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AI AND CHILDREN'S DIGITAL RIGHTS
AN INTRODUCTION

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Introduction

Artificial Intelligence-based technologies have opened up the world to a wide range of possibilities in terms of social interactions, gaming, learning, and business, among others. These technologies offer children many opportunities but if not properly designed and used, they affect the enjoyment of their digital rights.

[1]Children and young people in Africa account for over half of the continent's population and therefore the biggest demographic of internet and technology users. However, a major challenge that exists in Africa is that countries lack proper legislation that addresses AI.

This leaves us with the risk of adopting the European Union policy on AI which does not address the unique challenges that children and young people in Africa face while interacting with AI.

This paper will address what AI is, the digital rights of children in relation to their use of AI, the challenges that AI poses to the enjoyment of children's digital rights and propose key continent-specific recommendations to address these shortcomings.

What is Artificial Intelligence?

John McCarthy

John McCarthy, the man who coined the term artificial intelligence in 1955, defined AI as the science and engineering of making intelligent machines "... "[where] intelligence is the computational part of the ability to achieve goals in the world. Alternatively, he defined AI as making a machine behave in ways that would be called intelligent if a human were so behaving.

Alan Turing

Alan Turing, in his article Computing Machinery and Intelligence, argued that if a machine could successfully pretend to be human to a knowledgeable observer then you certainly should consider it intelligent. However, his test was considered one-sided and a machine could still be considered intelligent without knowing too much about a human to imitate a human. Thus, for a machine or device to be considered intelligent it has to show traits similar to those of human intelligence.

[1]https://joint-research-centre.ec.europa.eu/jrc-news-and-updates/examining-artificial-intelligence-technologies-through-lens-childrens-rights-2022-06-22_en

What are Children's Digital Rights?

These are the privileges that children enjoy while using technological devices that have internet access. Whenever children engage online, they not only socialize with their friends but also learn and play games. Thus they exercise their rights to privacy, education, participation, and play on these platforms.[2]

Even though international laws and conventions have not been able to keep up with the rapid advancements of technology, there are provisions that provide a basis for the protection of children's digital rights. **Article 16 of the UN Convention on the Rights of the Child (UNCRC)** speaks on the right to privacy by prohibiting the unlawful and arbitrary interference of this right.

UNCRC Article 16

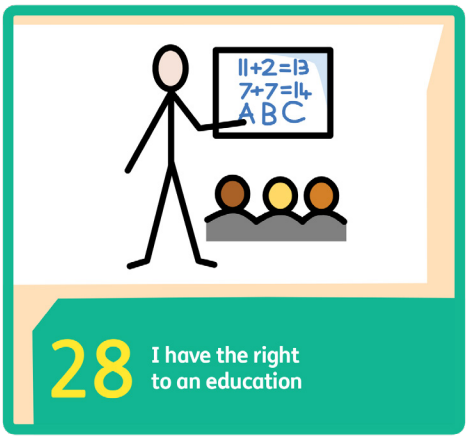
I have the right to keep some things private

[2]Ibid

In addition, **Article 28 outlines the right to education**, and **Article 12 provides for the right to participation**.

In addition, children engaging in the digital environment have the rights to **non-discrimination as outlined in Article 2 of the UNCRC**. All State Parties are required to ensure that all children have equal and effective access to the digital environment in ways that are meaningful to them.[3]

General Comment No. 25 outlines four principles that are key to providing a lens through which the implementation of all other rights under the UNCRC should be viewed. They should serve as a guide for determining the measures needed to guarantee the realization of children's rights in relation to the digital environment.[4] These are non-discrimination, the best interests of the child, the right to life, survival and development, and respect for the views of the child.



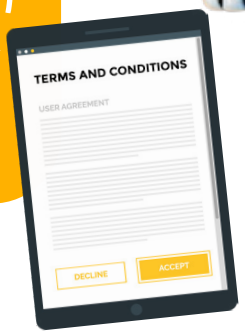
[3]https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsqIkirKQZLK2M-58RF%2F5F0vEG%2BcAAx34gC78FwvnmZXGFUl9nJBDpKR1dfKekJxW2w9nNryRsgArkTJgKelqeZwK9WXzMkZRZd37nL-N1bFc2t#:~:text=The%20right%20to%20non%2Ddiscrimination,that%20are%20meaningful%20for%20them

[4]Ibid

Challenges

Within the online space, the right to privacy is the most important, given that in this era it is considered a powerful tool that children mostly interact with. The vulnerability of children makes them an easy target for privacy violations in the online world. Children will often click **'accept'** on anything to avoid advertisements when they are accessing online platforms.

When children engage online, they tend to share their information including personal information that can be collected and easily be shared with third parties without their or their caregivers' knowledge. Major social media platforms, education sites and gaming sites have privacy policies that are written in fine print, very wordy and with complex language for children to understand.



Additionally, the safeguards on these platforms are not familiar to children and their caregivers. Very little sensitization has been done to make children and their caregivers aware of these safeguards.

Exposure to misinformation, harmful content and distressing experiences. With children and their families turning more to digital solutions, they find a world of opportunity that may also increase children's exposure to online risks and harms. The same technologies must be explored to efficiently prevent and respond to th e threats of this new online environment for children. For instance, AI is an important tool in education, however it needs to be regulated. In May 2023, a UNESCO global survey of over 450 schools and universities found that fewer than 10% have developed institutional policies and/or formal guidance concerning the use of generative AI applications[5].

[5]https://www.unesco.org/en/articles/generative-artificial-intelligence-education-what-are-opportunities-and-challenges

How can these rights be protected?

While children are given the freedom to access the digital world it is paramount that their rights to privacy are protected. This can be done in the following ways:

1. Involve children and caregivers in designing new policies and initiatives in the research, policies and industry around artificial intelligence (AI)-based technologies.[6]

2. All international and national laws need to be updated to reflect the challenges posed by AI. This can be done by enacting data protection laws, developing privacy-sensitive AI products and services, and educating children on the importance of online privacy.[7]

3. Coordinated collaboration among governments, technology companies, civil society organizations, and parents/caregivers to respond to the growing concerns about the adverse effects of AI on the rights of children.[8]

4. African States should adopt the UN General Comment No. 25 (2021) on the rights of children in the digital environment.[9]

5. In Africa, countries can come up with policies on AI data privacy laws for children in order to safeguard their interests while accessing various online platforms.

6. Explaining AI systems in child-friendly language and in a transparent manner, and holding AI actors accountable for the proper functioning of the systems they develop, operate or deploy.[10]

[6]https://digital-skills-jobs.europa.eu/en/latest/news/examining-artificial-intelligence-technologies-through-lens-childrens-rights

[7]https://cipit.strathmore.edu/ai-children-privacy-trust-and-safety-in-the-digital-age/#:~:text=AI%20technology%20collects%20massive%20amounts,especially%20vulnerable%20to%20privacy%20violations.

[8]Ibid

[9]n 3 above.

[10]https://joint-research-centre.ec.europa.eu/jrc-news-and-updates/examining-artificial-intelligence-technologies-through-lens-childrens-rights-2022-06-22_en

References

Achieng, R. 2023. AI & Children: Privacy, Trust, and Safety in the Digital Age. https://cipit.strathmore.edu/ai-children-privacy-trust-and-safety-in-the-digital-age/#:~:text=AI%20technology%20collects%20massive%20amounts,especially%20vulnerable%20to%20privacy%20violations

Alan Turing. Computing machinery and intelligence. Mind, 1950.

Charisi, V., Chaudron, S., Di Gioia, R., Vuorikari, R., Escobar Planas, M., Sanchez Martin, J.I. and Gomez Gutierrez, E., Artificial Intelligence and the Rights of the Child: Towards an Integrated Agenda for Research and Policy, EUR 31048 EN, Publications Office of the European Union, Luxembourg, 2022, ISBN 978-92-76-51837-2, doi:10.2760/012329, JRC127564.
https://publications.jrc.ec.europa.eu/repository/handle/JRC127564

General Comment No. 25 (2021) on children's rights in relation to the digital environment.
https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsqIkirKQZLK2M58RF%2F5F0vEG%2BcAAx34gC78FwvnmZXGFUl9nJBDpKR1dfKekJxW2w9nNryRsgArkTJgKeIqeZwK9WXzMkZRZd37nLN1bFc2t

Thornton, N. 2022. Examining artificial intelligence technologies through the lens of Children's rights.
https://digital-skills-jobs.europa.eu/en/latest/news/examining-artificial-intelligence-technologies-through-lens-childrens-rights