processing should be used by all organisations when developing and using AI systems in Ireland.

EU Charter of Fundamental Rights

Article 24 of the Charter of Fundamental Rights of the European Union states that:

- Children shall have the right to such protection and care as is necessary for their well-being.
- They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.
- In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.
- Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.

EU Member States are required to comply with the Charter when implementing EU law, including the measures on online content and AI discussed below.

Audiovisual Media Services Directive

The EU Audiovisual Media Services (AVMS) Directive was adopted in 2018 and regulates harmful content and content that could affect a child's physical, mental or moral development in addition to incitement to violence, hate speech and public provocation to commit a terrorist offence. The AVMS Directive does not explicitly mention AI but harmful online content can include AI-generated content.

Digital Services Act

The EU Digital Services Act (DSA) was adopted in November 2022 and fully applied to EU Member States from February 2024. The aim of the DSA is to contribute to the proper functioning of the internal market for intermediary services by setting out harmonised rules for a safe, predictable and trusted online environment. It includes provisions for how service providers handle illegal content. The DSA's preamble notes that the protection of children is an important EU policy objective.

The DSA sets out obligations applicable to intermediary services, hosting services, online platforms and very large online platforms (VLOPs) and very large online search engines (VLOSEs) (which have 45 million users or more). While the DSC will have authority over smaller scale ISPs, the European Commission will have enforcement powers over any ISP designated as VLOPs and VLOSEs.

The obligations set out in the DSA differ according to the type of service provider. The measures that service providers must take vary from setting out terms and conditions on the restrictions on the type of information shared, making information available on content moderation, user reporting of illegal content, trusted flaggers, restricting illegal content, and internal complaints processes. IN respect of children specifically, service providers are required to ensure a high level of privacy, safety and security on their service and to refrain from using advertisements based on profiling of child users. VLOPs and VLOSEs have further obligations relating to conducting risk assessments and putting in place mitigating measures.

The DSA does not explicitly reference AI but it includes provisions on recommender systems. The DSA requires service providers to set out information on their recommender systems in their terms and conditions. The DSA states that "online platforms should consistently ensure that recipients of their service are appropriately informed about how recommender systems impact the way information is displayed, and can influence how information is presented to them. They should clearly present the parameters for such recommender systems in an easily comprehensible manner to ensure that the recipients of the service understand how information is prioritised for them." The DSA also requires VLOPs and VLOSEs to consider how the design of recommender systems contribute to systemic risks, when conducting

risk assessments, and test and adapt recommender systems when putting in place mitigation measures to address systemic risks identified. VLOPs and VLOSEs that use recommender systems are also required to provide users with at least one option for users on the platform/search engine that is not based on profiling.

On 14 July 2025, the Commission published Guidelines on measures to ensure a high level of privacy, safety and security for minors online under the DSA. It highlights that the integration of AI into platforms exacerbates existing risks and poses new risks to children. The guidelines are based on the principles of proportionality and appropriateness, children's rights, privacy-, safety- and security-by-design, and age-appropriate design. The guidance outlines measures that providers should take in line with these principles, including risk reviews that includes children's rights, age assurance, application of the highest level of privacy, safety and security by design and default to all account settings for children, allowing children take control of their online experience, effective, visible, child-friendly and easily accessible user reporting, feedback and complaint tools and support tools for children and guardians, among other measures. As regards AI, it sets out the following measures:

- If AI features are integrated into an online platform, they must not be activated automatically and children should not be encouraged or enticed to use them. They should be easy to turn off and it should be clear when they are not. Such systems must be in line with their evolving capacities and designed in a way that is safe for them. AI features should not be available unless an assessment of the risks they pose to children's privacy, safety and security is conducted.

- Providers should warn children in an easily visible, child-friendly, directly accessible way that interactions with an AI feature differs from human interactions and such features can provide information that is factually inaccurate and misleading. Children and parents should have an opt-out option for using AI chatbots.

- Ai systems should not influence or nudge children for commercial purposes.

- Testing and adaptation of the design and functioning of recommender systems for children, including consideration of children's rights and views. Recommender systems should not rely on the collection of behavioural data. Providers should prevent exposure to content recommendations that pose a risk to their safety and security, including relating to mental health, body image, discrimination, radicalisation or violence.

- Children should have the opportunity to reset their recommended feeds and options to modify or influence the recommender system parameters, should be prompted to search for new content after a certain amount of time, and be offered a recommender system not based on profiling as a default setting.

- Providers should explore emerging technical solutions such as AI to detect new or altered content that is harmful to children.

- AI systems should include safeguards to detect and prevent users to access, generate and disseminate harmful content.

General Data Protection Regulation

Research notes that "the rollout of GenAI simply supercharges existing challenges that have arisen from the ways that the broader big tech companies operate, including their disregard for personal privacy and thirst for young people's data", with "the business of AI... the business of collecting as much data as possible".[95] It notes that existing rules prohibiting social media platforms from collecting data of children under a certain age, for example, have not been applied to AI in the same way.

The use by AI of large amounts of personal data brings it within the scope of the General Data Protection Regulation (GDPR) and Irish data protection laws. The Data Protection Commission (DPC)'s Fundamentals for a child-oriented approach to data processing should be used by all organisations when developing and using AI systems.

The GDPR adopted in 2016 gives special attention to the protection of children's personal data, stating that children "merit specific protection with regard to their personal data as they may be less aware of the risks, consequences and safeguards concerned and their rights in relation to the processing of personal data." It requires specific attention to be given particularly to the use of children's personal data for marketing, creating personality or user profiles, or collecting children's personal data when using services directed to children.

The GDPR requires data controllers to process personal data in line with general principles set out in Article 5 of the GDPR, including lawfulness, fairness, transparency, purpose limitation, data minimisation, accuracy, storage limitation, integrity, confidentiality, and accountability.

- Lawful basis for processing personal data

Article 6 GDPR sets out the grounds for lawful processing of personal data.

The most commonly used basis for processing personal data is legitimate interest. However, there are exceptions to this, where fundamental rights override the legitimate interests involved, particularly the rights of children. The European Data Protection Board (EDPB) adopted Opinion 28/2024 on certain data protection aspects related to the processing of personal data in the context of AI models in December 2024 in response to a request by the DPC and addresses how the legitimate interests ground should be applied in the context of AI.

Article 8 of the GDPR provides that, where data controllers rely on consent as their lawful basis for processing data, the processing of personal data of children aged 16 and over is lawful. However, they must obtain the consent of parents before processing the data of a child under 16. Member States may set their own age of consent; the age of digital consent in Ireland is 16.

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95   T. Leaver and S. Srdrarov (2025), Generative AI and children's digital futures: New research challenges, *Journal of Children and Media*.

- Special category data

Article 9 prohibits the processing of 'special category' data, such as racial or ethnic origin, political opinions, religious or philosophical beliefs, sexual orientation, biometric data, health data. It may be permitted where the data processor gets explicit consent from the data subject for their data to be processed for specified purposes.

- Automated decision-making including profiling

Article 22 of the GDPR provides that data subjects have the right not to be subject to decisions based on automated processing, including profiling, of their personal data, which have a legal effect on children or impacts their fundamental rights. This could include automated decisions that influence a child's choices or behaviours.[96] This right is subject to certain exceptions, such as where a data subject consent, for the purpose of fulfilling a contract, or where it is authorised by law that safeguards data subject rights. The European Data Protection Board (EDPB) states that organisations should refrain from profiling children for marketing purposes.[97]

- Data protection impact assessment

Article 35 of the GDPR requires data controllers to conduct a data protection impact assessment prior to processing data where the processing is likely to result in a high risk to rights and freedoms.

AI Act and AI policy

In 2018, the European Commission published a Communication on Artificial Intelligence for Europe. The Communication set out a European initiative on AI, which aims to: boost EU technological and industrial capacity and AI uptake across the economy; prepare for socio-economic changes brought about by AI; and ensure an appropriate ethical and legal framework based on EU values and the Charter of Fundamental Rights of the EU. No mention is made of children. Successive European Commission plans on AI coordinated with EU Member State published in 2018 and 2021 also make no mention of children.

In April 2019, the High-Level Expert Group on AI set up by the European Commission published Ethics Guidelines for Trustworthy AI. The guidelines set out 7 key requirements to be deemed trustworthy: human agency and oversight; technical robustness and safety; privacy and data governance; transparency; diversity, non-discrimination and fairness; societal and environmental well-being; and accountability. In 2020, the Expert Group published an Assessment List for Trustworthy AI that translates the guidelines into a checklist for developers and deployers of AI to use. It includes questions to encourage reflection to provoke action

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96   European Commission (2018), *Guidelines on Automated individual decision-making and Profiling for the purposes of Regulation 2016/679.*

97   Ibid.

and raises awareness of the potential impact of AI on society, including particular children. It states that prior to assessing an AI system with the assessment list, a fundamental rights impact assessment should be performed, which could include questions relating to the rights of the child. The suggested questions asked include whether the AI system respects the rights of the child, for example with respect to child protection and taking the child's best interests into account, whether a process has been put in place to address and rectify potential harm to children by the AI system, and whether a process has been put in place to test and monitor for potential harm to children during the development, deployment and use phases of the AI system.

The EU strategy on the rights of the child 2021-2024 includes the digital and information society as one of six themed areas for targeted actions by the EU, Member States and ICT companies. Within this area, it states that EU legal framework for AI will identify the use of high-risk AI systems that pose significant risks to fundamental rights, including of children. The EU's Digital Education Action Plan 2021-2027 Resetting education and training for the digital age states that everyone should acquire a basic understanding of new and emerging technologies including AI, stronger representation and participation of young people in AI research and the AI industry should be encouraged, and that education and training institutions need to be aware of the opportunities and challenges created by AI. the European Commission will develop ethical guidelines on AI and data usage in teaching and learning for educators and support related research and innovation activities through Horizon Europe, which will build on the Ethics Guidelines for Trustworthy AI, and will be accompanied by a training programme for researchers and students on the ethical aspects of AI.

In June 2024, the EU adopted the AI Act, after first being proposed in 2019 by the European Commission President. It is the first legal framework on AI in the world. As it is a regulation, it is directly applicable at a national level. Among its aims are to lay down a uniform legal framework for the development, placing on the market, putting into service, and use, of AI systems in the EU, promote the uptake of human centric and trustworthy AI, while ensuring a high level of protection of fundamental rights, protecting against harmful effects and supporting innovation. The obligations in the EU AI Act depend on the level of risk posed by the AI system being used: minimal risk; limited risk; high risk; and unacceptable risk. Minimal risk systems are free to use in line with existing laws without additional legal obligations, including AI-enabled video games or spam filters. The European Commission notes that the vast majority of AI systems currently used in the EU fall into this category.

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- Limited risk systems cover those such as systems that interact directly with natural persons, that generate audio, image, video or text content, deepfake content, etc., and that pose a clear risk of manipulation. The Act sets out obligations to ensure that such AI-generated content is identifiable and that, when people use AI systems, such as chatbots, they are made aware that they are interacting with a machine.
- High-risk AI systems include AI that could have an adverse impact on safety or fundamental rights in the areas of critical infrastructure, educational or vocational training, employment/workers management, safety components of products, essential private and public services, law enforcement, migration, asylum and border control management, administration of justice and democratic processes. These are subject to strict obligations before being put on the market and deployers have a number of obligations when considering using high-risk AI systems, including conducting rights impact assessments before deployment.
- Unacceptable risks relate to harmful uses of AI that would violate fundamental rights. AI systems that pose these unacceptable risks are prohibited. This includes systems of social scoring by government, biometric categorisation of people to deduce protected characteristics, individual predictive policing based solely on profiling, etc.

It also regulates general-purpose AI models, which encompass LLMs such as ChatGPT. National authorities will be responsible for overseeing and enforcing rules for AI systems under the Act, while the EU level is responsible for governing general-purpose AI models.

The Act refers to children's rights under Article 24 of the EU Charter of Fundamental Rights, the CRC, and the general comment on children rights in the digital environment.

It entered into force on 1 August 2024 and will apply from August 2026, with the exception of provisions prohibiting AI systems that pose unacceptable risks and AI literacy, which entered into force in February 2025, and provisions on general-purpose AI models that entered into force on 2 August 2025.

On 4 February 2025, the Commission published [Guidelines on prohibited artificial intelligence practices established by Regulation (EU) 2024/1689 (AI Act)](#) to ensure the consistent, effective and uniform application of the Act across the EU. The guidance looks at each of the prohibited harmful manipulative, deceptive or exploitative AI-enabled practices and gives examples of each. The guidance gives examples of AI systems that do not exploit the vulnerabilities of children but that aim to benefit them when properly designed.

The European Commission published the voluntary [General-Purpose AI Code of Practice](#) on 10 July 2025 to help industry comply with the AI Act obligations on safety, transparency and copyright for providers of general-purpose AI models. Though

fundamental rights are referenced, children are mentioned only once, in relation to child sexual abuse material. The Commission also published [Guidelines on the scope of the obligations for general-purpose AI models established by AI Act](#).

Child Sexual Abuse Directive

The [Directive on combating the sexual abuse and sexual exploitation of children and child pornography](#) (Child Sexual Abuse Directive) adopted in 2011 was the first EU legal instrument establishing minimum rules for the criminalisation of sexual abuse and exploitation and child sexual abuse material offline and online.

The Commission committed to presenting a legislative proposal to tackle child sexual abuse online in the [EU strategy for a more effective fight against child sexual abuse](#) in 2020 and the [EU strategy on the rights of the child](#) in 2021. In 2022, the Commission published a [Proposal for a regulation laying down rules to prevent and combat child sexual abuse](#). It aimed to establish a clear harmonised framework of responsibilities for providers to assess and mitigate risks and detect, report and remove abuse on their services, to improve detection investigation and prosecution of offences under the Child Sexual Abuse Directive. As of August 2025, the regulation is yet to be adopted.

In 2021, the EU adopted a [Regulation](#) that temporarily provides a legal basis in EU law for providers of interpersonal communication services to voluntarily use technologies to process data to detect, report and remove child sexual abuse on their services. The Regulation derogates from an EU Directive adopted in 2002 that set out down rules on privacy and confidentiality in electronic communications. It is a temporary measure to give the EU time to adopt a new longer-term legal framework. The Regulation initially applied until August 2024, but the EU extended its application to April 2026 by adopting a subsequent [Regulation](#) in 2024.

In 2024, the Commission published a [Proposal for a Directive on combating the sexual abuse and sexual exploitation of children and child sexual](#) to replace the Child Sexual Abuse Directive. Among the changes it proposes are an amended definition of CSAM to cover technological developments in a technology-neutral future-proof way. As of August 2025, the directive is yet to be adopted.

7. National standards, guidance and AI initiatives

Key takeaways

- Children and their rights are almost entirely absent from current Government policies, law and governance structures, with very little attention explicitly given to safeguarding the rights of children.

- Children and their rights must be prioritised in national AI regulation, policies and research.

- Existing laws, alongside the AI, must be robustly enforced against companies that develop and use AI. This includes law on data protection and child sexual abuse material.

- Ireland's National Strategy on AI focuses on economic competitiveness and does not reflect a unified, government-wide approach. Children are referenced on only two occasions in the National Strategy on AI: once in relation to teaching children the skills to engage with AI and the second in connection with opening a conversation with children about AI.

- There are no structures that allow regular, meaningful opportunities for children to participate in AI processes and governance.

- Clear and consistent guidance is needed on child rights-centred actions that can be taken across law, policy and practice.

National legislation
Legislation on AI

There is no national legislation that specifically regulates AI or AI-generated content.

However, as part of the EU, Ireland will have to implement the EU AI Act. As the EU AI Act is an EU Regulation, it has direct effect i.e. typically no legislative measures are required at a national level to 'transpose' the EU law into domestic law, however there may be certain measures required to ensure aspects of the EU AI Act can be implemented at a national level. The Department for Enterprise, Trade and Employment welcomed the adoption of the EU AI Act and opened a consultation on the national implementation of the EU AI Act in May 2024.[98] The Department will lead national implementation of the EU AI Act and noted that it was assessing the possible approaches to national implementation in conjunction with other government departments and public bodies.

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98   Department of Enterprise, Trade and Employment, [Ministers welcome adoption of EU Artificial Intelligence (AI) Act) - public consultation launched on implementation](#), 21 May 2024.

In January 2024, the Government announced that it had approved guidance on the use of AI in the Public Service.[99] A cross-Department Working Group on Trustworthy AI in the Public Service has published Interim Guidelines for Use of AI in the Public Service in preparing for the EU AI Act, which set out seven key requirements drawn from the European Commission Ethical Guidelines for Trustworthy AI. The Interim Guidelines reference the impact on human rights and wellbeing, however no reference is made specifically to the rights of children, despite the fact that the EU's assessment list that accompanies the EU ethical guidelines include reference to fundamental rights impact assessments and children's rights.

Legislation on harmful online content

Legislation is already in place in Ireland that addresses content that could include AI-generated content.

- Online Safety and Media Regulation Act 2022 and online safety code

The Online Safety and Media Regulation Act 2022 does not specifically reference AI. Ireland's first Online Safety Code and Online Safety Guidance Materials adopted by Coimisiún na Meán on 21 October 2024, which apply to designated video-sharing platform services (VSPS) providers under the jurisdiction of the State, also do not reference AI. However, Coimisiún na Meán notes that AI–generated harmful and illegal content will come under the scope of regulation under its online safety code, the Digital Services Act, and other regulations, and should be addressed by online providers in line with those rules.[100]

An issue that came up in relation to the online safety code related to recommender systems. Coimisiún na Meán's call for inputs included recommender algorithms among a series of potential additional measures that may be included in the code.[101] Coimisiún na Meán's report on the consultation on its online safety code notes that the majority of non-industry stakeholders agreed on a general concern that recommender algorithms can pose several potential risks for children.[102] The National Parents Council, Irish Safer Internet Centre, Irish Council for Civil Liberties, Eurochild, 5Rights Foundation, Children's Rights Alliance, SpunOut, Samaritans Ireland, DCEDIY, RCNI, Safe Ireland, are all cited as having raised the issue of recommender systems. The Department of Health as well as the Irish Traveller Movement was noted as expressing its support for VSPS providers being required to ensure their recommender systems do not result in feeds of content which in aggregate cause harm. The HSE National Office for Suicide Prevention were also noted as saying

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99   Department of Public Expenditure, NDP Delivery and Reform, Government commits to using trustworthy AI in the Public Service, 9 January 2024.

100   Coimisiún na Meán, Opening Statement from Niamh Hodnett, Online Safety Commissioner at Coimisiún na Meán, 20 February 2024.

101   Coimisiún na Meán (2023), Call For Inputs: Online Safety - Developing Ireland's First Binding Online Safety Code for Video-Sharing Platform Services, p. 23.

102   Coimisiún na Meán (2023), Summary of Submissions to Call for Inputs - "Developing Ireland's First Binding Online Safety Code for Video-Sharing Platform Services".

that algorithms should be designed to minimise or eliminate recurrence and further recommendations of harmful content, with the design based on principles of harm reduction and recovery. Ireland's first online safety code fails to include provisions relating to recommender systems.

The Coimisiún na Meán published the draft code in December 2023. It stated that it did not intend to include additional measures relating to recommender systems in the first code, but that may form the basis of further updates to the code.[103] More than 60 organisations in Ireland wrote to Coimisiún na Meán to highlight the need for more robust measures in the code to address harm caused by recommender system algorithms.[104] They called for recommender algorithms based on profiling to be turned off by default and for algorithms that engage with special category data such as political views, sexuality, religion, ethnicity or health should have these aspects turned off by default.

The final code contains no measures to address recommender algorithms. In a Q&A on the final code, Coimisiún na Meán noted that it "will be best able to tackle the potential dangers of recommender systems through our implementation of the Digital Services Act."[105] It is not clear whether Coimisiún na Meán continues to intend to include recommender systems in a future code or not, based on this statement.

ICCL expressed its disappointment that the final code draft published in May 2024 did not include recommender systems.[106] The Children's Rights Alliance states that the complete absence of requirements relating to algorithms is concerning.[107] It states that including recommender algorithms in the code would ensure greater user protection by default, align with strong public and international support and enhance the effectiveness of the DSA. It recommends that recommender systems and algorithmic profiling be disabled by default for child users.

The Oireachtas Joint Committee on Children, Equality, Disability, Integration and Youth recommended in its final report on safeguarding children in AI in October 2024 that recommender systems should be legally required to be turned off by default for young people and that Coimisiún na Meán establishes this as a legal requirement for platforms.[108] It states that, "If the Coimisiún lacks the powers to do so, then this should be rectified as a matter of urgency. If there is an issue of legislative unclarity

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103 Coimisiún na Meán (2023), _Consultation Document: Online Safety_, pp. 26-28.

104 ICCL (2024), _Joint submission on the draft Online Safety Code Submitted to Coimisiún na Meán by more than sixty civil society organisations_.

105 Coimisiún na Meán (2024), _Revised Online Safety Code Q&A – 27 May 2024_.

106 ICCL, _ICCL disappointed at removal of recommender system measures from Online Safety Code_, 27 May 2024.

107 Children's Rights Alliance (2025), _Online Safety Monitor: Safeguarding Children's Rights Online_.

108 Oireachtas Joint Committee on Children, Equality, Disability, Integration and Youth (2024), _Report on Safeguarding children in the age of AI_.

in the Digital Services Act or elsewhere preventing the Coimisiún from taking this measure, then the legislation should be amended."[109]

- Digital Services Act

Ireland enacted the Digital Services Act 2024, to give further effect to the EU DSA at national level. The legislation implements the part of the EU DSA that concern the supervision and enforcement of the EU DSA provisions. It designates Coimisiún na Meán as Irelands Digital Services Coordinator, while the Competition and Consumer Protection Commission (CCPC) is a competent authority for provisions related to online marketplaces.

Legislation on child sexual abuse material (CSAM) and other AI-generated content

The Child Trafficking and Pornography Act 1998, as amended, criminalises the sexual exploitation of children and the production, dissemination and handling or possession of child pornography. Hotline.ie notes that the definition of 'child pornography' in section 2 of the 1998 Act includes child sexual abuse images that are artificially or digitally created.[110]

Hotline.ie is the Irish national centre of expertise combatting illegal content online. Hotline.ie actions all information that potentially constitutes child pornography under Irish law and notifies each confirmed case to An Garda Síochána. As the OCO has previously recommended,[111] and as Hotline.ie and other organisations do, the terms 'child sexual abuse material' (CSAM) or 'child sexual abuse imagery' (CSAI) should be used, rather than 'child pornography', which tends to be used in legal definitions. CSAM more accurately reflects the grave nature of the content, it challenges the notion that such acts may be carried out pursuant to the child's consent, and prevents desensitisation of the public to the physical and psychological harm suffered by the child.

Hotline.ie noted in its annual report in 2018 that technological advances allow for the creation/production of computer-generated images that are almost indistinguishable from images of real children, or that are (most commonly) a manipulation of an image of a real child into a cartoon or drawing format.[112] In its 2021 annual report, Hotline.ie reported that 9% of the reports assessed as online CSAM displayed computer-generated or drawn content depicting gross child sexual abuse.[113] Hotline.ie noted that reports of this kind have steadily increased over the previous five years, with 2021 an all-time high and that this was a concerning trend. In its 2022 annual report,

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109   Ibid., p. 24.

110   Hotline.ie (2023), *Annual Report 2022*, p. 14.

111   Ombudsman for Children's Office (2015), *Advice of the Ombudsman for Children on the General Scheme of the Criminal Law (Sexual Offences) Bill 2014*.

112   Hotline.ie (2019), *Hotline.ie Annual Report 2018*.

113   Hotline.ie (2022), *Annual Report 2021*, p. 15.

Hotline.ie reported as a notable trend the significant rise in computer-generated CSAM, with 37% of the CSAM reports seen comprising, or containing elements, of this material.[114] This includes material depicting children engaged in explicit sexual activity created using digital art tools, ranging from hand-drawn style 'cartoons' to AI-generated imagery featuring photorealistic children. It also includes material that has being digitally altered in some manner, such as face swapping or clothes removal through a nudify app. It states that computer-generated CSAM was found to be more severe and depict very young child-like renditions. Hotline.ie noted that, as the material is computer generated, "there is virtually no limit to the scenarios that can be depicted." Hotline.ie reported that in 2022, CSAM distribution was traced to 44 different countries; the greatest number of countries to which CSAM was traced on record. There were 31 reports of CSAM traced to Ireland in 2022, the highest on record, two thirds of which was computer-generated CSAM. In its annual report for 2023, Hotline.ie noted that one in ten reports of CSAM contained this type of material, though there was a decrease of 44% on 2022.[115] Hotline.ie noted that the imagery is becoming more realistic and nearly impossible to distinguish from real imagery. It stated that the use of AI to aid in digitally editing photos and in the generation of images is of real concern.

The Harassment, Harmful Communications and Related Offences Act 2020 (Coco's Law) criminalises the non-consensual recording, distribution or publication of intimate images or videos (known as 'intimate image abuse'). An intimate image is defined in section 1 as any visual representation made by any means. Though Hotline. ie notes that digitally altered images can classify as an intimate image under the 2020 Act,[116] CyberSafeKids note that the 2020 Act does not appear to clearly extend to the criminalisation of images that are *generated* without consent.[117]

National policy

In July 2021, the Department of Enterprise, Trade and Employment published AI – Here for Good: National Artificial Intelligence Strategy for Ireland.[118] The Strategy is stated to be a key deliverable of the National Economic Recovery Plan published in 2021, which committed to driving AI adoption across the enterprise base as part of a new AI Strategy. As such, the Strategy is framed in the context of looking at the opportunities AI presents to build back to a stronger, fairer and more resilient society and economy. The Department stated that the Strategy would "serve as a roadmap for how Ireland can leverage the potential of AI for unlocking productivity, for addressing societal challenges, and for delivering public services. It envisions

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114   Hotline.ie (2023), *Annual Report 2022*, p. 14.

115   Hotline.ie (2024), *Annual Report 2023*, p. 14.

116   Hotline.ie (2023), *Annual Report 2022*, p. 23.

117   CyberSafeKids (2024), *Presentation to the Committee on Children, Equality, Disability, Integration and Youth on the topic of "Engagement on the protection of children in the use of Artificial Intelligence"*.

118   Department of Enterprise, Trade and Employment, *Taoiseach and Minister Troy launch Government Roadmap for AI in Ireland*, 8 July 2021.

a future for Ireland as an international leader in using AI to the benefit of business, public services, and – most importantly – for people, through a people-centered, ethical approach to AI development, adoption and use." The Strategy states that it is underpinned by Ireland's engagement in international AI policy and governance processes at EU, UN and OECD level.

The Strategy considers AI from 3 perspectives: building public trust in AI; leveraging AI for economic and societal benefit; and enablers for AI.

As regards regulation and human rights, the Strategy states that:

- the Government aims through the Strategy to ensure a responsible, rights-respecting and inclusive approach to developing, applying and adopting AI;

- human rights and ethical principles are a key focus of the Strategy;

- much of Ireland's existing legal framework should be sufficient to provide for smooth deployment of AI, however some gaps may require additional regulation, for which work is ongoing across Government;

- Ireland is playing an active part in shaping work to develop the EU regulatory framework, to develop a framework that ensures the protection of fundamental rights, while fostering innovation and benefiting from the opportunities presented by AI;

- AI must protect human rights;

- Impact assessments are an important tool to identify and mitigate any potential risks of adverse impacts of AI;

- Use of AI in the public service must be actively informed by an assessment of potential human rights and equality implications and should be carefully managed in accordance with privacy and broader ethical and legal frameworks.

Though the Strategy acknowledges that children will be most impacted by AI, children are referenced on two occasions in the Strategy: once in relation to teaching children the skills to engage with AI in the context of promoting digital skills in the education curriculum;[119] and the second occasion in connection with opening a conversation with children about AI in the context of the objective to build strong public trust in AI as a force for societal good.[120]

The Department of Enterprise, Trade and Employment published a refresh of Ireland's National AI Strategy on 6 November 2024 to take "account of the significant developments in AI technology and regulation since the original strategy was published in 2021."[121] The refresh strategy does not make any reference to children. Actions highlighted by the Department include ensuring Ireland is a leader in the

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119   Government of Ireland (2021), *AI - Here for Good: A National Artificial Intelligence Strategy for Ireland*, p. 55.

120   Ibid., p. 6.

121   Department of Enterprise, Trade and Employment, National AI Strategy Refresh 2024, 6 November 2024.

effective implementation of the EU AI Act, commissioning a study of the impacts of AI on the economy and measures to encourage use and innovation of AI.

The observations made by UNICEF in its examination of national AI policies around the world can be applied to Ireland's national AI strategy, including that:

- relatively little is said about how AI is currently impacting children – as opposed to society overall – or how it is likely to affect them in the future;
- very little attention is explicitly given to safeguarding the rights of children;
- there is some engagement with preparing children to live in an AI world and develop AI literacy skills;
- when children are specifically addressed, it is in the context of education or the future workforce. In these cases, emphasis is placed on the importance of preparing children to work in an AI-centric economy, with the assumption that the benefits of AI will be available to all children and adults, which is not the case.

The same can be said for other government policies that refer to AI:

- In June 2022, the Expert Group on Future Skills Needs published a report on the skills needed for deployment, management and regulation of AI.[122] No reference is made to skills needed to ensure a human rights based approach. The report refers briefly to children needing to have broad digital skills and digital literacy, within which an understanding of AI can be built.
- The Government's Digital Ireland Framework adopted in 2022 refers to AI but primarily from the perspective of business use of AI and upskilling.[123] It references AI as a digital technology that offers huge potential for business. The Framework refers generally to Ireland pursuing an ethical and rights-based approach to digitalisation. It refers briefly to global frameworks on AI, including stating that Ireland will shape forthcoming EU digital regulations to ensure an ethical and human-centric approach.
- The Department of Education Digital Strategy for Schools to 2027, adopted in 2022, refers to the National Strategy on AI and states that:
  - advice and support, informed by the National Strategy on AI and EU developments, will be developed and disseminated to schools as appropriate;
  - it is important that children are given the opportunity to build familiarity and ease with AI solutions from an early age.[124]
- In January 2024, the Government announced that it had approved guidance

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122 Department of Enterprise, Trade and Employment, Minister Troy and Minister Collins welcome report on future skills needs for the use of AI in Ireland, 23 June 2022.

123 Government of Ireland (2022), Harnessing Digital: The Digital Ireland Framework.

124 Department of Education (2022), Digital Strategy for Schools to 2027.

on the use of AI in the Public Service.[125] A cross-Department Working Group on Trustworthy AI in the Public Service published Interim Guidelines for Use of AI in preparing for the EU AI Act, which set out seven key requirements drawn from the European Commission Ethical Guidelines for Trustworthy AI.[126] The seven requirements are:

- Human agency and oversight
- Technical robustness and safety
- Privacy and data governance
- Transparency
- Diversity, non-discrimination and fairness
- Societal and environmental well-being
- Accountability

No reference is made specifically to the rights of children, but the guidelines reference an impact on human rights and wellbeing.

The Programme for Government 2025 includes reference to AI under a section on "Our Digital Future" and a commitment to "ensuring that Ireland is a leader in the digital economy and artificial intelligence".[127] It commits, among other things, to:[128]

- Invest to make Ireland an EU centre of expertise for digital and data regulation and being a regulatory hub for companies operating across the EU Digital Single Market
- Realise the full benefits of digitalisation, including AI, to increase productivity of Irish businesses
- Work with our EU partners to ensure that Ireland and the EU is well-placed to benefit from the innovation and investment potential of new technologies like AI, while also protecting privacy and other fundamental rights.
- Invest in digital skills at all levels, from basic digital literacy for all citizens
- Ensure that the skills necessary for AI deployment, AI innovation and AI support are provided through our education and professional learning networks.
- Resource and implement the new EU Online Safety Framework to protect vulnerable groups from online harm, and tackle disinformation.
- Complete research on the impact of digital devices on our classrooms and consider the report's findings. AI has the potential to enhance education and inclusion and we will ensure it is used appropriately in education settings.

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125   Department of Public Expenditure, NDP Delivery and Reform, Government commits to using trustworthy AI in the Public Service, 9 January 2024.

126   Department of Public Expenditure, NDP Delivery and Reform (2024), Interim Guidelines for Use of AI in the Public Service.

127   Government of Ireland (2025), Draft Programme for Government 2025: Securing Ireland's Future.

128   Ibid., pp. 34-35.

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Under the section on Education, it commits to:[129]

- Improve teaching and learning methods, especially as schools adapt to digital learning and the opportunities presented by AI.

Under the section on online safety, it commits to:[130]

- Support and fund Coimisiún na Meán in enforcing the Online Safety Code.
- Work with Coimisiún na Meán to inform children, young people, and their parents about their rights online under the new safety framework.
- Examine ways to enforce age verification obligations on online service providers and hold them to account for failure to do so.
- Work with stakeholders to tackle the use of recommender algorithms to protect children from harmful content.
- Continue to provide funding and support to Hotline in its role and commence an appropriate advertising campaign to advise the public of the existence of this reporting channel.
- Act on the Online Health Taskforce's recommendations to improve digital well-being.
- Work to deliver a new EU Child Sexual Abuse Directive that protects children and young people and holds digital platforms to account.
- Support and fund Online Safety Programmes for schools, giving them more flexibility in how to use it.

National structures for coordination and consultation on AI
AI Ambassador

In May 2022, Dr Patricia Scanlon was appointed Ireland's first AI Ambassador, whose role includes leading a national conversation on the role of AI, emphasising Ireland's commitment to an ethical approach, providing policy advice to government departments.[131]

AI Advisory Council

The progress report on implementation of the National AI Strategy noted that the Government would shortly establish a voluntary AI Advisory Council.[132] In July 2023, the Minister for Trade Promotion, Digital and Company Regulation published a call for expressions of interest to join the AI Advisory Council, which would have a role to provide expert advice to government on AI policy.[133]

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129   Ibid., p. 67.

130   Ibid., p. 65.

131   Government of Ireland (2023), *Artificial Intelligence (AI) Ambassador Report on first year of activity*.

132   Government of Ireland (2023), AI – Here for Good: Progress Report on the National AI, p. 34.

133   Department of Enterprise, Trade and Employment, Call for Expressions of Interest – AI Advisory Council.

In January 2024, the Department announced that the AI Advisory Council met for the first time.[134] It is chaired by the AI Ambassador. Its members serve in a voluntary capacity and represent themselves as individuals with relevant experience and expertise, and not their employers or organisations of which they may be members. The Council will meet a minimum of three times a year. It will provide advice to government through the Cabinet Committee on the Economy and Investment as well as to individual Ministers, as requested. No members list specific expertise in children, children's rights or human rights.

The Councils first series of reports were published in February 2025 by the Department of Enterprise, Trade and Employment.[135] The papers outline recommendations in areas that include AI in education and facial recognition. In its paper on facial recognition, it states that the State must approach the adoption of AI that impacts fundamental rights with caution and rigour.[136] The paper on AI in education focuses on generative AI as it is accessible to all, it has not been developed with children in mind and the Council see it as the biggest impact on the educational system right now that needs an urgent appropriate response.[137] The paper on AI in education makes the following points:

- Generative AI should only be used in education when it is used properly, ethically and when its benefits outweigh its costs for instructors and students.
- There are no leadership-led, top-down guidelines or policies in place on best practice. The importance of developing guidelines as committed to in the National AI Strategy Refresh cannot be overstated. Guidelines need to be live documents and subject to regular revision to keep up with new developments and reflect research findings.
- Integrating AI should be about using it constructively and developing broader critical thinking around AI capabilities and limitations.
- The generative AI support for the Irish language is very limited, which creates a divide for Gaelscoileanna.
- The following principles should guide use of AI in education:
  - AI tools used by students should be private, secure and free to use
  - Data generated by using these tools should not be used for training AI models
  - Use of AI tools should be inclusive, equitable, designed for accessibility and usable by all
- Training programmes on AI are needed urgently for educators.

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134   Department of Enterprise, Trade and Employment, Artificial Intelligence Advisory Council will provide independent expert advice to Government, 17 January 2024.

135   Department of Enterprise, Tourism and Employment, Ireland's AI Advisory Council Report to Government: "Helping to Shape Ireland's AI Future", 21 February 2025.

136   AI Advisory Council (2024), Advice to Government: FRT Use by An Garda Síochána.

137   AI Advisory Council (2024), AI Advisory Council Advice Paper - February 2025: AI and Education.

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It makes the following recommendations:

- Government should publish coordinated and consistent guidelines for the use of generative AI.
- Government should lead the development and implementation of AI literacy training for educators.
- Government should ensure equitable access to generative AI tools in education.
- Government should facilitate a national conversation between teachers, parents, students, representative organisations, policymakers, tech companies once guidelines are published.

Online Health Taskforce

In September 2024, the Minister for Health established an Online Health Taskforce.[138] The Taskforce has been asked to develop a public health response to the harms caused to children by certain types of online activity. In the draft terms of reference, reference is made to the Taskforce being asked to detail a range of sources of harm, including AI-generated content, the impact of algorithms and AI chat bots. An interim report is due within six months and a final report is to be submitted in September 2025. It is chaired by Jillian van Turnhout, child's rights advocate, and includes the Online Safety Commissioner (observer), UCD, DCU, CyberSafe Kids, Department of Health, teachers, Children's Rights Alliance, ESRI, public health representatives, National Youth Assembly representatives and the Interim Chief Medical Officer.

The taskforce produced an interim report in March 2025,[139] which was not published by the Department of Health until June 2025.[140] It states that its work focuses on six strategic categories, including: Legislation/Regulation; Education; Information/Awareness Raising; Safe Environment; Rights Based Policy; Research/Evidence. It has commissioned Public Health Ireland to conduct a literature review, plans to hold a consultation with the National Youth Assembly and held a stakeholder consultation.

National Youth Assembly on AI

The Department of Enterprise, Trade and Employment, in cooperation with the Department of Children, Equality, Disability, Integration and Youth, held a National Youth Assembly on AI in October 2022.[141] It gathered 41 young people aged between 12 and 24 years old. It issued 12 recommendations that included areas relating to both children and adults.[142] Some recommendations relevant to children included:

- Create legislation free from bias that makes AI accessible to all, to ensure

138   Department of Health, Minister for Health establishes Online Health Taskforce to develop response to harms caused by certain types of online activity, 4 September 2024.

139   Online Health Taskforce (2025), Interim Report.

140   Department of Health, Minister for Health publishes the Interim Report of the Online Health Taskforce, 14 June 2025.

141   The National Youth Assembly of Ireland, The National Youth Assembly on AI.

142   Government of Ireland (2022), National Youth Assembly on Artificial Intelligence Report.

diversity and the upholding of human rights. Encourage this across all Government departments who use AI.

- Establishment of an Ombudsman/Regulatory body similar to the Data Commission with oversight of AI adoption, development and deployment.

- Government should fund accessible programmes where young people support others to use AI correctly e.g. groups with older people to educate and inform them on AI (what it is, and how to use it).

- Ensure that equality and diversity is central in policy making by using a human rights approach which fulfils the governments human rights obligations.

- Education in AI should be included in all education settings from primary schools through to 3rd level. It should be a key subject which is well funded, relevant and ongoing rather than a one-off talk. Education should also be provided to young people through other avenues such as sport and youth clubs.

- There should be an investment in technology and hardware used by public services to bring up the standards across the whole country so that access is more widely available to all. Utilize public buildings to upskill communities and conduct surveys and research to identify gaps, e.g. in underdeveloped and rural areas.

The Department of Enterprise, Trade and Employment states that recommendations will be considered in light of evolving policy direction of AI and its impact across a number of areas of Government.[143]

It is not clear what recommendations are being used to inform policy on AI and whether the National Youth Assembly will be given information by the government on how this is the case.

Parliamentary scrutiny and debates on AI

The Joint Committee on Children, Equality, Disability, Integration and Youth's 2024 work programme listed the protection of children in the use of AI as one of its priority issues.[144] The Committee met with Coimisiún na Meán, the Special Rapporteur on Child Protection, NGOs, and a university professor and social media companies between February and April 2024 to gather information and expert views on the safety measures in place for children using this technology.

- Ireland's Special Rapporteur on Child Protection stated in the meeting with the Committee that it is crucial to include children from the outset and at all stages

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143   Government of Ireland (2023), *AI – Here for Good: Progress Report on the National AI Strategy*, p. 7

144   Houses of the Oireachtas (2024), *Joint Committee on Children, Equality, Disability Integration and Youth Work Programme*.

of the process in AI design and in regulating and policy making relating to AI.[145] She also stated that:

- The full range of risks posed by AI must be considered within the framework set out by the Council of Europe and UNICEF;
- Regulatory measures should govern the use of algorithmic recommender systems;
- It is important to consider AI's potential to proactively vindicate children's rights and not only defensive concerns about how AI threatens children's rights.

- Coimisiún na Meán said that:
  - AI was not designed with children in mind and does not use a safety by design approach;
  - Children need to be front and central in the design of AI;
  - Children need to be afforded opportunities to participate in decision-making about how AI can serve their interests and how the risks can be mitigated;
  - Children being supported around online safety through information and education is important.[146]

- CyberSafe Kids state that nothing in place currently is good enough or strong enough to take on the challenge of AI properly. Suggestions re legislation, regulation, education and innovative approaches include:
  - Harness the power of AI to better protect children in online spaces, including age assurance
  - Amend legislation to ensure they mitigate risks posed specifically by AI
  - Definitions be extended to include AI-generated images
  - Algorithm based recommender systems should not be allowed to serve content to child users
  - There needs to be great focus on how to enforce regulations
  - Establish an R&D lab with reps from academia, industry and not-for-profit sector to look at ways to better protect users in meaningful ways.[147]

- ICCL suggested to introduce a binding rule that recommender systems based on profiling must be off by default.[148]

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145   Caoilfhionn Gallagher KC, Special Rapporteur on Child Protection (2024), *Oireachtas Joint Committee on Children, Equality, Disability, Integration and Youth: Engagement with Stakeholders on 'Protection of Children in the Use of Artificial Intelligence'*.

146   Coimisiún na Meán (2024), *Opening Statement from Niamh Hodnett, Online Safety Commissioner at Coimisiún na Meán*.

147   CyberSafe Kids (2024), *Presentation to the Committee on Children, Equality, Disability, Integration and Youth on the topic of "Engagement on the protection of children in the use of Artificial Intelligence"*.

148   ICCL (2024), *Opening statement to the Oireachtas Committee on Children, Disability, Equality and Integration on the protection of children in the use of A.I.*.

- Professor Barry O'Sullivan, UCC, stated educating children, parents, guardians, and wider society on the responsible use of AI and how AI might be encountered is key.

The Committee also met with the OCO YAP to discuss Ireland's obligations under the CRC as well as AI.

In October 2024, the Oireachtas Committee published its final report on Safeguarding children in the age of AI.[149] The report notes that stakeholders that met with the Committee were united on three points:

- Putting faith in voluntary action by companies themselves to address these issues is not viable. Strong enforcement by relevant authorities, such as Coimisiún na Meán and the Data Protection Commission is required.
- A 'waiting for Europe to do it' approach in relation to the regulation, enforcement and legislation around AI and age verification on social media is a mistake.
- Recommender systems should be off by default for young people.

The report makes 36 recommendations that span a wide range of measures to address AI and broader issues in the context of the digital environment. The recommendations include actions relating to research on the impact of AI on children, reviewing legislation, incorporation of the CRC into domestic law, child-centred AI policies and strategies, reviewing the powers of Coimisiún na Meán to ensure effective oversight, adopting a child rights-based approach, provision of education on AI, involvement of children in decisions on AI, as well as specific measures to deal with AI such as age verification, recommender systems being off by default, child-centred design and safety by design, and protections from harmful content. The report also recommended that the OCO and Coimisiún na Meán "continue to engage, with quarterly meetings and other opportunities for collaboration, to ensure children's rights are central to the Coimisiún's policies and are effectively being upheld by platforms."[150]

In November 2024, the Oireachtas Joint Committee on Tourism, Culture, Arts, Sport and Media published a report on the State's response to online disinformation and media/digital literacy, including social media and fake news.[151] The report notes the recommendations of the JCCEDIY and that its recommendations are complementary to those of the JCCEDIY. Among its recommendations relevant to AI and children are a recommendation that the Minister empower Coimisiún na Meán to robustly enforce regulations and to focus on systems, processes and risk assessment on the part of

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149 Oireachtas Joint Committee on Children, Equality, Disability, Integration and Youth (2024), *Report on Safeguarding children in the age of AI*.

150 Oireachtas Joint Committee on Children, Equality, Disability, Integration and Youth (2024), *Report on Safeguarding children in the age of AI*, p. 14 and p. 41.

151 Joint Committee on Tourism, Culture, Arts, Sport and Media (2024), *The State's response to online disinformation and media/digital literacy, including social media and fake news.*

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social media platforms, with a particular regard to recommender algorithm systems, formulation of community standards, and child protection measures.[152]

Other initiatives on AI

In September 2024, at the UN Summit of the Future, where UN Member States including Ireland adopted the Global Digital Compact, as part of a Pact for the Future, Tánaiste Michéal Martin stated that Ireland strongly welcomes the Global Digital Compact and that the focus now should be on working together on its implementation.[153] He stated:

- AI has the potential to amplify disinformation and erode hard won freedoms. However, it also creates a wealth of opportunity.
- In order to realise the positive potential of emerging technologies, we must take a human rights based approach and ensure compliance with international law.
- A common digital future also requires us to close digital divides within countries.
- We must include a diverse range of voices in this debate around our common digital future.
- It is vital that those most affected by emerging technologies have a strong voice in shaping outcomes.

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152   Ibid., p. 11.

153   See: UN, Interactive Dialogue 3: Towards a Common Digital Future: strengthening inclusive innovation; UN Web TV, Interactive Dialogue 3: Summit of the Future - General Assembly 79th session, 23 September 2024.

8. Roundtable discussion and feedback with experts

Key takeaways

- Children, youth and their rights are invisible in current policy, laws and regulations. Children should have a say in AI policy and decision-making.

- Greater and braver enforcement of existing laws is needed, with more joined-up thinking across government on AI.

- Recommender systems should be turned off by default for children and existing egal frameworks used by regulators to achieve this.

- Ireland needs a policy on the procurement and use of AI technology by educators, guidance on the use by students of AI in their school work and action to address the divide for students who speak Irish and minority languages.

- The government must identify and address gaps in law concerning AI-facilitated CSAM.

- Digital literacy must be a critical component of the curriculum. Parents, carers and teachers need training and resources.

In February 2025, the OCO hosted a roundtable discussion with children's rights experts and technology experts from across civil society and academia. The purpose of this event was to discuss and share ideas on the benefits and risks of AI to children and their rights and the extent to which children and their rights are being considered in this regulatory and policy area.

It was also an opportunity to get feedback on how the OCO can use its powers to add value and support existing work on AI and children's rights. Several themes emerged from the discussion, which are outlined in detail below. Recurring recommendations included greater and braver enforcement of existing laws, turning recommender systems off by default in children's accounts, policy and guidance on use of educational technology in schools, and regulation of child sexual abuse material.

AI is pervasive in children's lives

Participants observed that social media is the main means of communication for children and young people. They highlighted some benefits to AI, such as health advancements, reductions in inequalities and increased connectiveness, as well as potential benefits for children with additional needs. However, they identified significant concerns about AI and its use by individuals and companies for profit gain

and malicious intentions, including rising mis/disinformation, use of personal data, the impact on employment and creative industries. They noted that young people share these concerns. Some noted that AI is over-hyped and is simple to solve if regulated in a robust way.

The participants noted that solutions cannot prevent children from accessing social media, as it is an important part of their lives. Rather than excluding children, children must be able to participate and explore AI freely and safely but with safeguards. Some participants suggested that the Internet needs to be rebuilt or re-designed with children in mind. Participants also raised the right to disconnect and suggested that children should be given the option to not use AI tools and to access non-addictive social media.

Participants stressed that we have to challenge assumptions about children being informed about AI and its associated risks. Participants noted that children are unaware of the extent to which AI is embedded in the background of the technology they use, with too much faith placed in social media companies to protect them. Children have a perception that their literacy levels are high but this is not always the case when tested.

Despite its pervasiveness, participants highlighted the lack of research on the impact of AI on children, particularly younger children, and how they use and understand AI. Some noted that research on AI is largely produced by the industry itself. They stated that it is a huge problem that policymakers do not know what children are doing online or how well they know of the risks of AI in order to inform policy responses.

Lack of visibility of children and their rights

There was a consensus that there is a lack of visibility of children, youth and their rights in current policy, laws and regulations. Like the development of the Internet, participants were of the view that governments and AI companies have not prioritised the safeguarding of children or upheld children's rights. They noted that Ireland's AI strategy has little reference to children, let alone their rights. The absence of children's views in policy was raised by several participants, who recommended that children should have a say in AI policy and decision-making, particularly children in more vulnerable groups.

Where children are addressed, participants were of the view that it is as box-ticking exercise rather than a genuine commitment to enforcing regulation and ensuring that the highest standards of privacy, safety and security are used by digital companies.

Participants also highlighted other areas that are affected by AI and that children have raised concerns about but that are not currently considered in policy, such as the impact on the environment and natural resources.

Gaps in regulation, enforcement and oversight

Participants noted that there are still several gaps in online safety regulation and enforcement, which have not been resolved, with AI now adding to these gaps. Many of the problems with AI are not new; similar problems have been created by the Internet and absence of regulation, which has been exacerbated by AI. AI moves fast and regulation is slow to catch up; regulatory inaction has created the problems arising from AI. Participants questioned the effectiveness of the online safety code, with too much reliance being placed on children identifying themselves and making notifications about harmful content that they find on their accounts, as well as lack of clarity on actions that can be taken against harmful posts that do not meet the threshold for enforcement. They believe that age assurance measures currently do not go far enough. The public still do not know where to go to report complaints, particularly in the absence of an individual complaints mechanism. Participants noted that the EU AI Act is narrow in its focus and lacks sufficient safeguards for children. Young people themselves do not view company self-regulation as sufficient to protect them.

There are existing tools at our disposal to address AI that have not been adequately explored by governments. Participants noted that, instead of further regulation, greater enforcement of the many existing laws, particularly the GDPR and AVMS Directive, is required in the context of AI. It was noted that there is a lack of transparency on how legislation is implemented. China's law on AI was suggested as an example of good practice in regulating AI.

Some participants suggested that regulation should not depend on the size of a company, it should be focused on the platforms that are attracting children and used by children the most. Suggestions included that the onus should be on companies to detect and remove content, children's profiles should have a high level of safety and privacy by design. Regulatory approaches suggested include a consumer protection approach as well as regulating the addictive aspects of AI. Some participants observed that there is a gap in regulating AI in the gambling industry. Some participants raised the need for age-appropriate design codes in Ireland.

Participants observed that there is a lack of joined-up thinking across government on AI. They questioned whether projects on digital safety and oversight is coordinated adequately across government. They noted that the online health taskforce, for example, is an ad-hoc measure.

Recommender systems

The inaction on recommender systems was the most pressing concern identified by all participants. They were concerned that companies are aware of the addictiveness of recommender systems yet are not taking action to remedy this, for example TikTok senior executives as demonstrated by lawsuits taken against TikTok in Kentucky, USA.

They welcomed that the Programme for Government includes recommender systems. However, participants agreed that there needs to be a ban on recommender systems – recommender systems should be turned off by default for children. They suggested that children should be able to decide on the parameters of their recommender systems.

Existing legal provisions, including Article 9 of the GDPR and Article 6a of the AVMS Directive, were suggested as tools for the Data Protection Commission and Coimisiún na Meán to use to require companies to switch off recommender systems.

Use of AI in education
Use of education technology by educators

Participants agreed that there is a need for policy on the procurement and use of AI technology by educators, given that large companies have programmes in many schools and that educational technology is not regulated. It was noted that the Department of Education has been slow to respond to the use of AI in education, with technology companies increasing their footprint in schools during the Covid-19 pandemic. The views of children and parents were also absent in the roll out of educational technology in schools. Parents are unaware of the AI tools that are being used in schools. There is also a lack of awareness of the information that is being gathered by these companies through their products. Inconsistent approaches have developed across schools due to the decentralised model of education and the absence of guidance.

Procurement was noted as a particular issue, whereby schools have no power to determine the parameters of the educational technology offering by companies and teachers have no input or space to share their views. Sweden's approach to procurement of AI in a decentralised education system was put forward as a good practice example. It was stressed that, where technology is used in education, not-for-profit educational technology should be used.

Use of AI by students in school work

Guidance is also needed on the use by students of AI in their school work. Teachers and educators are worried about the implications of AI in the absence of guidance.

Irish language

If AI tools are to be used in schools and are effective in enhancing access to education, participants observed that there is a two-tier AI system for Irish-speaking students. They were concerned that we cannot guarantee access to AI tools by Irish speakers on an equal basis with other students. It poses a barrier for minority languages in schools.

Digital literacy and education for children, parents and educators

Among the measures recommended by the participants was digital literacy as part of the curriculum. Though digital literacy is acknowledged as a critical component of AI policy and regulation, investment in literacy is inadequate.

The importance of training and resources for parents, carers and teachers was also raised by the participants. When it comes to parents, emphasis was placed on the parent-child relationship and fostering trust so that children feel safe and able to go to their parents when something concerning happens online. It was noted that parents do not all have the time or capacity to monitor children's online activity. Parents are not a homogenous group and blocking access to phones or apps is not always the preferred solution among parents. Some participants noted that particular challenges arise for children who are in care or without parents to guide them.

Child sexual abuse material

Participants were concerned at the significant risk posed by AI, particularly generative AI in generating and circulating CSAM at a greater speed and on a much greater scale.

Participants highlighted gaps in legislation, such as Coco's Law, when it comes to deepfakes and the complexity of tackling CSAM given the absence of real children in some cases. Participants agreed that the government must identify and address gaps in law concerning AI-facilitated CSAM.

Role of the OCO

Participants were also asked what they thought the OCO's role should be in this space. The OCO's role in providing a space for experts to discuss concerns, benefits and solutions was welcomed.

The OCO's role as a champion for children's rights in the context of AI was highlighted, with participants highlighting the need to raise concerns relating to children and AI with policymakers, legislators and European and Irish regulators. Emphasis should be placed on promoting the involvement of children in the decision-making process, particular children in more vulnerable circumstances. The OCO should provide guidance on how to navigate children's rights and human rights issues, including achieving the appropriate balance between the right to protection and right to privacy.

One of the OCO's new strategic goals is to promote the full and direct incorporation of the UNCRC into domestic law. This was seen as a great starting point for action.

As the OCO, among other organisations, is a nominated fundamental rights body under the EU AI Act, it can play an important role in raising issues that have gone under-explored in current regulatory approaches, including around recommender systems.

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9. Recommendations

A. Child rights-based laws, regulations, policies and governance structures

Include a specific focus on children

An Taoiseach, Micheál Martin, has stated at the UN that States need to take a human rights-based approach to AI.[154] However, this does not translate into Ireland's policy on AI and the national structures that have been established to examine AI to date. The information gathered on law, policy and research show that the focus on children, children's rights, and human rights more broadly, has been marginal at best. Children, children's rights, and the actions required to ensure compliance with children's rights standards, are not sufficiently addressed in Ireland's AI strategies and other policies relevant to AI, despite Ireland's first AI Strategy acknowledging that children will be most impacted by AI.

AI is pervasive in children's everyday lives and affects children now. While efforts to regulate AI are welcome, including the introduction of the EU AI Act, more robust regulation and stronger enforcement is needed to respond to the evolving AI landscape and risks that arise. Coimisiún na Meán itself stated that AI was not designed with children in mind nor does it use a safety by design approach and that children need to be front and central in the design of AI.[155]

> **Recommendation:** The government and regulators must include a special focus on children in its work on AI to ensure that children are protected from harm and discrimination while their rights to freedom of expression, access to information, to play and education are fulfilled in a rights-respecting, child-friendly digital and AI environment.

Adopt a child rights-based approach

The UN Committee on the Rights of the Child, UNICEF and the Oireachtas Joint Committee on Children, Equality, Disability, Integration and Youth have recommended that the State adopt a child rights-based approach to legislation relevant to AI and that the UNICEF policy guidance on AI should inform Ireland's response to AI.

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154 See: https://www.un.org/sites/un2.un.org/files/sotf-interactive-dialogue-03.pdf and https://webtv. un.org/en/asset/k1g/k1gt24hpan?_gl=1*1dl8de*_ga*MTg2MDY1ODQyOS4xNzIyMzUyNjUz*_ga_ TK9BQL5X7Z*MTcyNzE2NzU1MS42LjEuMTcyNzE2OTM4OS4wLjAuMA

155 Coimisiún na Meán (2024), *Opening Statement from Niamh Hodnett, Online Safety Commissioner at Coimisiún na Meán*. UN Committee on the Rights of the Child (2011), General comment No. 13 (2011) The right of the child to freedom from all forms of violence, CRC/C/GC/13, para. 59.
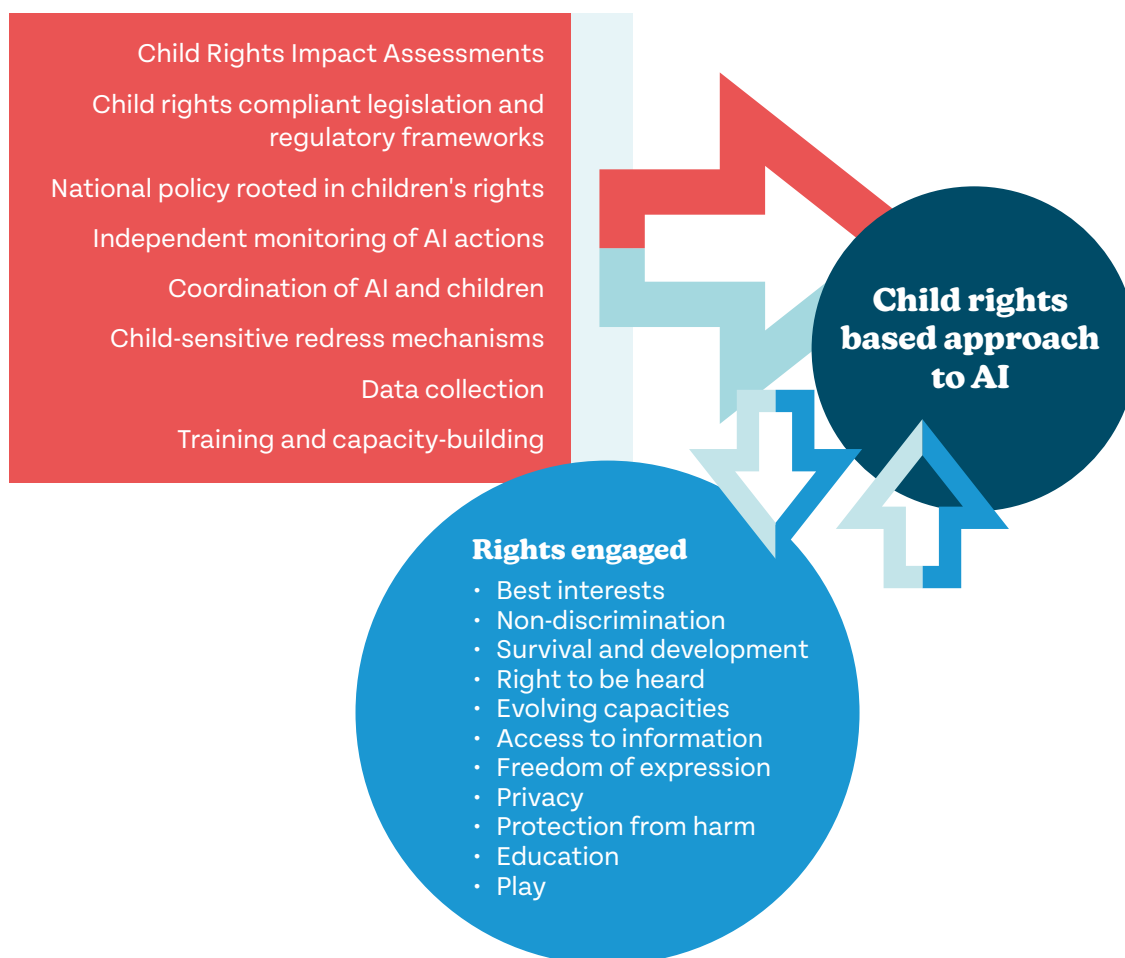
A child rights approach is an approach that respects all rights set out in the UNCRC, including the right to protection from harm as well as privacy, freedom of expression, access to information, education and play.[156] It treats children as rights holders rather than as objects that need assistance. A child rights approach would develop the capacity of policymakers, regulators and companies as duty bearers to meet their obligations towards children. It is guided by the four general principles of the UNCRC and respects children's evolving capacities in the exercise of their rights. Full and direct incorporation of the UNCRC into domestic law, a strategic objective of the OCO, would create the culture change and legal landscape needed to ensure children's rights are fully respected, protected and fulfilled.

A child rights approach also includes the general measures of implementation identified by the UN Committee on the Rights of the Child that governments that are needed for effective implementation of the UNCRC.

In the area of AI, this would include:

- AI legislation that is compliant with the CRC and that enables business enterprises to develop child-centred AI
- Effective child-sensitive procedures for redress for AI-related harms
- AI policy rooted in the CRC
- Coordination of initiatives on children and AI across government
- Independent monitoring of actions taken by public and private organisations in the sphere of AI
- Child rights impact assessments of AI legislation, policy and the AI system development lifecycle
- Data collection on the impact of AI on children
- Training and capacity-building on children's rights and a child rights-based approach to AI for government officials, parliamentarians, AI developers and companies

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156   UN Committee on the Rights of the Child (2011), *General comment No. 13 (2011) The right of the child to freedom from all forms of violence*, CRC/C/GC/13, para. 59.

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Child rights based approach to AI

Child Rights Impact Assessments

Child rights compliant legislation and regulatory frameworks

National policy rooted in children's rights

Independent monitoring of AI actions

Coordination of AI and children

Child-sensitive redress mechanisms

Data collection

Training and capacity-building

Rights engaged
- Best interests
- Non-discrimination
- Survival and development
- Right to be heard
- Evolving capacities
- Access to information
- Freedom of expression
- Privacy
- Protection from harm
- Education
- Play

Recommendation: The government and regulators must take a child rights-based approach to law, policy and decision-making on AI. This must include involving children routinely in governance structures and decision-making relating to AI law, regulation and policy.

Involvement of children's rights experts in development of AI law and policy

The Council of Europe Commissioner on Human Rights has stated that it is crucial that national human rights structures be involved in all processes related to AI and its regulation.[157]

The OCO as Ireland's independent national children's rights institution has a unique statutory function to promote the rights and welfare of children, under section 7 Ombudsman for Children Act 2002.In particular, section 7(4) of the 2002 Act gives the power to Ministers of government to request advice from the OCO on any matter relating to children's rights.

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157   Commissioner for Human Rights, National human rights structures play a key role in addressing the impacts of artificial intelligence on human rights, 31 March 2023.

Together with other human rights organisations in Ireland, the OCO is well placed to provide a children's rights perspective on law, policy, research and practice on AI, and to promote the adoption by the State and business enterprises of a child-centred, rights-based approach to law, policy, research and practice on AI.

> **Recommendation:** The government must involve children's rights and human rights experts and organisations in the development of law and policy on AI, including in AI governance structures.

Additional resources under the EU AI Act

The OCO has been nominated together with other organisations as a fundamental rights body under Article 77 of the EU AI Act. The OCO has not to date received clarification from the Department of Enterprise as to the resources it will be allocated, if at all, to discharge its powers in line with the EU AI Act.

> **Recommendation:** The Department of Enterprise should allocate sufficient funding and resources to nominated fundamental rights bodies to ensure the effective discharge of powers under Article 77 of the EU AI Act.

B. Recommender systems

Research, children's rights and technology experts, the Oireachtas, and children themselves have called for stronger measures on recommender systems. It is unacceptable that measures have not been taken to date that can effectively tackle the risks posed to children by recommender systems, risks which have been evidenced in research and of which social media companies are well aware.

As outlined in the European Commission guidance on ensuring a high level of privacy safety and security for children under the DSA, AI features should not be activated automatically, rely on behavioural data, expose children to harmful content or made available until an assessment of risks to children's privacy, safety and security is conducted.

The OCO underlines that EU regulations lay out minimum standards that must be applied by all EU Member States and there is nothing in EU law preventing Ireland from adopting higher standards when it comes to children and recommender systems in the Irish regulatory framework.

> Recommendation: The government and Coimisiún na Meán must adopt the highest standards when implementing the DSA, AVMSD and GDPR obligations relating to recommender systems and children. Coimisiún na Meán should include provisions in an online safety code for recommender

> systems, in line with the DSA, AVMSD and Article 9 of the GDPR. Such provisions should at a minimum prohibit recommender systems based on profiling of children and require service providers to turn off recommender algorithms by default for all children.

C. AI in Education

The use of AI in education, both educational apps incorporating AI that are used by schools and AI systems that are used by students to complete schoolwork, is a topic that is raised in research, by experts and children as a regulatory gap.

Educational apps risk undermining privacy rights, with the selection of apps by schools focusing on curriculum and financial considerations over privacy and parents and children lacking capacity to challenge companies' privacy arrangements.[158]

> **Recommendation:** The Department of Education must ensure AI technologies in education adhere to children's rights standards, including by:
>
> - Conducting, and requiring schools to conduct, child rights impact assessments (CRIA) of AI technology being considered for use in education;
>
> - Adopting procurement requirements that include criteria on children's rights and privacy- and transparency-by-design.

D. AI and Child Sex Abuse Material

The use of AI to alter and generate child sexual abuse material (CSAM) is a significant concern that requires immediate action. The EU and Ireland needs to reform and strengthen laws at an EU and domestic level that combat the production, hosting, access and use of child sexual abuse material including those that are AI-generated. Though the sharing of CSAM is illegal, it is not clear that legislation makes it an offence to generate CSAM using AI. Proposals to recast the Child Sexual Abuse Directive includes CSAM in deepfakes and should be mirrored by the Department of Justice in domestic law, as has been done in other EU Member States.

The OCO welcomes the private members bill brought before the Oireachtas in 2022 to address terminology in this area and bring Ireland's legislation in line with the Luxembourg Guidelines adopted in 2016. The Child Trafficking and Child Sexual Exploitation Material (Amendment) Bill 2022 seeks to replace the terms 'child pornography' throughout all relevant Irish legislation. These necessary changes to

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158   UN General Assembly (2021), *Artificial intelligence and privacy, and children's privacy: Report of the Special Rapporteur on the right to privacy, Joseph A. Cannataci*, A/HRC/46/37.

legislation are long overdue, the OCO and other organisations having recommended they be made over 10 years ago.[159]

> **Recommendation:**
>
> Identify and fill any gaps in Irish legislation relating to child sexual abuse and sexual exploitation facilitated by AI and child sexual abuse material generated by AI, including a prohibition of deepfake abuse.
>
> Amend legislation in Ireland to replace the term 'child pornography' with 'child sexual abuse material', in line with the Luxembourg Guidelines without any further delay.

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159   Ombudsman for Children's Office (2015), *Advice of the Ombudsman for Children on the General Scheme of the Criminal Law (Sexual Offences) Bill 2014*.

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