**Call for input: report on "the right to privacy in the digital age"**

UNICEF’s Office of Global Insight and Policy supports the drafting by the United Nations High Commissioner for Human Rights of the forthcoming report on the right to privacy in the digital age.

Below are our responses to key questions posed on the call for inputs [page](https://www.ohchr.org/EN/Issues/DigitalAge/Pages/cfi-digital-age.aspx).

1. **Specific impacts on the enjoyment of the right to privacy caused by the use of artificial intelligence, including profiling, automated decision-making and machine-learning technologies (hereinafter referred to in short as "AI") by governments, business enterprises, international organizations and others. Of particular interest is information concerning:**
2. **challenges posed by the use of AI for the effective exercise of the right to privacy and other human rights, including features and capabilities of AI that present existing or emerging problems;**

Below are ways in which AI can negatively impact on children’s rights and privacy. For descriptions of each please see [UNICEF Policy Guidance on AI for Children](https://www.unicef.org/globalinsight/media/1171/file/UNICEF-Global-Insight-policy-guidance-AI-children-draft-1.0-2020.pdf) (page 19) and [The Case for Better Governance of Children’s Data: A Manifesto](https://www.unicef.org/globalinsight/media/1741/file/UNICEF%20Global%20Insight%20Data%20Governance%20Manifesto.pdf) (pages 22-36).

* Systemic and automated discrimination and exclusion through bias
* Profiling for digital marketing and state surveillance
* Limitations of children’s opportunities and development from AI-based predictive analytics and profiling
* Nudging and microtargeting techniques which influence children’s behaviour
* Infringement on data protection and privacy rights
* Exacerbation of the digital divide
* Lack of redress and representation mechanism for children whose privacy rights have been violated
1. **Legislative and regulatory frameworks, including:**
2. **information on relevant existing or proposed national and regional legislative and regulatory frameworks and oversight mechanisms;**
3. **analysis of related human rights protection gaps, ways to bridge those gaps and barriers to advancing effective, human-rights based regulation of AI;**
4. **assessments of the need to prohibit certain AI applications or use cases (“red lines”).**

UNICEF has analyzed 20 national AI strategies, and found that most make only a cursory mention of children and their specific needs. The [review](https://www.unicef.org/globalinsight/media/1156/file) also found that very little attention is explicitly being given to safeguarding the rights of children in an economy and society in which algorithms are becoming increasingly influential. Instead, mentions of upholding children’s rights tend to focus on improving access to education and healthcare. The rights pertaining to protection against discrimination, abuse and exploitation or the rights to freedom of expression, association and access to information were mentioned less.

And while there is some engagement with preparing children to live in an AI-dominated world and develop basic AI literacy skills, these efforts need to be significantly expanded to ensure that all children have holistic access to AI technologies in a way that best benefits their individual needs and situations. The brief also finds that when children are specifically addressed in national AI strategies, policymakers are more often talking about education or the future of work, emphasizing the importance of preparing children to work in a world where AI is more pervasive. But they also assumed – incorrectly – that the benefits of AI will be available to all children and adults. While these strategies may be found wanting when it comes to children, this does present a window of opportunity for the re-prioritization of children’s rights in AI policies. It is increasingly critical that policymakers choose to focus on children’s well-being in a world where AI systems help them flourish, instead of allowing them to do little more than determining the course of their education and careers.

The EU Commission recently released its [proposal](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_1682) to legislate a European Union–wide artificial intelligence (AI) framework. It includes a number of high risk – read “red line” applications of AI that are worth looking at [here](https://ec.europa.eu/newsroom/dae/redirection/document/75789) (see Annex III).

With regard **to data specific legislation** and policies UNICEF’s Data Governance Manifesto offers 10 action points for governments and businesses to ensure child centered approach to data governance frameworks. These are based on the analysis of current data governance regimes and best practice models. These can be found in [the full repot](https://www.unicef.org/globalinsight/media/1741/file/UNICEF%20Global%20Insight%20Data%20Governance%20Manifesto.pdf) (pages 37 -76)

1. **Other safeguards and measures to prevent violations of privacy when using AI, and address and remedy them, where they occur, including:**
2. **self-governance approaches by business enterprises to regulate AI applications, which meet the companies' responsibilities to respect the right to privacy;**
3. **human rights due diligence in the context of the use of AI by governments, business enterprises and international organizations;**
4. **data governance models, such as data trusts, that provide effective protection to the right to privacy in data-intensive environments;**
5. **technological applications that (could) help adequately protect the right to privacy when applying AI and their limits.**

Drawing on UNICEF’s Policy Guidance on AI for Children, there are 9 requirements for child-centred AI. Please see the guidance for descriptions and details on each. The requirements should be seen through the child-rights lenses of protection, provision and participation of children.

1 Support children’s development and well-being

Let AI help me develop to my full potential.

2 Ensure inclusion of and for children

Include me and those around me.

3 Prioritize fairness and non-discrimination for children

AI must be for all children.

4 Protect children’s data and privacy

Ensure my privacy in an AI world.

5 Ensure safety for children

I need to be safe in the AI world.

6 Provide transparency, explainability, and accountability for children

I need to know how AI impacts me. You need to be accountable for that.

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

You must know what my rights are and uphold them.

8 Prepare children for present and future developments in AI

If I am well prepared now, I can contribute to responsible AI for the future.

9 Create an enabling environment

Make it possible for all to contribute to child-centred AI.

For the key action points on **children’s data governance** see [this one pager](https://www.unicef.org/globalinsight/media/1776/file/UNICEF%20Global%20Insight%20Data%20Governance%2010%20Actions%20Manifesto.pdf) or the [Summary Report](https://www.unicef.org/globalinsight/media/1771/file/UNICEF%20Global%20Insight%20Data%20Governance%20Summary.pdf).