



Mapping the global impact of UNCRC General comment No. 25 on children's rights in the digital environment

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Executive summary

General comment No. 25 (2021) (hereafter the general comment), the United Nations' (UN) Committee on the Rights of the Child's authoritative interpretation of how children's rights apply in the digital environment, has reshaped the global conversation about children's rights in the digital age. It has reframed children as rights-holders online, legitimised safety-by-design and privacy-by-design as legal obligations, anchored corporate accountability debates, and influenced artificial intelligence (AI) governance discussions.

Its impact is neither uniform nor complete, but it has established a shared normative direction of travel. Nonetheless, significant obstacles and active political and corporate resistance mean that staying the course will require further cross-sector and institutional consolidation, from national to international levels.

This report examines the global impact of General comment No. 25 since its adoption. Using a theory-of-change lens, the report analyses how and where the general comment has influenced law, policy, regulation and practice across multiple governance levels. Our research included:

- A review of UN General Assembly (UNGA) and Human Rights Council (HRC) resolutions
- Analysis of the UN Committee's monitoring practice
- Examination of UN agencies' uptake in policy, practice, research and programming
- Assessment of regional frameworks in the European Union (EU), African Union (AU), Council of Europe (CoE) and Association of Southeast Asian Nations (ASEAN)
- Case studies of national legislation and regulatory reform
- Consultations with international experts and advocates
- A review of academic scholarship published since adoption.

Rather than measuring impact solely through citation, we examined whether the general comment has shaped institutional practice, regulatory standards, accountability mechanisms, advocacy strategies and political negotiations.

Key findings

Five years after its adoption, General comment No. 25 has become an important normative reference point in global digital governance discussions, debates and negotiations concerning children. Its influence is evident at international, regional and national levels, although uptake remains uneven and contested – albeit with good practices emerging.

1. Concrete legislative and regulatory inclusion

In several countries, the general comment has moved from interpretation to implementation.

Brazil offers one of the clearest examples of direct incorporation. Resolution No. 245 (2024), and the subsequent 2025 Brazilian Digital Statute of the Child and Adolescent, explicitly reference the general comment and embed safety-by-design, privacy-by-design, restrictions on profiling and targeted advertising, and child rights impact assessments (CRIAs) into binding law.

Ireland has translated the general comment into regulatory practice through the Data Protection Commission's (DPC) *Fundamentals for a child-oriented approach to data processing* and the Online Safety Code under Ireland's media regulator, Coimisiún na Meán. Civil society contributions referencing the general comment shaped obligations relating to age assurance, remedies and corporate accountability.

The Netherlands operationalised CRIAs and developed a Code of Children's Rights Online, grounded in its principles.

Indonesia's 2025 regulation on child protection in electronic systems mirrors the general comment's standards on data protection, participation and accountability. The drafting process was shaped by an international cross-sectoral effort that advocated for a general comment-based framing. The regulation drew inspiration from the UK, Ireland and the EU.

Australia's eSafety Commissioner explicitly relies on the general comment in guiding age assurance, privacy safeguards and children's participation in regulatory evaluation.

Across the different contexts, the general comment's impact is most visible in:

- Safety-by-design and privacy-by-design standards
- Corporate due diligence obligations
- Risk assessment frameworks
- Age-appropriate design codes
- AI governance and accountability measures.

2. Regional consolidation

At regional level, the general comment has reinforced a child rights-based approach to digital governance:

- The **EU's** Article 28 of the Digital Services Act (DSA) Guidelines reflect the best interests principle, evolving capacities and systemic risk mitigation aligned with the general comment.
- The **AU's** Child online safety and empowerment policy (2024) explicitly references the general comment and structures its framework around its core principles. The draft AU Model Law further translates those principles into legislative templates.
- The **CoE** has integrated the general comment into AI governance debates and CRIA initiatives.
- **The Association of Southeast Asian Nations's (ASEAN) 2023** Guidelines for harmonised and comprehensive national legislation explicitly reference it in strengthening child online protection.

These developments illustrate how General comment No. 25 influences regional and national frameworks both directly and indirectly – through language alignment, principles, regulatory logics and institutional practice – rather than solely through direct legal incorporation or formal referencing.

3. Uptake within the UN system

The general comment has gained political and institutional recognition:

- The **UNGA's** 2023 Resolution on the rights of the child in the digital environment marked a significant political endorsement.
- The **HRC's** 2023 Annual Day on the Rights of the Child centred on its implementation, and UN Special Rapporteurs increasingly draw on it in digital governance reports.
- Most notably, the **UN Committee on the Rights of the Child** has progressively embedded the general comment into its monitoring practice. By 2025, every State review substantively engaged with children's rights in the digital environment.
- **UNICEF** has been a leading institutional agent of change within the UN system and beyond, systematically operationalising the general comment across data governance, AI, education technology (EdTech) and online safety programming.
- The 2026 **Joint Statement on artificial intelligence and the rights of the child**, issued by a coalition of UN bodies and international organisations, and a broad coalition of non-governmental organisations (NGOs), civil society and academic institutions, represents cross-agency consolidation around the general comment's standards in emerging technology governance.

4. Integration in global industry standards

The general comment has shaped global technical standards for the design of digital services.

- The **Institute of Electrical and Electronics Engineers** (IEEE) has embedded the general comment into global standards on age-appropriate design and age verification, translating its principles on privacy, best interests, safety and participation into concrete engineering and design processes shaping digital product development worldwide.

Agents of change

The general comment's impact has not been automatic. It has been driven by identifiable agents of change across governance levels:

- The UN Committee on the Rights of the Child, through interpretive authority and oversight
- UNICEF, embedding standards into programming and policy
- 5Rights Foundation, shaping legislative drafting and regulatory standards globally
- The Alana Institute in Brazil, instrumental in translating principles into national law
- National regulators such as the Information Commissioner's Office (ICO) (UK), Data Protection Commission (DPC) (Ireland) and the Australian eSafety Commissioner
- Regional institutions, including the EU Commission and AU Commission
- Civil society coalitions and national human rights institutions (NHRIs), nationally, regionally and globally
- Academic researchers consolidating the general comment as a foundational analytical framework and agenda-setting for future research; also engaging in international and national advocacy to influence digital governance.

Together, these actors have mobilised the general comment's authority to legitimise reform and press for accountability.

Enablers of change

Key enablers identified across regions include:

- Governance consolidation through dedicated digital or online safety regulators that are well-resourced
- Strong human rights-based legal and governance systems

- Active civil society mobilisation
- Clear operational tools such as CRIAs
- Cross-border policy learning and regulatory diffusion
- Institutional independence from industry influence
- Inclusion of children's participation in policy processes
- States that have adopted the UNCRC into law.

Where these conditions exist, the general comment functions as an agenda-setting framework.

Obstacles to change

Persistent obstacles remain:

- Political resistance to recognising treaty body interpretations
- Protectionist framings that narrow rights to safety alone
- Structural power asymmetries with global technology companies
- Weak enforcement capacity and limited regulatory resources
- Fragmented governance structures
- Low awareness of the general comment among politicians, advocates and institutions at national, regional and intergovernmental levels
- Overreliance on voluntary industry standards.

In several contexts its authority is accepted rhetorically but resisted when it implies enforceable corporate duties, or where States contest the general comment's guidance in relation to contested issues, such as parental responsibilities and State obligations.

The next phase will depend on enforcement, regulatory capacity and sustained advocacy to ensure that children's rights are not only recognised in principle but also realised in practice across the digital environments that shape their lives.

Introduction

The United Nations Convention on the Rights of the Child (UNCRC), adopted in 1989,¹ is the most widely ratified human rights treaty. As it was negotiated in a pre-digital era, it did not anticipate the profound transformations digital technologies would bring to children's lives. In February 2021, the UN Committee on the Rights of the Child adopted General comment No. 25 (hereafter the general comment) on children's rights in relation to the digital environment.² This was the first time the Committee provided authoritative guidance on how States parties should realise children's rights online as well as offline.

General comments are interpretative tools that clarify the meaning of Convention provisions and guide their implementation. They are not legally binding, but they carry significant weight in international and national practice. They inform legislation, regulation and judicial reasoning, and provide a frame for civil society, business and other actors on various substantive child rights issues. General comments such as No. 12 on the right of the child to be heard³ and No. 14 on the best interests of the child⁴ have already had considerable influence. General comment No. 25 extends this interpretative work into the digital environment.

The general comment affirms that all rights set out in the UNCRC apply fully in the digital environment, addressing protection rights (including safeguarding children from violence, exploitation and harmful content) as well as political, economic, social and cultural rights, such as access to information, freedom of expression, education, play, health, culture and participation. In this way, it reflects the holistic approach to children's rights in the digital environment as well as the dynamic character of children's lives online, combining the principles of provision, protection and participation (see Appendix 2).

The general comment is structured around the four general principles of the Convention: non-discrimination; the best interests of the child; the right to life, survival and development; and the right to be heard. It also emphasises the concept of children's evolving capacities, recognising their evolving competencies and agency.⁵

States parties are required to adopt comprehensive legislation and policy, regulate business practices including design standards and advertising, embed safety-by-design and privacy-by-design, coordinate action across government sectors, allocate resources,

¹ UN (1989).

² UN Committee on the Rights of the Child (2021).

³ UN Committee on the Rights of the Child (2009).

⁴ UN Committee on the Rights of the Child (2013).

⁵ Livingstone & Sylwander (2025 a & b).

establish monitoring mechanisms, ensure access to justice and remedies, and disseminate the general comment in accessible formats to policymakers, professionals and children.

This report follows a previous report, *The impact of General comment No. 25 in the UNCRC review process UNCRC*.⁶ This analysis found that, since its adoption, the general comment has progressively reshaped the UNCRC review process by providing a coherent framework for monitoring children's rights in the digital environment. References to the general comment in State party dialogues and Concluding observations have increased over time. Uptake has been stronger in areas such as online protection and data governance than in relation to children's participation, digital divides, child rights impact assessments (CRIAs), corporate accountability and remedies.

This report builds on this previous work. It adopts a broader perspective to map the global impact of the general comment, identify pathways to change and influence across regions, and document emerging issues, while also seeking to identify obstacles and enabling conditions. An analysis of children's inclusion in digital policies worldwide found that, when mentioned, children's rights or concerns were rarely considered beyond the contexts of education and online safety.⁷ Key questions remain, regarding whether and how the general comment is deployed in debates about children's rights in the digital environment, how far it is cited in national and regional legal frameworks, by civil society organisations, and in which ways it is useful in the work of international and regional bodies.⁸ Also to be examined is the extent of its influence across contexts, as well as the gaps that remain in translating its provisions into practice.

Objective of this report

The objective of this report is to map General comment No. 25's pathways of impact at organisational, national, regional and global levels. These pathways may encompass advocacy, policy, legislation and regulation. The report seeks to identify explicit examples of impact and uptake, illustrate successful pathways of change and pinpoint obstacles to uptake across settings and actors.

This report addresses the following overarching research question: **How has General comment No. 25 influenced the recognition, interpretation and realisation of children's rights in the digital environment across international, regional and national systems since its adoption in 2021?**

To answer this question, the report investigates multiple mechanisms of change:

⁶ Sylwander & Livingstone (2025).

⁷ Helsper et al. (2025).

⁸ Sylwander & Livingstone (2025).

- Through what legal, institutional, advocacy and normative mechanisms have the general comment exerted influence within the UN system, regional organisations and domestic policy processes?
- How does the influence of the general comment translate into policy or regulatory commitments in these settings?

Further, the report will map its legal and normative impact:

- In what ways has the general comment informed, accelerated or directly impacted the development of laws, regulation and normative frameworks that embed children's rights into digital governance?

Taking into consideration regional frameworks, we will examine:

- How have regional organisations interpreted, adapted and advanced the principles, measures and mechanisms of the general comment?

We will also consider how different actors mobilise the general comment:

- How have different international, regional and national institutions, non-governmental organisations (NGOs) and civil society mobilised the general comment in their communication and professional practices as a tool for advocacy, accountability and systemic change?

Lastly, looking ahead, the report will address:

- What lessons from the general comment's diffusion and uptake can inform future efforts to strengthen children's rights governance in the evolving digital ecosystem?

Methodology

The report adopts a mixed-method, multilevel analytical approach designed to capture the complex and diffuse ways in which General comment No. 25 exerts influence across global, regional and national systems. A combination of document analysis, case studies and expert and stakeholder interviews was adopted to capture both breadth and depth. Through this method, we traced formal references to the general comment across laws, policies and institutional outputs, while also examining how actors interpret, advocate for and contest its norms in practice.

The methodological rationale rests on recognising that the general comment primarily operates as a normative instrument, with its impact unfolding through interpretive uptake, diffusion and translation rather than direct enforcement. Accordingly, the analytical lens integrates a theory-of-change framework that draws on human rights and child rights implementation scholarship, allowing us to view the general comment simultaneously as a legal text, a catalyst for institutional reform and a driver of social and cultural change. This lens foregrounds the relational dynamics between actors, the conditions that enable or constrain change and the multiple pathways through which normative influence becomes visible.

Uptake within the UN system

To examine the impact of children’s rights in the digital environment, we tracked references to the general comment and related language across UN documents published since 2021. The analysis focused on identifying whether such references had led to substantive changes in recommendations, resolutions or other outputs within the UN system. The mapping includes documents produced by the Human Rights Council (HRC), the General Assembly (UNGA) and UNICEF, as well as reports of special rapporteurs and special representatives. We thus analyse the status of the general comment within the broader UN system to assess how different human rights bodies and UN entities have interpreted and applied its provisions.⁹

⁹ For this purpose, searches were carried out in the UN Digital Library, using terms such as ‘CRC/C/GC/25’, ‘General comment No. 25’ and ‘children’s rights in relation to the digital environment’. Analysis is organised by the specific UN bodies, identifying pathways of change and uptake within each. Where identified, obstacles to the general comment’s uptake and diffusion are also described.

Impact on a regional level

The research conducted searches to identify legislative and policy changes regarding children’s rights in the digital environment at a regional level to identify if the general comment was referenced and how by regional organisations. Where possible, we mapped how NGOs, civil society and member states referenced the general comment in their work with legislative and policy changes.

Academic databases, national, international and regional databases, as well as regional organisations’ websites and databases were used to identify relevant documents and references using search strings and keywords relevant to the general comment. This analysis included regional child online safety policies, digital policies, regional human rights bodies, draft laws, recommendations, guidelines and more. Interviews and consultations with experts complemented these searches and further informed our knowledge on consultative processes, unpublished policy developments and behind-the-scenes negotiations. Evidence gathered from an open call evidence in October 2024 also informed case studies and analyses.

Impact on a national level

To examine the national impact of the general comment, searches were conducted across legal and policy databases to identify relevant legislation, policies and judicial decisions referencing the general comment. National and international legal and policy databases, as well as UN databases, were consulted.¹⁰

National policies and legislative documents identified through these databases were screened for direct references, and the general comment-related themes and keywords, with the aim of mapping examples of influence and tracing pathways of impact at the

¹⁰ Including: AustLII: Australasian Legal Information Institute; WorldLII: World Legal Information Institute (global coverage); BAILII: British and Irish Legal Information Institute; Policy Vault Africa: repository of African policy and legislation; GIP Digital Watch Observatory: digital governance and policy monitoring; UN Codification Division Publications: official UN legal resources; ICC Legal Database: International Criminal Court documents; UN Digital Library; UN Official Document System; InfoCuria: case law of the Court of Justice of the European Union; Digital Policy Alert: monitoring global digital policy initiatives; HeinOnline: comprehensive coverage of international treaties, human rights instruments and law reviews; Westlaw International: global legal database with case law, legislation and policy materials; LexisNexis: global coverage of legal documents, case law and policy reports; GlobaLex (NYU): research guides on international and comparative law; AfricanLII: network of Legal Information Institutes across Africa; HUDOC: European Court of Human Rights case law database; Council of Europe Treaty Office database: monitoring state obligations linked to children’s rights and digital policies; Other national legislation portals.

domestic level. Relevant cases were also identified through our consultations and interviews with experts.¹¹

In our previous report on the impact of the general comment in the UNCRC monitoring process,¹² we traced references of the general comment and related keywords and themes through 79 State party reviews, which included State party and non-State actors reports, as well as the Committee’s List of Issues Prior to Reporting (LOIPR) and Concluding observations.¹³ This report draws on those findings and will reflect on them where relevant.

Consultations

Further data were drawn from international consultations, consultations with individual experts and an open call for evidence (see Appendix 1). Participants were identified through purposive and snowball sampling to ensure a diverse representation of regional, institutional and disciplinary perspectives.¹⁴ The call for evidence yielded 22 submissions by academics, national human rights institutions (NHRIs), child rights experts, NGOs and representatives from intergovernmental organisations.

Between October and November 2024, digital regional consultations were held across the Americas, Europe, Africa and Asia Oceania, complemented by targeted individual consultations with experts from NGOs, intergovernmental organisations, academia, civil society, UN bodies and human rights treaty mechanisms. In January 2025, a high-level expert roundtable convened world-leading specialists from across these sectors to review emerging findings and validate key interpretations. The consultation included policymakers, experts from NGOs, UN human rights treaty bodies, academia, civil society, UN special procedures and UN organisations. All contributions were thematically coded and analysed to identify recurring patterns, regional variations and

¹¹ This method identified the general comment referencing in interpretative documents by national authorities, regulators and National Human Rights Institutes (NHRIs); non-state actors’ consultation and advocacy reports in national policy processes; national policy documents and legislation; and national authorities’ preparatory policy work and position statements. However, we found little evidence of general comment references or citations in national or regional jurisprudence, including that of national courts and international human rights courts.

¹² Sylwander & Livingstone (2025).

¹³ Analysis has also fed into this report and provided additional insights into the implementation of children’s rights in the digital environment on a national level, as well as the uptake of the general comment among non-state actors. This analysis provides complementary insight into how normative guidance is being translated into evaluative practice, accountability mechanisms and policy feedback loops, both nationally and in communication with a UN human rights treaty body.

¹⁴ In September 2024, an open call for evidence was issued and circulated via LinkedIn and the DFC newsletter, inviting contributions from the global community working on children’s rights in the digital environment. All organisations that had previously contributed to drafting the general comment were specifically invited to share reflections through written submissions, online forms, interviews or verbal input during four regional consultations. Direct invitations to organisations to contribute were ineffective.

areas of convergence or tension in perceptions of the general comment's impact and uptake.

The expert consultation data were integrated with document analysis through thematic triangulation, allowing us to link textual evidence (i.e., direct referencing) of the general comment uptake to expert and stakeholder interpretations of its influence and use in practice.¹⁵ Guided by the project's theory of change, insights from consultations and interviews were used to test and refine assumptions about how normative guidance translates into legal, institutional and normative change.¹⁶

A review of the literature

A narrative review of the academic literature was conducted. A systematic database search was conducted of Google Scholar and Web of Science spanning from the general comment's adoption in 2021 to 2025. Search terms included 'general comment no. 25' AND 'child' AND 'rights' AND 'digit*'; 'CRC/C/GC/25'. The initial search yielded 1040 documents.¹⁷ Of these, 266 were found to directly reference the general comment and were read in full. This literature review has not assessed the quality of the literature reviewed; rather, the analysis is narrative and thematic, aimed at depicting the application of the general comment within academic literature. A short narrative review of the literature is presented in this report.

Limitations

The method enabled us to map uptake of the general comment, including identifying pathways and agents of impact and change, providing insight into how children's rights are being addressed in the digital environment globally. This report illustrates the impact of the general comment through specific cases from around the world, identified through desk research, expert consultations and interviews and a call for evidence. Such cases allow for depth of analysis and breadth of examples; however, they do not constitute an exhaustive or systematic evaluation of the implementation of child rights-respecting digital governance globally. There are currently many policy initiatives that are strengthening children's rights in the digital environment, which, although not

¹⁵ For a similar methodological approach, see KilKelly (2020); Lundy et al. (2013).

¹⁶ The combination of methods enabled tracing pathways of influence from the international to the national level, and analysis tracing interpretations across regions and actor groups. This integrated approach ensured that the analysis captured not only formal citations of the general comment but also its perceived legitimacy, utility and barriers to implementation across diverse contexts.

¹⁷ Literature was excluded if it was not accessible, did not directly reference General comment No. 25, was published in languages than English (with the exception of some documents with abstracts in French and German), or constituted duplicate sources.

explicitly drawing on the general comment, nonetheless reflect its guidance and principles; these cannot be exhaustively covered in this report.

Another significant limitation is language. The research primarily drew on English resources and relied on expert input and regional consultations to yield additional resources and examples in other languages. Searches were also conducted in French, German, Spanish, and the Scandinavian languages.¹⁸

¹⁸ These are the languages spoken by the DFC research team.

A theory of change

The concept of theory of change has gained traction across development, governance and human rights practice as a means of articulating how and why specific interventions are expected to contribute to broader social impact, particularly within organisational settings, originating as a tool to map causal pathways in complex community initiatives.¹⁹ Theory of change has since been institutionalised in international development planning, evaluation and outcome-delivery frameworks. Its strength lies in making explicit the assumptions, conditions and pathways that connect activities to outcomes, enabling greater clarity, accountability and adaptability in programming. Scholars have emphasised that the theory of change is less a linear model than a process of critical reflection that surfaces the political, normative and contextual dynamics shaping change.²⁰ This has led to a shift from viewing theory of change as a technical exercise of mapping inputs and outputs to understanding it as a governance practice, embedded in contested environments and shaped by stakeholder negotiation.²¹

In the context of children’s rights, theory-of-change frameworks have been used to distinguish between structural change, measurable change and lived change. Structural change refers to reforms to laws, policies and institutional frameworks that align with international standards, such as the UNCRC and its General comments. Measurable change is captured through indicators that track state compliance and progress, resulting from shifts in norms, discourse, policy shifts or resource allocation. Real change, ultimately, is experienced by children in their daily lives. Such changes can include enhanced protection, participation and opportunities. The literature on international organisations underscores that pathways of change in children’s rights are mediated by complex enforcement and compliance logics, including external pressure and material incentives and resources to capacity-building and the internalisation of norms.²² Impact is thus multilayered, as changes in legislation or policy may be necessary preconditions, but they are insufficient without shifts in implementation capacity, social norms and accountability practices.

¹⁹ Connell & Kubisch (1998); Weiss (2021).

²⁰ Mayne (2017); Stein & Valters (2012).

²¹ Across agencies such as UNICEF, United Nations Development Programme (UNDP) and national governments, theory of change has been adopted as both a planning and evaluation methodology. The UN Development Assistance Framework guidance describes theory of change as a method for drawing on evidence to explain how interventions can plausibly contribute to systemic change. Similarly, the UK Government Analysis Function identifies theory of change as a tool for policy decision-making that strengthens interventions by clarifying long-term goals, causal links and monitoring strategies. Yet critiques warn that the overformalisation of theory of change risks obscuring the uncertainty of political change, as change is rarely linear but rather clustered across domains of awareness, capacity and consequences, requiring flexible interpretation (see McDougall & Rega, 2022).

²² Simmons (2009); von Bahr (2020).

Theories of change in this domain must therefore attend not only to institutional reforms but also to the interplay of global and national factors as well as resistance to norms, and the settings in which children’s lives play out.²³ UN Development Assistance Framework guidance situates the theory of change as a tool for tracing how legal reforms addressing equality or protection will only yield developmental outcomes if linked to underlying social and structural drivers. In practice, this means recognising that passing a law banning corporal punishment or mandating data protection for children, for instance, is only the first step.

The international human rights field has also applied the theory of change to examine the ‘pressure logics’ through which legal and normative change occurs. Von Bahr²⁴ demonstrates how states respond variably to international children’s rights norms depending on whether enforcement, normative persuasion or capacity-building mechanisms dominate. Here, a theory-of-change lens helps clarify the assumptions behind pathways to change, demonstrating how theory of change can be used not just to measure compliance, but also to surface the mechanisms and resistances that determine whether legal commitments result in genuine behavioural change.

To understand the global impact of the general comment, the theory-of-change literature offers both conceptual tools and cautionary lessons. The general comment is situated within a human rights enforcement regime that lacks hard sanctions but operates through mechanisms of normative pressure, stakeholder mobilisation and advocacy and parallel regulatory systems. A theory-of-change approach allows us to articulate how the general comment influences law, policy and practice, while acknowledging the contextual variations and factors that shape outcomes. It also highlights the importance of multilevel and multi-actor engagement as meaningful change requires alignment between international bodies, states, civil society and children themselves. In this sense, theories of change are not static diagrams but iterative narratives, open to revision as evidence accumulates and as the political, technological and normative landscape evolves. For the purpose of this report, adopting a theory-of-change perspective recognises the non-linear, contested and deeply contextual nature of advancing children’s rights in the digital age.

A central methodological challenge is attribution. Legal, policy and normative changes may result from overlapping influences such as regional regulation, domestic political priorities, judicial interpretation and shifting public perceptions. It may therefore be difficult to isolate the independent effect of the general comment. Where it is explicitly cited, its influence may operate indirectly through norm diffusion, professional networks or the incorporation of child rights language into parallel regulatory

²³ See, for example, Fry & Germanio (2022). Theories of change applied to the incorporation of the UNCRC in Scottish law show how normative change requires interconnected pathways, including political commitment, legal incorporation, institutional adaptation and shifts in public attitudes.

²⁴ von Bahr (2020).

frameworks. A theory of change therefore shifts the question from whether the change can be attributed solely to the general comment, to how it contributes to a wider constellation of normative, political and institutional forces shaping children's rights in the digital environment. In order to securely attribute impact in this report, case studies and examples will draw on the explicit inclusion of the general comment, whether in text or where experts and stakeholders reported having referenced or been informed by the general comment in their contributions (both written and oral) in negotiations to draft policy, legislation, regulation or resolutions.

The general comment's impact cannot be measured solely by its citation or its influence on law, regulation and policy, but also through how it shapes professional practices, advocacy narratives, public perception and, ultimately, the lived experiences of children.

Impact in the UN system

UN General Assembly (UNGA)

As the UN's chief deliberative body, the General Assembly (UNGA) is an important site for tracking the political and normative uptake of children's rights in the digital environment on a broader international scale. While UNGA resolutions are non-binding, they carry considerable normative and agenda-setting weight within the UN-based international political system. Tracing how the general comment has been referenced, omitted or contested in resolutions and reports since 2021 reveals both the general comment's growing influence and the limits of its authority in the UN system.

Substantive alignment without explicit reference

Between 2021 and 2022, several UNGA resolutions addressed issues central to children's rights in digital contexts without citing the general comment itself, including on disinformation,²⁵ online violence,²⁶ child sexual exploitation,²⁷ and digital divides, child marriage and virtual learning.²⁸ These resolutions all engaged with digital dimensions of children's rights by relying on the UNCRC and its Optional Protocols. These omissions of general comment references are telling, suggesting an uneven awareness of the general comment across broader UN negotiations and a degree of caution among some States to explicitly endorse treaty body interpretations, such as the general comment, as these are non-binding instruments.

These resolutions demonstrate that while the UNGA increasingly addressed harms and opportunities children face in the digital environment, the general comment was not routinely framing these issues more broadly, suggesting its substantive authority was not yet fully consolidated.

²⁵ UNGA (2021a).

²⁶ The 2021 *Resolution on the rights of the child*, adopted after the publication of the general comment, fails to engage the general comment, but engages directly with digital themes, including violence online, digital divides, online education, cyberbullying and discriminatory content. This suggests that while the general comment's substantive concerns were filtering into Assembly debates, the interpretative authority of the general comment was not yet fully consolidated.

²⁷ UNGA (2022).

²⁸ UNGA (2023a). This resolution 77 highlights the digital environment, urging States to address digital divides and recognise the opportunities and risks of virtual learning and internet access. Again, the general comment is absent, even though it frames child marriage as a practice with digital dimensions, including online grooming and exploitation.

Explicit political endorsement in the Resolution on the promotion and protection of the rights of children

A more significant turn came with *Resolution 78/187 on the promotion and protection of the rights of children*,²⁹ adopted on 19 December 2023. For the first time, the UNGA explicitly referenced the general comment, calling on States to implement the UNCRC in relation to the digital environment:

*should implement the Convention on the Rights of the Child in relation to the digital environment, including the importance of privacy to children's agency, dignity and safety, and for the exercise of their rights [and recognised] the importance of the digital environment in children's lives for the realization of the rights enshrined in, inter alia, the Convention on the Rights of the Child.*³⁰

This marked a shift in how the UNGA engaged with the digital environment in relation to children's rights, strengthening the normative weight of the general comment by linking it directly to state obligations under the UNCRC. The resolution also closely mirrored the architecture of the general comment, addressing digital inclusion and connectivity,³¹ corporate responsibility,³² privacy³³ and data protection,³⁴ child rights impact assessments³⁵ and the dual risks and opportunities³⁶ of digital technologies for children's education, participation and civic engagement.

Although UNGA resolutions are not legally binding, the resolution's adoption by consensus marked a strong political endorsement of the general comment. Advocacy groups such as Child Rights Connect described the outcome as a 'resounding political

²⁹ 'Taking note of general comment No. 25 (2021) of the Committee on the Rights of the Child regarding the implementation of the Convention on the Rights of the Child in relation to the digital environment.' UNGA (2023b).

³⁰ Ibid. preamble.

³¹ Addressed in the Preamble and then throughout the resolution. Connectivity and digital divides: The resolution stressed the need for expanded internet access, affordability and digital literacy skills. It highlighted the gender digital divide, urging efforts to bridge disparities that disproportionately affect girls and children in rural or low-income contexts.

³² UNGA (2023b). See, among others, paras 5 and 35. Business responsibility: The text recognised that the responsibility to respect children's rights extends to private actors and businesses. It called on companies to pay attention to accessible design, safety-by-design and privacy safeguards, including in services not directly aimed at children but used by them in practice.

³³ Ibid. See, among others, paras 36-37.

³⁴ Ibid. See, among others, paras 44-45. Privacy and data protection: The resolution flagged concerns over the commercial use of children's personal data and endorsed child rights impact assessments (CRIAs) for legislation, standards and policies. These provisions reflect the general comment's call for systematic safeguards and privacy-by-design.

³⁵ Ibid. See para. 5. CRIAs: The resolution urged Member States to adopt mechanisms for assessing the impact of digital laws and products on children's rights, echoing the general comment's emphasis on proactive evaluation.

³⁶ Ibid. See preamble and more. Risks and opportunities: It acknowledged online risks such as cyberbullying, gender-based violence, discrimination and hate speech, while also recognising the benefits of digital technologies for education, participation and civic engagement.

endorsement’ of the general comment, underlining its growing recognition within the UN system.

Contestation and resistance

While the resolution was ultimately adopted by consensus, several Member States registered opposition to referring to the general comment. For instance, in 2023, Iran argued that general comments were ‘neither legally binding nor represent the official position of Member States’, and criticised what it viewed as misinterpretations of the UNCRC to promote ‘controversial agendas’.³⁷ Iran stressed the rights and duties of parents and guardians in directing children’s upbringing and education.³⁸

Nigeria was likewise dissatisfied with references to both General comment No. 25 and General comment No. 26 on children’s rights and the environment in the resolution, describing them as ‘misleading’ and ‘non-consensual’.³⁹ Nigeria objected to what it saw as an individualistic approach to children’s rights to privacy, which, it argued, downplayed parental supervision and control.⁴⁰ Iraq also expressed reservations regarding provisions on children’s capacity to consent to the sharing of personal information, reflecting broader debates about evolving capacities and data protection.

These interventions underscore a broader tension within the UN system. While the general comment is gaining normative traction, some States remain wary of recognising treaty body interpretations as authoritative or binding. These contestations are not new and reflect what scholarship has previously noted on the contestation surrounding children’s rights to privacy and parental authority.⁴¹ Contestation seems to centre on the balance between children’s autonomy, parental authority and state sovereignty, revealing fault lines in the uptake of the general comment.

³⁷ UN (2023).

³⁸ Iran expressed, ‘The draft’s provisions will not alter the international legal framework governing rights of the child and obligations thereunder. The general comments prepared by the treaty-monitoring bodies are neither legally binding nor represent the official position of Member States, especially when misinterpreting provisions to promote controversial agendas. The rights and duties of parents, and legal guardians when applicable, should be respected when providing direction and guidance to children in education and when exercising their rights.’

³⁹ UN (2023).

⁴⁰ Nigeria: ‘The representative of Nigeria, expressing dissatisfaction with the draft’s flawed negotiation process, disassociated from references to general comments 25 and 26 for misleading, non-consensual language and ideologies that are not in the best interest of her country’s children. The draft’s individualistic approach, including on the rights of children to privacy, does not mention the rights of parents to exercise reasonable supervision, guidance and control over their children’s conduct. The co-facilitators regrettably denied the inclusion of language respecting the rights and duties of parents – by definition, mother and father – and legal guardians in a child’s life.’

⁴¹ See Ayalew et al. (2024); Deitelhoff & Zimmerman (2020); Olowu (2002).

Other references within the UNGA system

Beyond resolutions, the general comment has been cited in the UNGA's reports and other outputs. The UN Secretary-General's report on the status of the UNCRC⁴² explicitly recalled the general comment, emphasising that meaningful access to digital technologies supports children's full range of rights.⁴³ It highlighted how the Covid-19 pandemic exposed both the potential of digital tools for education and participation and the risks of deepening inequalities, while raising concerns about AI, privacy, consent and accountability. Similarly, in 2021, the Third Committee *Resolution on the promotion and protection of the rights of the child*⁴⁴ referred to the general comment when addressing virtual learning during the pandemic, calling on States to bridge digital divides, and ensure that private actors conduct environmental and human rights impact assessments, in line with the UNCRC General comment No. 16 on business and human rights.

Synthesis

These references indicate that, although the general comment was not systematically embedded across the UNGA's outputs, its language and principles are increasingly integrated into UNGA discourse. Analysis shows that the general comment has been both politically endorsed and normatively contested within the UNGA system.

UN Human Rights Council (HRC)

The Human Rights Council (HRC) is the UN's primary intergovernmental body responsible for promoting and protecting human rights globally. Through its resolutions, thematic debates and special mechanisms, it has long addressed rights issues relating to the digital environment, including privacy, online safety and the governance of emerging digital technologies. Since the adoption of the general comment, the HRC provides an important site to examine whether and how children's rights in the digital environment are being integrated into the wider human rights agenda. Overall, uptake has been gradual and uneven.

In the immediate period following the adoption of the general comment, the HRC adopted several resolutions relevant to children's rights in the digital environment without engaging with it. Resolutions on human rights on the internet,⁴⁵ new and

⁴² UNGA (2021b).

⁴³ Ibid. para. 56.

⁴⁴ UNGA (2021c).

⁴⁵ This reaffirms that human rights apply online as offline but does not reference children specifically, and nor does it cite the general comment. UNHRC (2021).

emerging digital technologies⁴⁶ and the right to privacy in the digital age⁴⁷ reaffirmed that human rights apply online as offline and addressed risks linked to surveillance and data misuse. However, these texts did not engage with children as rights-holders with distinct needs, and nor did they draw on the general comment. In the *Resolution on neurotechnology and human rights*,⁴⁸ the UNCRC was acknowledged but not the general comment, leaving the specific implications for children largely underexplored.

A turning point came with *Resolution 51/10 on countering cyberbullying* (October 2022).⁴⁹ This explicitly welcomed the Committee on the Rights of the Child's work on cyberbullying, and 'took note' of its General comments, naming both General comment No. 13 on freedom from violence and the General comment No. 25.⁵⁰ Notably, it echoed the general comment's recognition of the private sector's responsibility.⁵¹ This reflects the HRC's recognition that business responsibility is central to ensuring human rights in the digital environment more broadly. This marked the first time the general comment was acknowledged within a formal HRC resolution. However, this uptake of the general comment was not systematic in following resolutions.⁵²

2023 Annual Day on the Rights of the Child

The most significant recognition of the general comment within the HRC came in March 2023,⁵³ when the Council's Annual Day on the Rights of the Child was dedicated entirely to children's rights in the digital environment. The session explicitly built on the general comment and aimed to assess its implementation across states. Its objectives included reviewing progress since adoption, identifying gaps and barriers to realisation, while balancing protection with empowerment as well as accountability. Emphasis was placed on hearing children's perspectives and integrating their recommendations into the discussion. The day linked the general comment to wider UN processes, including the Secretary-General's report to the UNGA and negotiations on the Global Digital Compact.

⁴⁶ UN HRC (2021b). This resolution similarly addresses the governance challenges of new technologies but omits any child rights perspective, including the general comment.

⁴⁷ UN HRC (2021c). This resolution engages with the risks posed by surveillance and data misuse but does not consider children's distinct vulnerabilities, despite the general comment having placed privacy at the centre of children's rights in relation to the digital environment.

⁴⁸ UN HRC (2022a). This acknowledges the UNCRC but not the general comment. Neurotechnology was also identified by the Secretary-General's *Our common agenda* report as a 'frontier issue', yet the specific implications for children remain largely unexplored.

⁴⁹ UN HRC (2022b).

⁵⁰ Ibid. see preamble.

⁵¹ Ibid. para. 4: 'The responsibility to respect the rights of the child also applies to private actors and business enterprises, and in particular encourages private actors in the Internet sector who provide or operate services across domestic jurisdictions to adhere to the highest available international standards of safety-, privacy- and security-by-design, in particular for children, and to continue to take part in international multistakeholder efforts to raise awareness and empower children about online risks and to prevent and counter cyberbullying.'

⁵² See, for example, UN HRC (2023a). Resolution 54/5 on ensuring quality education for peace and tolerance for every child referenced the digital environment in relation to bullying, hate speech, disinformation and online violence without referencing the general comment.

⁵³ UN HRC (2023b).

This marked the most comprehensive engagement with the remit of the general comment within the council to date.

Resolution 56/6 on online safety

In 2024, the HRC adopted *Resolution 56/6 on the safety of the child in the digital environment*,⁵⁴ which fully recognises and calls for States to implement children’s rights with relation to the digital environment, referencing the UNCRC and the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC),⁵⁵ but not the General comment. The resolution recognises both State and business responsibilities to uphold children’s rights, including child rights impact assessments as a tool to ensure corporate responsibility. It also requested the Office of the High Commissioner for Human Rights (OHCHR) to convene five inclusive regional workshops, with strong child participation and multistakeholder involvement, to assess risks to children’s safety in the digital environment and coordinate a global framework on children’s online safety, to be presented to the HRC.⁵⁶

The resolution was initiated by the Permanent missions of Egypt, Kazakhstan, Malaysia, Senegal, Singapore and the United Arab Emirates (UAE). From the initial draft to the final text, the resolution evolved from a predominantly harm and criminalisation-focused instrument toward a somewhat broader rights-based framing which aligned more closely with the general comment. The final text includes stronger language on privacy, digital inclusion and business responsibility, recognising, for instance, corporate due diligence and data protection concerns as well as the child’s right to be heard, although children were not listed among the stakeholders to be consulted. Through advocacy efforts to align the draft more fully with the general comment, the resolution reflects its title and remains centred on safety, with limited operationalisation of participation rights, cultural rights and structural safeguards around AI and digital design.

In 2024 and 2025, further resolutions relating to the internet and human rights continued to recognise that human rights apply equally in the digital environment, including uneven references to the UNCRC.⁵⁷ This reflects a broader approach in HRC resolutions to recognise children’s rights in specific resolutions, while addressing children’s specific rights and needs in human rights resolutions more broadly; however, there is a general scarcity of references to the UNCRC’s general comments.

In 2025, the UN OHCHR launched an initiative together entitled ‘Our Digital World, Our Say’ with the Digital Futures for Children centre (DFC) and 5Rights Foundation to consult children around the world on the impact of the digital environment on their rights. The

⁵⁴UN HRC (2024).

⁵⁵ UN (2000).

⁵⁶ This consultation is set to take place in 2026.

⁵⁷ See Resolutions 58/6, *Neurotechnology and human rights*; 58/23, *Human rights defenders and new and emerging technologies*; 59/11, *New and emerging digital technologies and human rights*: <https://docs.un.org/en/A/80/53>

purpose of this participatory project was to include children’s voices into the future work of the HRC on children’s rights with relation to the digital environment and digital governance.

Synthesis

Across relevant resolutions, the HRC has addressed many issues central to General comment No. 25, including digital divides, inclusion, online safety, cyberbullying, misinformation and access to education through digital technologies. Despite this, the general comment has not yet been embedded as a routine reference point. The pattern reflects selective and uneven uptake shaped by processes of norm contestation within the HRC. As scholarship demonstrates, States often accept less controversial or contested protection-focused language while resisting explicit reliance on treaty body interpretations that may expand or clarify obligations.⁵⁸

The Annual Day marked a clear shift, signalling greater openness to treating the general comment as a guiding framework, whereas Resolution 56/6 illustrates how negotiations continue to consolidate around safety and protection. In our interviews and discussions with child rights advocates, we noted that much work occurs in the lead-up to resolutions, with input from various actors in drafting them, and that this input is not public. The impact of the general comment works through advocacy efforts in these negotiations with Member States, public negotiations on the floor of the HRC between States parties, as well as through OHCHR-based initiatives, collaboration with the UNCRC and experts within academia, civil society and other UN organisations and bodies. The analysis of both the HRC and UNGA resolutions and the process of adopting these resolutions reveals a broad consensus among UN Member States towards recognising that children’s rights apply in the digital environment, yet there is considerable push-back against the general comment as a non-binding treaty body guidance.

Global Digital Compact (GDC)

The UN Global Digital Compact (GDC)⁵⁹ was adopted as part of the UN’s Pact for the Future during the Summit of the Future in September 2024. It is the first globally agreed framework on digital cooperation, setting out shared principles, objectives and actions to guide an ‘open, free, secure and human-centred digital future for all’. Negotiated through a multistakeholder process involving governments, regional and international organisations, civil society, youth groups and the private sector, it reflects a broad consensus that digital governance must be grounded in international human rights

⁵⁸ Voss (2021).

⁵⁹ UN (2024).

law.⁶⁰ It also underlines the importance of strengthening legal and policy frameworks to protect children’s rights in accordance with the UNCRC.⁶¹

Advocacy and push-back

The final draft makes explicit reference to the UNCRC and recognises children’s rights as part of its human rights framework.⁶² However, language in the early draft, which directly reflected the general comment’s emphasis on participation and rights-by-design, was diluted.⁶³ On the other hand, early drafts that leaned towards a protectionist framing were broadened to include a wider range of rights, which partially reflects the general comment-informed advocacy, without explicit reference.⁶⁴

Children’s rights emerged as a recurring theme throughout the drafting process. Although the general comment was not explicitly cited in the final text, it played an indirect role in shaping advocacy and debate. Child rights civil society organisations relied heavily on the general comment as the globally authoritative interpretation of how the UNCRC applies in digital contexts. Groups including 5Rights Foundation, Stiftung Digitale Chancen, the Alana Institute and coalitions of child rights organisations highlighted three contributions from the general comment in particular:

- 1.** The three pillars of rights: Advocates argued that the GDC should reflect not only protection from online harms but also provision and participation. The general comment was used as evidence that children are not only vulnerable but also rights-holders who should be consulted in digital governance processes.
- 2.** Child rights-by-design: Drawing on the general comment’s call for child rights impact assessments, civil society pressed for regulatory and design standards that embed safety, privacy and participation into digital services from the outset.
- 3.** Opportunities and risks: The general comment was referenced by advocates to argue that digital policy must not reduce children’s rights to safety concerns alone, but instead recognise the role of digital environments in enabling education, expression and civic engagement.

⁶⁰ Ibid. ‘Human rights: This Compact is anchored in international law, including international human rights law. All human rights, including civil, political, economic, social and cultural rights, and fundamental freedoms, must be respected, protected and promoted online and offline. Our cooperation will harness digital technologies to advance all human rights, including the rights of the child, the rights of persons with disabilities and the right to development’ (para. 8c).

⁶¹ Ibid. para. 23c.

⁶² Ibid. paras 8c and 23.

⁶³ See the different drafts at: www.un.org/digital-emerging-technologies/global-digital-compact

⁶⁴ Expert interview, November 2024; international expert consultation, January 2025.

In public consultations led by the UN Tech Envoy's office, the general comment was explicitly cited in written and oral submissions as a guiding standard for governments and businesses. Despite this advocacy, references to the general comment did not appear in the adopted text. Negotiations revealed three main sources of resistance:

- Concerns over the authority of treaty body interpretations: Some States argued that general comments are not legally binding and should not be treated as consensus language in intergovernmental agreements.
- Parental rights and cultural framing: Echoing objections made in UNGA debates on the general comment, a number of governments resisted language that implied children's rights to privacy, expression or participation online, insisting instead on the primacy of parental authority.
- Risk of overreach: Certain stakeholders, including business representatives, raised concerns that integrating the general comment-inspired standards, such as child rights impact assessments, could impose significant regulatory and compliance burdens.

Synthesis

The trajectory of the general comment within the GDC negotiations illustrates both its normative influence among stakeholders and resistance among certain UN Member States to its substantive authority. Civil society actors used the general comment to advocate for a comprehensive child rights agenda, while States and private sector actors countered with resistance to binding interpretations or obligations. As a result, the general comment influenced the negotiations even though it was not directly cited in the final text, leaving implementation of the GDC as the next test of whether its principles will be carried forward.

UN Special Procedures and the Secretary-General's Special Representatives (SRSGs)

The UN Special Procedures form a central pillar of the HRC's work and support the UN Secretary-General's work. They include 46 thematic and 14 country mandates held by independent experts, special rapporteurs and working groups who monitor, advise and report on human rights issues shaping state practice and influencing international norms. Although most mandates are not child-specific, many address issues directly affecting children, including privacy, education, violence, trafficking and digital technologies. In parallel, the Secretary-General appoints Special Representatives (SRSGs), including the SRSG on Violence against Children (VAC) and the SRSG on Children and Armed Conflict, who act as high-level advocates within the UN system and help shape cross-agency and Member State agendas.

Uptake of the general comment

The general comment has increasingly been taken up within this expert UN system of special mandates. The Special Rapporteur on the sale, sexual exploitation and sexual abuse of children has drawn extensively on the general comment in her reports addressing emerging digital practices, corporate responsibility, child participation in digital design and access to remedies.⁶⁵ In these reports, the Rapporteur clarifies how she has advocated alongside the SRSR on Violence against Children for the inclusion of children’s rights in the GDC.⁶⁶

The Special Rapporteur has also explicitly invoked the general comment in her work directed to States, such as her report on her visit to Montenegro in 2021.⁶⁷ She recommended that the Government develop legislation and strategies to address online child sexual exploitation and abuse, and encouraged authorities to rely on the general comment as guidance to fulfil obligations under the Convention and its Optional Protocols.⁶⁸

Even where not explicitly cited, the general comment’s themes are reflected across mandates. The Special Rapporteur on the right to education has engaged extensively with the digitalisation of education, raising concerns around AI, privacy, data protection and unequal digital access, explicitly aligning with the general comment’s provisions on non-discrimination, education and privacy in digital environments.⁶⁹ Similarly, the Special Rapporteur on the right to privacy working on emerging technologies has raised issues of algorithmic bias, surveillance and data protection that resonate with the general comment, as well as highlighting responsibilities of the business sector, reminding governments of the valuable guidance provided by it.⁷⁰

The SRSR on Violence against Children has also drawn directly on the general comment in advocacy and policy initiatives, including the 2023 policy paper *A safer digital*

⁶⁵ UNGA (2024a). The Rapporteur points to States’ obligation to ensure children’s meaningful participation in the design of digital services and requires businesses to conduct child rights due diligence and impact assessments. She highlights that companies may contribute to violations through harmful design choices, underscoring the need for robust regulation, age-appropriate systems and accessible remedies for children. Para. 27: The report on reparation for child victims and survivors of sale and sexual exploitation specifies the general comment’s framework to provide effective support and remedies to children who are victims, and the specialised requirements to redress harms experienced in relation to the digital environment.

⁶⁶ Ibid. see para. 31.

⁶⁷ UN HRC (2022c).

⁶⁸ The Special Rapporteur recommends that the Government of Montenegro formulate legislation and strategies to address online child sexual exploitation and abuse through the use of various technologies and further encourages the Government to refer to general comment No. 25 (2021) of the Committee on the Rights of the Child on children’s rights in relation to the digital environment, which provides guidance on relevant legislative, policy and other measures to ensure full compliance with State obligations under the Convention on the Rights of the Child and the Optional Protocols thereto to effectively address online sexual exploitation of children.

⁶⁹ On AI: UNGA (2024b); on the role and rights of teachers: UNGA (2023c); on the impact of digitisation: UNOHCHR (Human Rights Office of the High Commissioner) (2022).

⁷⁰ UN HRC (2025a); UN HRC (2025b).

*environment for children: Now is the time to act.*⁷¹ The general comment serves as part of the normative foundation for legislative reform, awareness-raising and industry accountability. The annual reports particularly point to the SRSRs' advocacy and support to include children's rights in the digital environment, for instance, in the negotiations relating to the GDC and broader UN digital governance discussions.⁷²

Synthesis

The evolving practice of UN special mandates reflects a direct use of the general comment as an authoritative interpretive standard to influence both State action and inform broader UN digital governance procedures. These reports situate the general comment within evolving global digital governance frameworks. Taken together, the work of the Special Procedures and the SRSRs shows that the general comment has begun to influence the interpretation of State obligations in the digital environment and the Special Procedures' interpretations and recommendations. The fact that multiple mandate-holders now draw on its provisions illustrates its emerging normative weight within the UN human rights system.

UN Committee on the Rights of the Child

In the DFC's previous report, *The impact of General comment No. 25 in the UNCRC review process*,⁷³ we analysed how the UN Committee on the Rights of the Child has integrated the general comment into its monitoring of States between 2021 and July 2025, examining 79 State party reviews. The review process includes a list of issues, State replies, alternative reports from civil society and UN actors, as well as formal dialogue, after which the Committee provided their recommendations in the Concluding observations.⁷⁴

Analysis reveals that the general comment has progressively shaped the Committee's approach. Initially, references to the digital environment were uneven and focused mainly on harms such as sexual exploitation and abuse.⁷⁵ From 2021, children's rights in the digital environment have become more systematically addressed, and by 2025 every review either explicitly cited the general comment or substantively engaged with children's rights in the digital environment. The approach evolved from general awareness-raising to concrete recommendations on legislation, enforcement, corporate accountability, digital inclusion and safeguards relating to artificial intelligence (AI).

⁷¹ UN Special Representative of the Secretary-General on Violence against Children (2023).

⁷² See the SRSR VAC's Annual Reports to the UNGA as well as to the HRC 2022-25: <https://violenceagainstchildren.un.org/en/our-work/annual-reports/human-rights-council>

⁷³ Sylwander & Livingstone (2025).

⁷⁴ Under Articles 43 and 44 of the UNCRC, the Committee monitors state implementation of children's rights.

⁷⁵ With references to the OPSC.

Analysis of alternative reports highlights that civil society and NHRIs, UN agencies and children’s organisations play a key role in shaping the substantive uptake of the general comment in the Committee’s monitoring practice. Many alternative reports that explicitly draw on the general comment’s principles have been reflected in subsequent concerns raised by the Committee concerning privacy, data protection, AI governance and corporate accountability.⁷⁶

UNICEF

The United Nations Children’s Fund (UNICEF), founded in 1946, is a global UN agency dedicated to upholding and advancing the rights of children, particularly those in vulnerable situations. In recent years, UNICEF has become one of the most influential actors in operationalising and promoting children’s rights in the digital environment. Through research, policy guidance, advocacy and programming, UNICEF has increasingly interpreted and applied the UNCRC in light of technological change. Since 2021, the general comment has served both as a reference point and normative anchor across many of its outputs and policies relating to the digital environment.

A review of published UNICEF reports, advocacy briefs and guidance highlights gaps and silences, and UNICEF’s role in embedding children’s rights in digital governance debates. The review reveals that the general comment is often cited explicitly as the international standard on children’s rights in the digital environment, and at other times it is embedded implicitly in its principles.

For example, UNICEF’s briefing for the B-Tech project on business and children’s rights⁷⁷ directly cites the general comment as a central legal reference within international law on children’s rights in the digital environment, alongside the UNCRC and OPSC. The briefing describes companies’ responsibilities to identify, prevent and mitigate adverse impacts on children’s rights, drawing on the UN *Guiding principles on business and human rights* as a central framework in line with international child rights law.⁷⁸ Similarly, UNICEF’s policy paper on children’s exposure to hate and violence online references the general comment when arguing for state and business accountability to protect children from harmful content. The paper highlights the general comment’s articulation of States’ obligations to regulate digital platforms, ensure accessible remedies and address discriminatory abuse.

⁷⁶ Sylwander & Livingstone (2025).

⁷⁷ UNICEF (2024).

⁷⁸ UN OHCHR (2012).

In research contexts, UNICEF Innocenti’s 2025 working paper on the best interests of the child in the digital environment cites the general comment as the foundational framework.⁷⁹

Rooting policies in the best interests of the child principle calls for a holistic approach, as outlined in the General Comment No. 25 on Children’s Rights in Relation to the Digital Environment.

It emphasises that the best interests principle must be applied across the design, deployment and regulation of digital technologies, echoing the general comment’s insistence that States conduct child rights impact assessments in relevant digital policies.

Other publications, such as guidance on AI for parents, reports on neurotechnology and analyses of immersive environments, reflect the general comment’s framing of privacy, consent, evolving capacities and participation, even when not cited directly. The pattern is therefore one of broad normative diffusion.

The more significant influence of the general comment on UNICEF’s work lies in its operationalisation. UNICEF has translated the general comment’s frameworks across several thematic areas.

Data governance is a central focus. The data governance manifesto⁸⁰ and related work on education technology (EdTech)⁸¹ apply the general comment’s provisions on privacy, data protection and profiling. These outputs argue that children’s best interests must shape digital product design, particularly in relation to data collection, algorithmic profiling and commercialisation, and recommend child rights impact assessments, transparency requirements and limits on data-driven practices.

UNICEF has also operationalised the general comment in its work on AI and other emerging technologies, such as neurotechnology and immersive environments. The *Policy guidance on AI for children*⁸² reflects its emphasis on non-discrimination, privacy and evolving capacities. While it predates some of the newer Innocenti work, it exemplifies how the general comment’s principles are turned into actionable recommendations for States and companies. Reports on neurotechnology⁸³ and immersive environments extend these principles to biometric and neural data and marketing, highlighting risks of profiling, manipulation and commercial exploitation, and calling for safeguards and accountability.⁸⁴

⁷⁹ Özkul et al. (2025).

⁸⁰ Byrne et al. (2021).

⁸¹ Day et al. (2025).

⁸² UNICEF (2021).

⁸³ UNICEF Innocenti – Global Office of Research and Foresight (2025a).

⁸⁴ UNICEF Innocenti – Global Office of Research and Foresight (2023a).

Another area where the general comment is operationalised is online safety and violence prevention. Research on hate speech, cyberbullying and exposure to harmful content explicitly draws on the general comment’s articulation of States’ duties to regulate platforms and protect children. At the same time, initiatives such as the *Responsible innovation in technology for children* (RITEC) studies⁸⁵ operationalise participation by engaging children directly in shaping principles of digital design, echoing the general comment’s insistence on children’s rights to be heard in decisions relating to the design and governance of the digital environment.

Education and digital learning are framed through non-discrimination, inclusion and equal access. Reports on digital divides and education technology governance apply the general comment’s provisions on access, digital literacy and equity.⁸⁶

Operationalisation also occurs on a national level through UNICEF country offices. Our interviews and consultations reveal that UNICEF offices around the world develop and adapt materials based on the general comment to provide digital literacy education and educational materials on children’s rights in the digital environment for children, parents and policymakers.⁸⁷

Certain general comment themes recur more strongly across UNICEF’s outputs than others.

- Privacy and data protection: This is the most prevalent theme, with multiple reports (the data governance manifesto, EdTech governance, neurotech, AI guides) foregrounding children’s rights to privacy and protection from data misuse.
- Online safety and protection from violence: Operationalised through research on hate speech, cyberbullying and exposure to harmful content.
- Equality and inclusion: Digital divides, gender inequalities and socioeconomic disparities are consistently raised, echoing the general comment’s provisions on non-discrimination.
- Participation and the broader civil liberties, such as freedom of expression: Less consistently foregrounded, although participatory methodologies have been expanded in recent years.

⁸⁵ UNICEF Innocenti – Global Office of Research and Foresight (2023b); UNICEF Innocenti – Global Office of Research and Foresight (2024).

⁸⁶ Day et al. (2025); UNICEF Innocenti – Global office of Research and Foresight. (2025b); UNICEF Innocenti – Global Office of Research and Foresight. (2025c).

⁸⁷ UNICEF offices in Latin America, Central Asia and South East Asia reported developing such materials.

- Best interests of the child: Increasingly visible as a framing device, especially in Innocenti reports and working papers.

Some tensions are evident. While UNICEF advocates for stronger regulation of commercial practices, they simultaneously partner with private sector actors, which may create a conflict of interest, risking their independence. This can create contradictions between advocating for stricter regulation of commercial practices and working collaboratively with industry.

Moreover, protection-oriented framings often dominate public-facing materials, reflecting wider debates about balancing safety with empowerment and participation. Some civil society actors have also criticised UNICEF outputs for overemphasising safety and protection relative to enabling children’s participation and civic engagement online.⁸⁸ This reflects broader tensions in the interpretation of the general comment itself, where protectionist framings often dominate public discourse.

Synthesis

As the leading UN child rights agency UNICEF has played a pivotal role in embedding the general comment within global digital governance debates. Its uptake is foregrounded in advocacy and policy briefs, and its principles are integrated into research and programming on the digital environment, thereby creating a clear normative foundation for UNICEF’s digital agenda. Through UNICEF’s global footprint, such as UNICEF Innocenti’s research and policy work, and through local national programmes and advocacy, UNICEF is both a case study of the diffusion of the general comment in an organisation and the shaping of a research and policy agenda, as well as having direct national impact through educational and advocacy materials that reach children, parents, policymakers and other stakeholders.

UNESCO

The United Nations Educational, Scientific and Cultural Organisation (UNESCO) has, since the 1970s, played a central role in shaping global approaches to education, communication and digital transformation, with its early initiatives in information policy laying the groundwork for its ongoing focus on technology and learning. In recent years, it has incorporated the general comment into its digital governance and education work, marking an important institutional uptake within the UN system.

UNESCO’s *Guidelines for the governance of digital platforms*⁸⁹ represents a significant institutional uptake of the general comment within the UN system. Developed through

⁸⁸ Interviews and consultations held with experts in October and November 2024.

⁸⁹ UNESCO (2023).

extensive global consultations with over 10,000 stakeholders, they set out a human rights-based and multistakeholder framework for digital platform governance, explicitly referencing the general comment as an authoritative international standard. The *Guidelines* recognise children's 'special status given their unique stage of development' and call on governments and platforms to 'uphold high ethical and professional standards' to ensure 'equal and effective access to the digital environment' in line with the general comment.

UNESCO has also embedded the general comment within *Internet universality: Advancing inclusive digital transformation with ROAM-X indicators*.⁹⁰ These assess digital environments against principles of human rights, openness, accessibility and multistakeholder participation. UNESCO has developed specific indicators to evaluate whether national legal and policy frameworks align with the general comment, including the existence of policies consistent with its guidance on protecting and promoting children's best interests online.⁹¹

UNESCO's International Bioethics Committee's review of digital media and mental health wellbeing among children and adolescents⁹² refers to the general comment to frame and define the digital environment and children's rights therein.

In relation to children's right to education, the general comment informs recommendations on digital literacy, equitable infrastructure investment and evidence-based school policies.⁹³ Despite this, UNESCO's influential report *An ed-tech tragedy?* did not include the general comment in its framing or analysis.⁹⁴

These examples illustrate how UNESCO has translated the general comment into governance guidelines and monitoring tools, reinforcing children's rights within digital policy while embedding its principles in education and digital transformation frameworks.

⁹⁰ The ROAM-X indicators were developed in 2015: UNESCO (2024).

⁹¹ Indicator XB.2.1.

⁹² UNESCO International Bioethics Committee (2024).

⁹³ UNESCO (2021).

⁹⁴ Wes (2023).

Joint Statement on artificial intelligence and the rights of the child

The Joint Statement, launched in January 2026, explicitly builds on General comment No. 25 to reaffirm that children’s rights apply fully in the digital environment including in the context of AI.⁹⁵ It recalls the general comment as the authoritative interpretative framework, and extends its principles into AI governance. Core elements of the general comment, including best interests of the child, non-discrimination, participation, privacy-by-design, business responsibility and child rights impact assessments, are translated into AI-specific recommendations.

We come together to address the urgent need for a child rights-based approach to the design, development, deployment and governance of AI and to recall the Convention and its Optional Protocols, CRC general comment No. 25 (2021) on children's rights in relation to the digital environment, and all other relevant documents.

The Joint Statement has received broad institutional endorsement, being led by the International Telecommunication Union (ITU) and the Committee on the Rights of Child.⁹⁶ The list of signatories represents an unusually broad cross-system endorsement spanning UN bodies, such as treaty bodies, labour governance, parliamentary networks, security and disarmament bodies, child protection mandates and multistakeholder digital safety partnerships, signalling system-wide institutional backing for a child rights-based approach to AI governance, framed by the general comment. The list of contributors and cosignatories includes a broad range of civil society, academic and expert contributors.⁹⁷

⁹⁵ ITU et al. (2026).

⁹⁶ Signatories include: ITU, UN Committee on the Rights of the Child, United Nations Children's Fund (UNICEF), International Labour Organization (ILO), Inter-Parliamentary Union (IPU), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Interregional Crime and Justice Research Institute (UNICRI), United Nations Office for Disarmament Affairs (UNODA), Office of the United Nations High Commissioner for Human Rights (UN OHCHR), Special Representatives of the UN Secretary-General for Children and Armed Conflict and on Violence against Children, UN Special Rapporteur on the sale, sexual exploitation and sexual abuse of children, Safe Online.

⁹⁷ 5Rights Foundation, The Alan Turing Institute, Alana Institute, ECPAT International, Child Rights Coalition, Child Helpline International, Digital Futures for Children centre, University of Oxford, Plan International, Save the Children, Terre des Hommes International, World Vision, and many more. This reflects a cross-sector recognition that AI governance must be grounded in children’s rights.

Impact on intergovernmental organisations

Organisation for Economic Co-operation and Development (OECD)

The Organisation for Economic Co-operation and Development (OECD), which has 38 Member States, serves as a forum for joint action on social, economic and environmental issues. Since the 1970s, it has addressed digitalisation and computerisation as central to human and economic progress. Over time, its approach has evolved from viewing digital technologies primarily through a security lens to emphasising digital governance and risk management. The OECD primarily influences Member States through soft governance tools, including recommendations, comparative monitoring and performance indicators, rather than binding enforcement.

Prior to the general comment, the OECD had already developed a substantial policy framework on children and the digital environment. Reviewing OECD policy and guidelines from before and after the adoption of the general comment indicates that it has not redirected the OECD so much as reinforced and accelerated its existing approach. It is the 2012 *Recommendation on the protection of children online*,⁹⁸ revised risk typologies and subsequent multistakeholder processes which culminated in the 2021 *Recommendation on children in the digital environment*⁹⁹ and the accompanying *Guidelines for digital service providers*.¹⁰⁰ They also tasked the Digital Policy Committee with continuing to develop practical guidance and reviewing the implementation of the guidelines. These instruments reflect principles reinforced in the general comment, including safety-by-design, proportionality, accountability and international cooperation. As these instruments were developed at roughly the same time, the general comment is not cited in the 2021 *Recommendation on children in the digital environment*.

⁹⁸ OECD (2012).

⁹⁹ OECD (2021).

¹⁰⁰ OECD (2022).

Although building on a prior trajectory, the OECD instruments now explicitly cross-reference the general comment's core ideas, translating them into guidance for States and digital service providers. Since 2021, OECD documents reveal conceptual and normative alignment and consolidation with the general comment. OECD's 2024 paper, *Towards digital safety by design for children*,¹⁰¹ cites the general comment directly as a normative anchor for safety-by-design expectations in products and services used by children, reinforced by the authoritative recognition of the UNGA *Resolution on the rights of the child in the digital environment*.¹⁰² The paper situates the general comment alongside OECD standards, in a comparative matrix of international standards, highlighting shared commitments to integrating safety at the design stage, strengthening privacy protections, ensuring child-friendly information and conducting regular reviews.

While there is clear substantive convergence with the general comment, the OECD's primary frame of reference remains its own recommendations and guidelines. Nonetheless, its emphasis on safety-by-design, data protection, transparency and accountability aligns closely with the general comment's framework. Information, provision and transparency, and privacy, data protection and commercial use of children's data, as well as accountability expectations for digital service providers, are normatively aligned with the general comment. In its Digital Economy Paper on *Safety by design for children*, the OECD explicitly recognises the general comment's normative relevance within evolving digital governance debates.¹⁰³

¹⁰¹ OECD (2024).

¹⁰² *Ibid.*, p. 6.

¹⁰³ OECD (2024).

Impact on regional intergovernmental organisations

A total of 196 countries have ratified the UNCRC, the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) and therefore also adhere to the UNCRC's general comments. Implementation increasingly depends not only on national action but also on regional legal and policy frameworks. Regional organisations play a pivotal role in translating international standards into context-specific regulation, often through both binding and soft-law instruments that shape digital governance.

To assess how children's rights in the digital environment are being operationalised at the regional level, in this section we examine four regional intergovernmental organisations: the African Union (AU), the European Union (EU), the Council of Europe (CoE) and the Association of Southeast Asian Nations (ASEAN). Existing frameworks are mapped with analysis of the extent to which General comment No. 25 has informed regional legislation, policy, debates, regulatory guidance and standard-setting processes. Particular attention is given to where the general comment has had explicit impact, where gaps persist, and how regional political, institutional and economic dynamics shape its uptake. While regional bodies typically prioritise their own legal instruments, this analysis explores how the general comment interacts with and reinforces these frameworks to advance a more holistic child rights approach to digital governance.

African Union (AU)

Africa comprises 55 diverse nations with significantly different histories, geographies, populations and resources, resulting in wide disparities in digital access, inclusion and governance. Despite being home to the world's youngest population and its rapid economic growth, connectivity remains uneven, and a significant gender gap persists. The African Union (AU) has, over the past decade, taken increasing steps to address children's rights in the digital environment. While half of African countries now have some form of data and privacy protection law, very few include special provisions on children.¹⁰⁴ Against this backdrop, the adoption of the general comment in 2021

¹⁰⁴ Ayalew et al. (2024).

coincided with increased attention within the AU to children’s rights in the digital environment, catalysing new regional initiatives and policy debates.

Digital governance framework

The AU has positioned digitalisation as a cornerstone of its development agenda, most prominently through Agenda 2063¹⁰⁵ and *the Digital Transformation Strategy for Africa (2020-2030)*.¹⁰⁶ These frameworks prioritise connectivity, digital markets and economic integration. However, they have historically been criticised for insufficient clarity about integrating human rights and child protection into digital growth strategies. The adoption of the general comment coincided with a shift in discourse, strengthening attention to children’s rights within AU-level digital policy.

To implement its digital transformation strategy, the AU adopted several instruments addressing digital identity, data governance and market integration, including the 2022 Data Policy Framework and Interoperability Framework for Digital ID. Rights-focused measures such as the 2014 Malabo Convention on Cyber Security and Personal Data Protection, and the 2024 Child Online Safety and Empowerment Policy, both aim to balance economic growth, digital sovereignty and human rights protection. However, critics highlight significant implementation gaps, a lack of harmonisation across national legal systems and weak enforcement mechanisms. This raises questions about whether the current framework can adequately address the risks and inequalities associated with digitalisation, or whether it risks prioritising market integration over protecting vulnerable groups, including children.

African Charter on the Rights and Welfare of the Child and the Committee of Experts

The *African Charter on the Rights and Welfare of the Child (ACRWC)*,¹⁰⁷ which entered into force in 1999, is the only regionally binding child rights treaty. It contains rights parallel to those in the UNCRC, but framed within Africa’s specific sociocultural contexts, with a greater emphasis on collective and parental responsibilities. The African Committee of Experts on the Rights and Welfare of the Child (ACERWC), which monitors implementation of the ACRWC, has increasingly aligned its interpretive guidance with the logic of the general comment. The Declaration on Preventing and Ending Child Sexual Exploitation in Africa, adopted in 2019 by the ACERW, was an early recognition of digital harms, calling for stronger national laws, regional cooperation and child-sensitive responses to online sexual exploitation. Further, the ACERWC’s General comment No. 7

¹⁰⁵ AU (n.d.).

¹⁰⁶ AU (2020).

¹⁰⁷ AU (1990).

on Article 27 of the ACERWC on sexual exploitation,¹⁰⁸ adopted in July 2021, provided detailed guidance on legislative and administrative measures to tackle sexual exploitation, explicitly linking these obligations to the digital environment,¹⁰⁹ although it did not cite General comment No. 25. This framing nonetheless resonates with the general comment's insistence on adapting human rights obligations to digital contexts, showing how African and UN guidance began to converge.

The concept note for the 2023 Day of the African Child,¹¹⁰ themed 'The Rights of the Child in the Digital Environment', explicitly cited the general comment as part of the relevant normative framework alongside the OPSC, the Council of Europe's (CoE) *Convention on Cybercrime* (known as the Budapest Convention),¹¹¹ ITU's *Guidelines for policy-makers on child online protection*¹¹² and UNICEF's *Children's rights and business principles*.¹¹³ This event signalled political recognition that the general comment provides authoritative interpretive guidance for African states.

AU Child online safety and empowerment policy

Substantive consolidation followed with the adoption of the *AU Child online safety and empowerment (COS) policy*,¹¹⁴ adopted by the AU Executive Council in 2024. The COS policy is the first continent-wide framework dedicated to children's rights in the digital environment and explicitly embeds General comment No. 25 alongside ACERWC General comment No. 7. It adopted the four core principles common to both instruments – namely, non-discrimination; the best interests of the child; the right to life, survival and development; and the right to be heard – structuring its 10 policy goals around safety, empowerment and literacy. The policy explicitly notes that its guiding principles 'are underscored by the UNCRC General comment No. 2025',¹¹⁵ demonstrating a direct normative steer.

The COS policy moved beyond rhetorical alignment by proposing implementation mechanisms, including the establishment of an AU oversight committee, a stakeholder advisory group and capacity-building measures for information and communications technology (ICT) regulators. The envisaged training modules explicitly reference the general comment in areas such as safety-by-design, data privacy and AI oversight. In doing so, the AU translated the general comment's interpretive framework into institutional architecture. The COS policy has been described by the 5Rights Foundation as the world's first comprehensive continental framework to implement children's rights

¹⁰⁸ AU ACERWC (2021).

¹⁰⁹ *Ibid.*, paras 55, 94, 100, 132.

¹¹⁰ AU ACERWC (2023).

¹¹¹ CoE (2001).

¹¹² ITU (2020).

¹¹³ See Chirwa & Ncube (2023); UNICEF (no date a).

¹¹⁴ AU (2024).

¹¹⁵ *Ibid.* p. 4.

in the digital environment, explicitly aligning with the UNCRC and General comment No. 25.¹¹⁶ Its development drew on wide stakeholder input, including civil society tools such as 5Rights Foundation's *Child Online Safety Toolkit*, reflecting the general comment's emphasis on participation, although the extent of direct child involvement remains unclear. In line with the general comment, the policy embeds the principles of best interests, non-discrimination, survival and development, and participation, while also urging accountability and oversight at both AU and national levels. It also envisions the role of the AU Commission as important in promoting the exchange of best practices to:¹¹⁷

develop recommendations for capacity-building, develop and roll-out a training module for ICT regulators covering: (3) Children's rights in the digital environment (drawing on the UNCRC General comment No. 25 and resources developed by e.g. the ITU) (4) Data Privacy (5) Safety by design (covering the existing standards, processes and tools that support implementation and enforcement) (6) Protections and procurement standards for ed tech and technology used in schools (7) AI Oversight (based on the four-step model of children's rights respecting AI oversight).

Yet, as 5Rights notes, sustained effort, adequate resourcing and effective enforcement, particularly in relation to private-sector compliance, will be critical to ensuring that the policy moves beyond aspirational rhetoric to deliver concrete protections and opportunities for children across the continent.¹¹⁸

Model Law

Parallel to the COS policy, the draft *Model Law on the Rights of Children in the Digital Environment* demonstrates deeper legal operationalisation of the general comment.¹¹⁹ It is designed to provide African states with a harmonised template for regulating children's rights online, drawing inspiration from both the ACRWC and international instruments such as the UNCRC and its general comments.

The draft explicitly references the general comment, incorporating its core safeguards, including child rights impact assessments, privacy-by-design, safety-by-design corporate due diligence and accessible remedies. It also incorporates the general comment's emphasis on the best interests of the child, non-discrimination, survival and

¹¹⁶ 5Rights Foundation (2023).

¹¹⁷ The AU Commission is the secretariat (the executive and administrative body) of the AU: <https://au.int/en/commission>

¹¹⁸ 5Rights Foundation. (2023).

¹¹⁹ Prepared under the auspices of the Open-Ended African Committee of Experts (OEAC) in 2023.

development, and participation as guiding principles for digital governance.¹²⁰ It seeks to harmonise national legislation across states where data protection laws often exist but rarely include child-specific provisions.¹²¹ If adopted, the Model Law could bridge the persistent gap between continental policy ambition and enforceable domestic legislation.¹²² However, the draft remains under discussion, and its success will depend on political will, resource allocation and the ability of states to adapt its provisions to local realities.

The African Digital Compact was unveiled in 2024, situating children’s rights within Africa’s broader digital transformation agenda (aligned with the UN’s Global Digital Compact). It highlights online safety, universal connectivity and accountability frameworks as key regional priorities.¹²³ While not explicitly child-specific, the African Digital Compact underscores the infrastructural importance of digital platforms in all aspects of life. Notably, it references the COS policy, which, in turn, references the general comment.

The ACERWC and uptake of the general comment

The ACERWC’s uptake of the general comment in its monitoring function and recommendations to States Parties, has remained more gradual. In March 2022, the ACERWC’s Working Group on Children’s Rights and Business adopted *Resolution No. 17/2022 on the protection and promotion of children’s rights in the digital sphere*.¹²⁴ The resolution integrates themes central to the general comment, including privacy, freedom of expression and corporate responsibility.¹²⁵ The same year, the ACERWC dedicated its Day of General Discussion to children’s rights in the digital world.¹²⁶ The outcome statement cites the general comment alongside other international and regional instruments, urging Member States to legislate for online safety, data protection and age-appropriate access, while bridging digital divides. It specifically calls for empowering children to navigate the digital environment, and for ensuring their participation in shaping relevant policies.

¹²⁰ At the same time, it recognises the opportunities of digital technologies for education, participation and access to services, reflecting the general comment’s dual concern with risks and opportunities. Importantly, the draft envisions mechanisms for accountability and enforcement, including independent regulatory oversight, mandatory transparency measures for digital service providers and accessible remedies for children.

¹²¹ Ayalew et al. (2024).

¹²² Ibid.

¹²³ ADC (African Digital Compact), 9 August 2024: <https://au.int/en/documents/20240809/african-digital-compact-adc>

¹²⁴ AU (2022).

¹²⁵ AU ACERWC (2022b): The resolution recalls States’ obligations under the African Children’s Charter and explicitly integrates themes addressed in the general comment, including the rights to privacy, freedom of expression and protection from sexual exploitation online. It calls on states to enact cybersecurity and data protection laws, ratify the Malabo Convention, and report systematically on measures taken to safeguard children in digital contexts. It also underscores business responsibilities, urging digital service providers to embed safety-by-design and to report child sexual abuse material, echoing the general comment’s emphasis on corporate due diligence.

¹²⁶ AU ACERWC (2022a).

More recently, in its 2025 Concluding observations on Malawi,¹²⁷ the ACERWC requested information on children’s rights in the online context, including freedom of expression and privacy. This recommendation marks one of the first instances where the Committee has explicitly drawn attention to children’s rights in digital contexts within its review system, signalling a gradual integration of the general comment’s concerns into the monitoring of state compliance under the African Charter. However, compared to the more comprehensive use of the general comment in thematic resolutions and policy frameworks, its application in country-level reviews remains at an early stage.

Expert voices on barriers to uptake

Experts identified a lack of awareness of the general comment among various stakeholders in the African context, including civil society and policymakers, at both national and regional levels, thereby identifying a lack of traction for its uptake and implementation into institutional systems and processes.

[The general comment] is a new thing in Africa ... it may yet be a couple of years before the general comment becomes known to a broader audience in Africa. (Expert civil society organisation, consultation, October 2024)

At the same time, the general comment has been picked up in negotiations around the AU Model Law on online safety and other regulatory and legislative developments.

AU Model law on Online Safety: leans heavily on the general comment... The first draft was soft on industry, but they demanded a stronger wording and demands on tech. (Expert civil society organisation, consultation, October 2024)

Experts pointed out the influence of the tech industry and the uneven protections that African tech users face as compared to, for instance, European consumers:

All of them [tech companies] join forces ... tech companies can try things in Africa that they cannot [test] in other regions’ ‘a sandbox of unethical issues... Meta has a new product for teenagers, but they haven’t rolled it out in Africa. (Expert civil society organisation, consultation, October 2024)

The general comment is being drawn on to shape AU-level frameworks, but expert consultations indicate that low leverage and market incentives result in uneven protections. At both national and regional levels, children’s rights concerns have repeatedly been marginalised in digital governance negotiations, including in cases where they were initially incorporated, as a result of direct industry pressure. Experts, therefore, identify that stronger, enforceable duties and regional alignment are pivotal

¹²⁷ AU ACERWC (2025).

enablers, to ensure that tech companies cannot circumvent obligations through lobbying.

Synthesis

The AU demonstrates meaningful normative uptake of the general comment at regional policy level, particularly through the COS policy and draft Model Law. Implementation remains constrained by capacity gaps, uneven harmonisation, limited enforcement mechanisms and limited awareness at national level. The lack of capacity development, significant digital divides, limited institutional knowledge and child-specific legislation and policy relating specifically to the digital environment remain widespread in many African countries, even where data protection legislation is in place.¹²⁸ The AU also notes the lack of harmonisation among legal frameworks in the African region on children’s online privacy and safety, safety-by-design and default, and enforcement of these frameworks.¹²⁹ Further, a significant barrier identified by experts is persistent push-back from a well-resourced tech lobby.

Association of Southeast Asian Nations (ASEAN)

The Association of Southeast Asian Nations (ASEAN), established in 1967, brings together 10 Member States committed to regional stability, economic integration and social development.¹³⁰ Southeast Asia comprises diverse countries, home to over 680 million people and marked by vast differences in language, religion, governance and economic development. These countries are undergoing rapid digital transformation, with nearly 80 percent internet penetration and an estimated 500 million internet users.¹³¹ While countries such as Singapore and Malaysia exhibit high digital penetration and advanced governance frameworks, significant disparities in connectivity, affordability and governance across ASEAN result in uneven access, participation and protection for children online. While ASEAN’s digital agenda, articulated in instruments such as the *ASEAN digital masterplan 2025 (ADM)*,¹³² prioritises connectivity, cybersecurity and digital economic integration, the integration of a comprehensive child rights framework continues to evolve.

¹²⁸ ITU (2021).

¹²⁹ AU (2024).

¹³⁰ Brunei Darussalam, Cambodia, Indonesia, Lao People’s Republic, Malaysia, Myanmar, Philippines, Thailand and Viet Nam.

¹³¹ Statista (2025).

¹³² ASEAN (2025a).

A growing child rights agenda

Through instruments such as the 2012 *ASEAN Human Rights Declaration* and the 2019 *ASEAN Declaration on the Rights of Children in the Context of Migration*, the region has begun extending its human rights agenda into the digital sphere. While progress varies widely across Member States, ASEAN increasingly recognises the implications of digitalisation for children’s rights, data protection and online safety. In recent years, ASEAN has begun building a child rights-informed normative framework, mainly centred around technology-facilitated child sexual exploitation and abuse (CSEA), with growing acknowledgement of a more holistic understanding of children’s rights in the digital environment. The 2019 *Declaration on the Protection of Children from All forms of Online Exploitation and Abuse*¹³³ marked a regional commitment to harmonised legal frameworks, strengthened law enforcement, victim-centred services and private sector engagement. Through the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children and the Senior Officials Meeting on Social Welfare and Development, Member States drafted the 2019 Declaration on the Protection of Children in Cyberspace. These were operationalised through the *ASEAN Regional Plan of Action 2021-2025*, emphasising law reform, specialised enforcement units, cross-border cooperation and data collection.¹³⁴ The Declaration prioritises comprehensive national frameworks, stronger law enforcement, victim-centred services, awareness raising and private sector engagement. Complementing this, the ASEAN Inter-Parliamentary Assembly, with UNICEF, ECPAT and the International Centre for Missing and Exploited Children (ICMEC), developed a legal checklist to guide parliamentarians in strengthening protections, including against online exploitation in travel and tourism, reinforcing ASEAN’s rights-based approach.¹³⁵ While these instruments broadly align with international child protection standards, they predate the general comment and their focus remains primarily protection-oriented rather than a holistic child rights approach.

Uptake and limitations

The clearest and most explicit regional uptake of the general comment is found in the 2023 *ASEAN guidelines for harmonised and comprehensive national legislation*.¹³⁶ These Guidelines reference the UNCRC, OPSC and the general comment, citing them as guiding international child rights standards. By embedding principles such as the best interests of the child, proportionality, privacy and evolving capacities, they extend beyond the criminalisation of child sexual abuse material to include victim compensation, platform obligations, data protection and financial sector regulation. This marks ASEAN’s most concrete normative alignment with the general comment’s call

¹³³ ASEAN (2019).

¹³⁴ ASEAN (2021).

¹³⁵ ASEAN & UNICEF (2024).

¹³⁶ ASEAN (2023).

for comprehensive, rights-based digital governance. Unlike earlier instruments, the Guidelines move beyond purely punitive approaches and begin to reflect the general comment's emphasis on systemic safeguards, accountability and corporate responsibility.

Institutionally, ASEAN bodies such as the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children and the ASEAN ICT Forum on Child Online Protection¹³⁷ have strengthened dialogue on online harms and industry standards. Since, 2021 the ICT Forum has included consultations with over 7000 children and young people,¹³⁸ culminating in a Call to Action from children and young people directed at the private sector on child online protection.¹³⁹ Similarly, the ASEAN Intergovernmental Commission on Human Rights (AICHR) has increasingly incorporated children's voices into regional dialogues and increased attention to children's rights in the digital environment.¹⁴⁰ At its 41st meeting in 2025, children presented recommendations directly to ASEAN representatives, highlighting online harms alongside climate change and migration. While not explicitly framed through the general comment, these participatory processes resonate with its emphasis on evolving capacities and meaningful child participation, recognising children as stakeholders in shaping the digital environment.

By contrast, the ADM 2025, the region's overarching digital transformation framework, does not reference children's rights or the general comment. Although it highlights digital inclusion, trust and online safety, children are framed primarily as beneficiaries of connectivity and skills initiatives rather than as rights-holders. Compared to the 2023 Guidelines, ADM lacks child-specific data protection standards, accountability mechanisms for platforms and recognition of children's participation in policy design and digital governance.

A key structural limitation is ASEAN's soft-law, consensus-based model. Its declarations and guidelines lack binding enforcement mechanisms, resulting in uneven implementation across Member States. While industry reporting and platform accountability are encouraged, compliance remains fragmented. Due to the immense challenges faced by many Southeast Asian countries to combat technology-facilitated CSEA, there is a strong substantive emphasis on this issue in ASEAN policy, while a holistic child rights approach is missing in the broader digital governance agenda.

¹³⁷ ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (2024).

¹³⁸ Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Thailand and Viet Nam.

¹³⁹ UNICEF (no date b).

¹⁴⁰ ASEAN (2025b).

Synthesis

ASEAN has made notable progress in establishing a normative framework to address children’s rights in the digital environment, particularly around technology-facilitated CSEA – in particular, the 2023 Guidelines, which explicitly reference the general comment, alongside the 2019 Declaration and 2021 Regional Plan of Action, with a commitment to harmonise regional standards within international child rights norms, cross-border cooperation and victim-centred approaches. Moving forward, ASEAN’s challenge is to mainstream the general comment’s broader agenda into its digital policy frameworks, including the ADM 2025.¹⁴¹ This requires embedding accountability mechanisms for both States and industry, and addressing emerging risks linked to AI, data protection and EdTech.

Analysis also reveals the centrality of civil society, intergovernmental organisations, UN organisations and civil society in supporting processes to develop ASEAN’s approach to children’s rights in the digital environment. Across the reviewed literature, the Child Rights Coalition, ECPAT International, ICMEC, UNICEF and 5Rights Foundation have significantly contributed their expertise and infrastructure, co-authored reports and engaged in expert advice in consultations and drafting processes.

European Union (EU)

Europe comprises 44 countries, with wide variation in economic capacity, infrastructure and digital maturity. While Western and Northern Europe benefit from advanced connectivity and strong regulatory institutions, parts of Southern and Eastern Europe continue to face infrastructural and socioeconomic gaps. Europe also faces growing concerns around data privacy, platform accountability and digital literacy.

Within this landscape the European Union (EU) has emerged as a global leader in digital governance, shaping regulatory approaches that extend well beyond Europe. It is a political and economic union of 27 Member States that coordinate closely on issues including digital policy, data protection and online governance. Building on its long-standing commitment to human rights and privacy, the EU has become a global leader in shaping regulatory approaches to the digital environment.¹⁴² Key instruments include:

- General Data Protection Regulation (GDPR) (which came into effect in 2018)
- Digital Services Act (DSA)¹⁴³ (proposed in 2020)

¹⁴¹ ASEAN (2025a).

¹⁴² Wood (2024).

¹⁴³ EU (2022a).

- Digital Markets Act (DMA)
- Audiovisual Media Services Directive (AVSMD)(2018)¹⁴⁴

These instruments embed principles of accountability, transparency and the protection of human rights online. Despite this regulatory strength, challenges remain in ensuring consistent implementation across Member States and balancing innovation with robust safeguards for citizens, including children. Although much of this framework predates the general comment, it encompasses protections for children in the digital environment.¹⁴⁵ Since 2021, developments demonstrate growing normative consolidation and explicit uptake of the general comment in EU strategies, policy and legislation.

Children’s right to protection from harm in the digital environment has been recognised by the Council of the European Union in its *Conclusions on digital empowerment to protect and enforce fundamental rights in the digital age*,¹⁴⁶ as well as its *Conclusions on supporting well-being in digital education*.¹⁴⁷ Protection of minors is a key concern in the EU’s initiative on Web 4.0 and virtual worlds,¹⁴⁸ as well as the European Strategy for a Better Internet for Kids Plus (BIK+), which works to ensure that children’s rights are protected, respected and promoted in the digital environment, in what the EU calls a ‘new digital decade for children and youth’.¹⁴⁹ These explicitly cite the general comment while recognising children’s rights apply equally online as offline, with children’s rights intrinsic to the values of the EU.¹⁵⁰

EU Strategy on the Rights of the Child

The 2021 EU Strategy on the Rights of the Child affirmed that the UNCRC, ratified by all EU Member States, continues to guide EU action, and commits to placing children and

¹⁴⁴ Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities (OJ L 303, 28.11.2018).

¹⁴⁵ The European Parliament has consistently recognised and raised concerns about the risks and harm children face in the digital environment and the importance of safety-by-design approaches to corporate due diligence.

¹⁴⁶ Council of the European Union (2023). The Council of the European Union calls for Member states to ‘adopt the necessary measures to provide specific protection and/or digital skills tailored to the needs of different groups of persons, such as: Children and young people’ as well as ensuring the implementation of the new European Strategy for a Better Internet for Kids (BIK+) to ‘improve age appropriate digital services and to ensure that every child is protected, empowered and respected online, taking into account the EU Strategy on the rights of the child, in particular part 5 thereof’ (para. 35).

¹⁴⁷ Council of the European Union (2022).

¹⁴⁸ European Parliament (2024).

¹⁴⁹ EU (2022c).

¹⁵⁰ See EU (2024a): ‘having regard to Article 24 of the EU Charter of Fundamental Rights and the United Nations Convention on the Rights of the Child as elaborated upon in its General Comment No. 25 on children’s rights in relation to the digital environment’

their best interests at the centre of EU policies.¹⁵¹ Anchored in the UNCRC and its Optional Protocols, the Strategy sets out six priority areas, including its fifth theme on the digital and information society,¹⁵² which aims to ensure that children can safely navigate and benefit from the digital environment. It recognises digital opportunities for learning, participation and inclusion, including for children with disabilities, while acknowledging risks such as harmful content, exploitation and widening digital divides. The strategy also recognised the general comment: ‘Internationally, guidance has just been released on the interpretation of the rights of the child in the digital environment’. The European Strategy for a Better Internet for Kids (BIK+) serves as the digital arm of this broader framework.

European Strategy for a Better Internet for Kids (BIK+)

The European Strategy for a Better Internet for Kids (BIK+),¹⁵³ updated in 2022,¹⁵⁴ aims to ensure children are protected, respected and empowered online during the EU’s ‘Digital Decade’.¹⁵⁵ It affirms that children’s rights must be equally respected online as well as offline. Its vision is, in line with the general comment, to provide age-appropriate digital services, with the aim of ensuring every child in Europe thrives in a safe and empowering digital environment.

The updated BIK+ strategy references the general comment, recognising its authoritative guidance in implementing the UNCRC in the digital environment. It calls for training teachers on children’s rights in the digital environment, and acknowledges that online protection and empowerment are global challenges. By grounding its framework in the UNCRC and interpreting it through the general comment, BIK+ reinforces Member States’ obligations to uphold children’s rights across digital policies and services.

In spring 2021, the United Nations Committee on the rights of the child issued guidance on how to effectively implement the UN Convention on the rights of the child and its Optional Protocols in its general comment No. 25 to explicitly address children’s rights in the digital environment.

The Digital Decade

In March 2021 the European Commission published the *2030 Digital Compass: The European way for the digital decade*¹⁵⁶ affirming that EU rights and values must be fully

¹⁵¹ European Commission (2021a).

¹⁵² European Commission (n.d.).

¹⁵³ EU (2022b).

¹⁵⁴ Originally adopted in 2012.

¹⁵⁵ The vision for a digital decade for children and youth: ‘Our vision: Age appropriate digital services, with no one left behind and with every child in Europe protected, empowered and respected online.’

¹⁵⁶ European Commission (2021b).

respected online and proposing principles to ensure connectivity, digital skills, fair services and the effective exercise of rights in digital environments. In preparation for the European Strategy for BIK+ consultations through the Insafe network of European Safer Internet Centres and the DigitalDecade4YOUth initiative engaged over 750 children and youth. The resulting report¹⁵⁷ highlighted that digitalisation shapes how children exercise their rights, and recognised the general comment as confirming that children’s rights apply equally in the digital environment.

The digitalisation of their ‘lifeworlds’ significantly influences not only how they can exercise their rights under the United Nations Convention on the Rights of the Child (CRC), but also how their rights may be supported or neglected. The recent adoption of General Comment No. 25 by the United Nations Committee on the Rights of the Child (CRC Committee) confirms that children’s rights are equally applicable in the digital environment and that the CRC is a flexible human rights instrument which can be reinterpreted in new contexts.

EU Artificial Intelligence (AI) Act

*Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024,*¹⁵⁸ the EU Artificial Intelligence Act, aims:

[...] to promote the uptake of human centric and trustworthy artificial intelligence (AI) while ensuring a high level of protection of health, safety, fundamental rights as enshrined in the Charter of Fundamental Rights of the European Union.

General comment No. 25 is explicitly referenced in paragraphs 9¹⁵⁹ and 48,¹⁶⁰ and children’s rights are addressed in paragraph 28.¹⁶¹ The EU AI Act classifies AI systems as high risk where they may impact fundamental rights, including children’s rights, and

¹⁵⁷ European Commission (2021c).

¹⁵⁸ Official Journal of the European Union (2024).

¹⁵⁹ ‘For example, national labour law and law on the protection of minors, namely persons below the age of 18, taking into account the UNCRC General Comment No. 25 (2021) on children’s rights in relation to the digital environment, insofar as they are not specific to AI systems and pursue other legitimate public interest objectives, should not be affected by this Regulation.’

¹⁶⁰ ‘In addition to those rights, it is important to highlight the fact that children have specific rights as enshrined in Article 24 of the Charter and in the United Nations Convention on the Rights of the Child, further developed in the UNCRC General Comment No. 25 as regards the digital environment, both of which require consideration of the children’s vulnerabilities and provision of such protection and care as necessary for their well-being.’

¹⁶¹ ‘Aside from the many beneficial uses of AI, it can also be misused and provide novel and powerful tools for manipulative, exploitative and social control practices. Such practices are particularly harmful and abusive and should be prohibited because they contradict Union values of respect for human dignity, freedom, equality, democracy and the rule of law and fundamental rights enshrined in the Charter, including the right to non-discrimination, to data protection and to privacy and the rights of the child.’

recognises children’s specific protections under Article 24 of the *Charter of fundamental rights of the European Union*.¹⁶²

Experts highlighted the general comment’s ‘future-proof’ and technology-neutral design as influential in shaping AI governance debates. Child rights advocates noted that the general comment is being leveraged in ongoing negotiations of AI policies in the EU and the Council of Europe.

And I think General comment 25 is designed in the same way, in that AI is what’s on the horizon now. It’s going to be something else in two years from now. So we want these instruments to be able to stand the test of time and to be tech-neutral when we think about these things. So, I think certainly that’s also on the mind of, I think you certainly can have countries, and you can have, I guess, regulators and other bodies saying, well, look, we’ve got to respond to this particular threat. (Expert intergovernmental organisation, interview, October 2025)

European Declaration on Digital Rights and Principles

The European Declaration on Digital Rights and Principles,¹⁶³ signed in 2022 by the European Commission, Parliament and Council, reflects a high-level political commitment. It emphasises that fundamental rights, including freedom of expression, information, privacy and data protection, apply equally online and offline. The Declaration is structured around six themes centred on inclusion, participation, safety and empowerment, with particular emphasis on young people.

Implementation of the Declaration is linked to the Path to the Digital Decade Policy Programme 2030,¹⁶⁴ which requires Member States to submit national strategic roadmaps outlining ‘national projected trajectories, as well as the expected impact of the policies, measures and actions’. Nineteen countries have submitted such reports.¹⁶⁵

Despite the adoption of the Declaration, the Path to the Digital Decade Policy Programme 2030 does not incorporate a human rights or child rights-based approach, and national roadmaps developed under the Programme do not systematically include relevant indicators. The 2024 *Study to support the monitoring of the Declaration on Digital Rights and Principles: Final report*,¹⁶⁶ found uneven progress. While 15% of initiatives

¹⁶² Official Journal of the European Union (2012).

¹⁶³ European Commission (2024).

¹⁶⁴ Decision (EU 2022/2481) adopted 14 December 2022.

¹⁶⁵ Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Slovakia, Slovenia, Sweden.

¹⁶⁶ EU (2024b).

focus on digital education and skills, 12% target the protection of children online.¹⁶⁷ A 2023 Eurobarometer report found that only 45% of respondents believed their country provided a safe digital environment for children.¹⁶⁸

National initiatives mainly emphasise media literacy, awareness campaigns and safety tools, with less focus on privacy, remedies and corporate accountability, areas central to the general comment.

Ongoing work with combating child sexual abuse

The European Commission's 2022 impact assessment¹⁶⁹ for the proposed regulation on preventing and combating child sexual abuse demonstrates substantive uptake of the general comment as a normative foundation for EU regulatory design. Rather than merely citing international standards, it uses the general comment to define the scope of both State and corporate responsibility in the digital environment. It frames online child sexual abuse not only as a criminal matter but also as a child rights issue requiring structural regulatory intervention.

The document draws directly on the general comment's articulation of business obligations, particularly due diligence, child rights impact assessments and safety-by-design requirements, as well as the national frameworks necessary to ensure that businesses innovate with the best interest of the child in mind. It positions corporate compliance, transparency and accountability as necessary components or rights protection, while emphasising States' duties to legislate, monitor and ensure effective remedies.¹⁷⁰ In doing so, the general comment functions as an interpretive bridge between the UNCRC and EU platform regulation.

[the General comment No. 25] makes explicit – for the first time – that children's rights apply in the digital world, including the protection from child sexual abuse and exploitation. It sets out, among others, that state parties should take all appropriate measures to protect children from exploitation and abuse, including by legislating and enforcing business sector responsibility. It also states that digital service provider's compliance can be achieved through due diligence, in particular by means of child impact assessments. In particular, paragraphs 36-39 (Section I, Children's right and business sector).

¹⁶⁷ A mapping of the initiatives in Member States relating to the commitment to the protection of children and young people in the digital environment in the Declaration on Digital Rights, as well as BIK+, show that they seem to focus on: media literacy and critical thinking development; online safety (through educating children and parents, as well as resources for reporting breaches in child protection laws), combating disinformation and fake news.

¹⁶⁸ European Commission (2023).

¹⁶⁹ European Commission (2022).

¹⁷⁰ Ibid. para. 36.

This reflects a shift toward a more holistic, rights-based governance model, where preventing abuse depends not only on enforcement after harm has already occurred, but on embedding children’s rights throughout platform design and regulatory oversight.

Digital Services Act, Article 28, Guidelines

The EU Digital Services Act (DSA)¹⁷¹ establishes a harmonised framework for regulating online intermediaries and platforms across the EU, establishing obligations for large online platforms and search engines, introducing risk-based obligations, transparency requirements and stronger oversight. Article 28 specifically addresses the protection of minors, requiring platforms accessible to children to ensure a high level of privacy, safety and security design.¹⁷² It also prohibits targeted advertising based on profiling using children’s personal data.

Article 28, Guidelines,¹⁷³ published in 2025, provide guidance to online platforms on the implementation of obligations under the DSA, showing clear uptake of the general comment as an interpretative framework. They explicitly reference the general comment when outlining providers’ duties to prioritise the best interests of the child,¹⁷⁴ and embed its risk-based logic through systemic risk assessments and safety-by-design measures.¹⁷⁵ Specific guidelines on profiling, advertising and recommender systems operationalise the general comment’s standards on privacy and protection from exploitation.¹⁷⁶ The requirement to take account of children’s evolving capacities and participation rights echoes the holistic framing of the general comment.¹⁷⁷ The *Guidelines* translate the normative standards of the general comment into concrete compliance expectations under Article 28, which represents effective institutional incorporation rather than symbolic citation.

Expert voices

Consultations with experts reveal that the EU’s strong human rights framework facilitates uptake of the general comment, even when not explicitly cited. Experts pointed out that the EU, for instance, as a human rights-based organisation with a well-developed regulatory framework, can more easily integrate the general comment guidance, even when it is not directly cited in EU legislation or its official

¹⁷¹ Official Journal of the European Union (2022).

¹⁷² Article 28(1): ‘Providers of online platforms accessible to minors shall put in place appropriate and proportionate measures to ensure a high level of privacy, safety, and security of minors, on their service.’

¹⁷³ Official Journal of the European Union (2025).

¹⁷⁴ *Ibid.* paras 10-14.

¹⁷⁵ *Ibid.* paras 26-34, 70-75.

¹⁷⁶ *Ibid.* paras 80-92.

¹⁷⁷ *Ibid.* paras 15-18.

recommendations and guidelines. The general comment acts as an agenda-setting framework in negotiations and discussions:

The general comment I would say is accepted as norm in negotiations in the EU particularly, where the general comment is often cited by stakeholders in negotiations. But this is different in other organisations that are not as human-rights focused or that do not have a human rights based system. (Expert from a child rights organisation, consultation, Europe, October 2024)

Civil society identified the general comment as a bridge into EU law-making debates but flagged gaps where EU law fails to encompass the general comment's holistic approach to children's rights:

We're also quite concerned that there are ... laws ... coming into effect [in] the EU where there is a lack of understanding for children's rights... We would maybe like to combine this general comment more with the work that's going on in the EU. (Expert from civil society, regional consultation, Europe, October 2024)

Synthesis

The review of EU policy and regulation since 2021 indicates clear normative consolidation around General comment No. 25. Frequent and explicit references in BIK+, the AI Act, European Parliament resolutions and Council conclusions demonstrate that the general comment has been mainstreamed within EU digital governance. It now operates as a cross-cutting interpretative tool when scoping technological risks, defining platform duties and shaping sectoral strategies. The Council's conclusions on digital empowerment, for example, reflect the general comment's holistic approach to protection and empowerment through digital skills.

This consolidation is visible in binding legislation as well. Article 28 of the DSA requires platforms accessible to minors to ensure privacy and safety-by-design, prohibits profiling-based advertising to children, and mandates systematic risk assessments that include child rights impact assessments.¹⁷⁸ The 2025 Guidelines further operationalise these duties. The AI Act embeds children's rights within risk classification and governance, explicitly recognising heightened risks where children are affected. The Audiovisual Media Services Directive (AVMSD)¹⁷⁹ and the Code of Practice on Disinformation complement this framework by reinforcing age-appropriate safeguards and accountability expectations.

¹⁷⁸ The 2025 *Guidelines* detail concrete measures (e.g., disabling streaks/autoplay by default, screenshot controls for minors' content). VLOPs/VLOSEs must assess and mitigate systemic risks including impacts on children's rights.

¹⁷⁹ AVMSD strengthened protection for minors and new obligations for video-sharing platforms complementing DSA duties (age-appropriate measures, content and advertising safeguards).

Nonetheless, gaps and obstacles remain. While the European Declaration on Digital Rights and Principles is widely endorsed, the Digital Decade roadmaps lack measurable child rights indicators. Monitoring shows activity on child protection,¹⁸⁰ yet national strategies largely prioritise media literacy, awareness campaigns and parental tools rather than corporate and State responsibility. Structural accountability mechanisms such as routine child rights impact assessments, accessible remedies and strong corporate due diligence are less consistently implemented. For instance, the review of Member States reveals limited efforts to implement measures to hold service and platform providers accountable at national level. This risks shifting responsibility for online safety toward children and families rather than the companies that design digital environments. Public sentiment mirrors the gap, as only 45% think rights are well protected online, therefore ensuring a safe digital environment for children remains a top public concern.¹⁸¹

The next phase of impact will depend on enforcement, measurable indicators and coordinated implementation across Member States to ensure that protection, participation and accountability are realised in practice.

Council of Europe (CoE)

The Council of Europe (CoE), founded in 1949 and now comprised of 46 Member States, has long positioned itself as a regional standard-setter on human rights, democracy and the rule of law. Through legally binding instruments such as the *European Convention on Human Rights*¹⁸² and the *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)*,¹⁸³ the CoE sets important standards relevant to safeguarding rights in the digital environment. In recent years, its agenda has expanded to include digital governance, AI and children's rights online. The adoption of General comment No. 25 in 2021 did not initiate this trajectory, but it has reinforced and sharpened the Council's existing framework.

Committee of Ministers Recommendation

The CoE's comprehensive approach predates the general comment. In 2018, the *Committee of Ministers Recommendation CM/Rec(2018)7¹⁸⁴ to Member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment¹⁸⁵* were published, which operationalised the four foundational principles of children's rights:

¹⁸⁰ European Commission (2024b).

¹⁸¹ European Commission (no date b).

¹⁸² The Convention was adopted in 1950 and has since been amended and supplemented by additional protocols: www.coe.int/en/web/human-rights-convention/reference-texts

¹⁸³ CoE (2007).

¹⁸⁴ CoE (2018a).

¹⁸⁵ CoE (2018b).

best interests, evolving capacities, non-discrimination, and the right to be heard. It translated these into concrete obligations relating to access, expression, participation, privacy and data protection, education, protection and safety, and child-friendly remedies. Importantly, it embedded governance mechanisms, including periodic review, whole-of-government coordination, cooperation with independent authorities and international information-sharing. Crucially, it moved beyond voluntary measures, requiring the regulation of private actors, recognising business responsibilities and accountability. In this sense, the *CM/Rec(2018)7* functioned as a bridge between UNCRC standards and technology-specific governance, anticipating many themes later elaborated in the general comment.¹⁸⁶

The Guidelines themselves require States to examine implementation at least every five years and to share examples of strategies, laws and good practice, creating a cyclical monitoring expectation that complements the Steering Committee for the Rights of the Child (CDENF) reporting.¹⁸⁷ CoE has also issued a handbook for policy makers¹⁸⁸ to support transposition of *CM/Rec(2018)7* into concrete national measures, with an emphasis on multistakeholder cooperation and business due diligence. Notably, the main author of the handbook, Sonia Livingstone, was also part of the core group that developed the general comment.

Delivery and implementation under the Guidelines are reviewed in *the Final implementation report of the Council of Europe Strategy for the Rights of the Child (2016-2021)*.¹⁸⁹ The report recorded that over 30 Member States revised legislation or policy to align with the Guidelines. Dissemination efforts by NGOs, civil society and other stakeholders included translations into 19 languages, a child-friendly version and organising conferences.¹⁹⁰ A total of 19 countries indicated that they had taken action to ensure businesses and industry ‘fulfil their responsibilities toward children, including by undertaking CRIsAs [child rights impact assessments], child participation and involving children in the design of digital services and products’. Other activities included awareness-raising campaigns and materials, as well as helplines and reporting mechanisms. Parallel initiatives strengthened digital literacy and digital citizenship education, including a pan-European programme and 2019 *Digital citizenship education handbook*,¹⁹¹ and campaigns such as ‘No Hate Speech’ and ‘Free to Speak – Safe to Learn’ which addressed cyberbullying, radicalisation and hate speech. The CoE also

¹⁸⁶ The 2018 text remains notable for: (i) a holistic framing that seeks to optimise protection with participation and expression; (ii) explicit duties to guarantee access (devices/connectivity/content), including in education and for children in vulnerable situations; (iii) specific expectations around privacy/data protection and remedies; and (iv) the requirement that states engage and regulate private actors, moving beyond voluntary measures. These features make the instrument a bridge between UNCRC standards and technology-specific governance.

¹⁸⁷ See: <https://rm.coe.int/cdenf-rev-en/48802aa47e>

¹⁸⁸ Livingstone et al. (2019).

¹⁸⁹ CoE (2022).

¹⁹⁰ The report identified that between 2022 and 2023, almost all CoE Member States (90-95%) adopted legislation or policies to improve children’s safe and equitable use of digital technologies.

¹⁹¹ CoE (2019).

advanced data protection and privacy, adopting guidelines on *Children's data protection in an education setting*¹⁹² and a 2021 *Declaration on the need to protect children's privacy in the digital environment*,¹⁹³ which reference the UNCRC and Recommendation CM/Rec(2018)7 but not General comment No. 25.¹⁹⁴

Under the *Strategy for the Rights of the Child (2022-2027)*, implementation reporting thus indicates continued legislative activity, with 90-95% of states adopting measures on safe and equitable digital use. However, national responses tend to prioritise awareness and awareness and literacy over structural accountability, enforcement measures and remedies.

CoE monitoring bodies, including the Lanzarote Committee,¹⁹⁵ European Commission against Racism and Intolerance (ECRI) and Convention 108,¹⁹⁶ deepened engagement with online sexual exploitation, hate speech and data protection. Despite significant progress, the report identified persisting gaps in awareness, equitable access and literacy, alongside emerging risks linked to AI, surveillance and data misuse.

2022-2027 strategic continuity

Strategic continuity is visible in the *Council of Europe Strategy for the Rights of the Child (2022-2027)*.¹⁹⁷ The Strategy addresses children's rights in the digital environment and explicitly references the general comment on digital exclusion and universal access.¹⁹⁸ It elevates 'Access to and safe use of technologies for all children' as a key objective, and identifies challenges, including AI risks, harmful content, technology-facilitated sexual exploitation and the need for child participation in design and regulation. Consultations with children underscored demands for stronger privacy protections, accountability for tech companies and universal access to connectivity and digital literacy, as well as safeguards for younger children. Children also asked to be actively involved in designing digital curricula and policies, and to have safe, inclusive online spaces for participation.¹⁹⁹

The most significant normative development since 2021 is the 2024 *Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law*.²⁰⁰

¹⁹² CoE (2021a).

¹⁹³ CoE (2021b).

¹⁹⁴ The Guidelines on children's data in education also references UNCRC General comment No. 1 on the right to education.

¹⁹⁵ CoE (no date).

¹⁹⁶ CoE (1981).

¹⁹⁷ CoE (2022b).

¹⁹⁸ Ibid. para. 36. The strategic objective harkens back to Recommendation CM/Rec (2018) on guidelines to respect, protect and fulfil the rights of the child in the digital environment.

¹⁹⁹ CoE (2022c), p. 30.

²⁰⁰ CoE (2024a).

This binding Convention embeds a child-sensitive approach at treaty level.²⁰¹ Article 18 requires Parties to take due account of the specific needs and vulnerabilities of children across the AI lifecycle, while Article 17 addresses non-discrimination and Article 19 emphasises public consultation. The *Explanatory Report*²⁰² to the Framework Convention explicitly references the Lanzarote Convention, the OPSC and General comment No. 25 in light of AI's role in facilitating sexual exploitation and abuse. By linking accountability to transparency and oversight, the Framework Convention strengthens safety-by-design and child rights due diligence principles central to the general comment.

Para 118. In view of the serious risk that artificial intelligence technologies could be used to facilitate sexual exploitation and sexual abuse of children, and the specific risks that it poses to children, in the context of the implementation of this provision the Drafters considered the obligations set forth in the Lanzarote Convention, the Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and General Comment No. 25 to the UNCRC on children's rights in relation to the digital environment.

Emerging focus on AI, education and child rights impact assessments (CRIAs)

Two notable developments following 2021 mark a turn from more general guidance toward more sectoral and procedural tools. A 2022 CoE working conference on AI in education revealed that most Member States lacked education-specific AI policies and that governance and monitoring were weak.²⁰³ Concerns were raised regarding surveillance practices such as e-proctoring,²⁰⁴ limited independent evidence for AI 'personalisation' claims and insufficient redress mechanisms. This signalled a need for centring human rights and the rule of law curricula, teacher training and procurement.²⁰⁵

A joint mapping study by the CDENF and The Alan Turing Institute assessed AI governance in relation to children's rights within CoE Member States.²⁰⁶ Portugal was the only respondent with a legal instrument explicitly addressing AI and children. It found that 77% of responding states cited the UNCRC and 69% recognised the general comment as relevant standards. However, although the mapping showed that the UNCRC was the most cited international legal standard, most considered these

²⁰¹ The Framework Convention has currently been signed by 11 States beyond the CoE's 46 Member States and the EU's 27 Member States; notably, the United States of America. To date, none of the signatories have ratified the Convention.

²⁰² CoE (2024b).

²⁰³ Only one of 26 responses identified a relevant policy.

²⁰⁴ Participants highlighted risks to learner agency where monitoring slides into surveillance, e.g., e-proctoring.

²⁰⁵ CoE (2024c).

²⁰⁶ The Alan Turing Institute & CoE (2024).

frameworks insufficient on their own to address AI-specific risks, such as profiling, opacity and bias.²⁰⁷ The report identified that countries that adopted the UNCRC into law had a different position:

[We] consider the UNCRC to provide a good base for future legislation on children's rights in relation to AI, especially following General Comment No. 25 (2021) on children's rights in relation to the digital environment. However, additional legislation would have to be made that specifically addresses children and AI, and ideally this would be based on the UNCRC to cover all aspects of children's rights.

The study recommended child rights-based risk assessments, meaningful child participation and stronger public-private accountability mechanisms to ensure children's rights.

Policy follow-through has emerged along three tracks. First, the 2023 Standing Conference of Ministers of Education welcomed work on a human-rights based legal instrument to regulate AI systems in education.²⁰⁸ Second the CDENF and Alan Turing report identified structural gaps in national AI frameworks. Third, a 2024 CDENF concept note, drafted by 5Rights Foundation, proposed the development of a child rights impact assessment (CRIA) model for AI. The model would align with Article 18 of the AI Framework Convention, General comment No. 25 and HUDERIA, and would take the form of a modular, lifecycle-based tool incorporating child participation, interoperability with existing standards²⁰⁹ and a 2025 workplan spanning drafting, youth consultation and adoption.²¹⁰

Expert voices on enablers and obstacles to uptake in the European context

Expert consultations confirm strong normative uptake of General comment No. 25 within European institutions and civil society. Experts in Europe note that normative uptake is strong in the European context, both within civil society and among policymakers in the EU and the CoE, as well as at national level. Yet experts point to persistent implementation gaps, emphasising that enforcement capacity remains

²⁰⁷ In their mapping, they 'aimed to determine the extent to which prevailing legal standards and national strategies, specifically those pertaining to digital technology – including AI – are implemented and referenced across member states in the context of safeguarding children's rights.'

²⁰⁸ Resolution 3: '10. WELCOME the proposal for developing a (i) legal instrument* to regulate the use of Artificial Intelligence systems in education to promote and to protect human rights, democracy and the rule of law applying the provisions of the future Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law of the Council of Europe to the sector of education.' CoE (2023).

²⁰⁹ For example: CM/Rec(2018)7; CEN-CENELEC CWA 18016).

²¹⁰ Steering Committee for the Rights of the Child (CDENF) (2025).

insufficient in most contexts, particularly with regard to corporate accountability and access to effective remedies.

Synthesis

The CoE demonstrates structured integration of the UNCRC in its digital governance framework, and evolving integration of the general comment into policy, explanatory notes, interpretive and assessment reports. The general comment reinforces and informs strategic priorities, particularly in AI governance and CRIAs, while the CoE's own guidelines, recommendations and conventions remain their main legal points of reference for interpretation. The principal challenge now lies in consistent enforcement, strengthening accountability mechanisms and translating procedural innovations into tangible improvements in children's lived experiences across Member States. Analysis also highlights the importance of collaboration between the CoE through, for instance, the CDENF, with civil society and NGO partners such as The Alan Turing Institute and 5Rights Foundation, as well as academic experts such as Professor Sonia Livingstone. These collaborations provide both substantive as well as technical input, helping to align the participating institutions' work with the general comment, either directly or indirectly. Expert interviews further reveal the importance of advocacy and engagement in consultations and ongoing drafting processes, where advocates leverage the general comment and its principles, both explicitly and implicitly.

Impact on international professional and standard-setting organisations

Institute of Electrical and Electronics Engineers (IEEE)

The Institute of Electrical and Electronics Engineers (IEEE) is a global professional association with a network of close to 500,000 engineering and STEM professionals that develops voluntary technical standards for technologies such as telecommunications, software systems and emerging technologies, including AI and cybersecurity systems.²¹¹ Through cross-sectoral expert working groups, research publications and standard-setting processes, it helps shape how digital technologies are designed, built and governed worldwide. These technical standards can be ‘considered a type of soft law, supplementing hard law like treaties or acts’ mitigating flaws or harmful design in product development.²¹² Such technical standards are crucial in ensuring CRIAs are carried out at the product development stage.

IEEE 2089-2021 is an age-appropriate digital services framework based on the 5Rights principles for children.²¹³ This standard establishes a set of life cycle processes to help companies and organisations design, deliver and distribute digital services in ways that are age-appropriate, capable of identifying and mitigating risks, and that embed systems that support children’s safe and beneficial engagement online. These also outline outcomes, including that children’s rights should be realised within the product or service, and that published terms should incorporate and children’s rights.²¹⁴ The standards particularly reference the UNCRC and the general comment as the authoritative frameworks:

9.1 Purpose: The purpose of this process is to verify that published terms for the product or service embody children’s rights.

²¹¹ See www.ieee.org

²¹² Michael (2024).

²¹³ IEEE (2022).

²¹⁴ Article 9.2(a-b).

NOTE: Children’s rights have been established and codified for over 30 years; they outline the privileges and protections that a child enjoys in all environments – including the digital environment. Codified in the United Nations Convention of the Rights of the Child (UNCRC), children are afforded widely understood set of interconnected protections, privileges and supports. UN General Comment 25 on Children’s Rights in Relation to the Digital Environment sets out how the UNCRC applies to the digital environment.

IEEE Standard 2089.1-2024 for online age verification sets out processes by which ‘leaders managers engineers and technologists can undertake online age assurance’.²¹⁵ In this document the general comment is taken up more explicitly in relation to privacy, proportionality and protection from harm, framing age assurance as a measure that must balance safety with children’s rights to data protection, access to information and freedom of expression.²¹⁶

5Rights Foundation is currently chairing the working group drafting the IEEE report on ethical principles for engineering digital services for children, in which the general comment is cited as the key UNCRC instrument explaining how children’s rights apply in digital environments. It is used to anchor the paper’s rights-based framing, justify the project’s emphasis on meaningful youth engagement under the right to be heard, and position child participation as more than a token exercise. The general comment also appears as a core source in the literature review and indirectly shapes the distilled principles on best interests, age-appropriate design, privacy and inclusion. Together, these documents operationalise the general comment by translating it into concrete technical, procedural and governance requirements for digital service providers.

Research published in IEEE journals references the general comment in various publications relating to standard setting, age-appropriate design, and safety-by-design relating to digital products used or accessed by children.²¹⁷

²¹⁵ IEEE Xplore® (2024).

²¹⁶ Ibid. see paras 1.4(k); 9.3(c.4); 9.4.

²¹⁷ Michael (2024).

Impact in national contexts

This section highlights how government authorities, regulators, advocates and others have explicitly mobilised the general comment and its framework to guide policy, legislation and regulatory work, identifying both positive impacts and persistent obstacles. Lessons learned, best practices, success factors and remaining challenges are presented to capture the range of experiences and pathways to change in a wide range of countries.

National policy and legislative processes

Norway

In Norway, the general comment has been actively referenced as an interpretive benchmark in national policy and legal development. Notably, it influenced policy and legal discourse even before its formal adoption.

The 2019 inquiry *Childhood in front of, behind and on the screen: An inquiry on the protection of children and youth against harmful media content*²¹⁸ cited the draft concept note for the general comment alongside existing UNCRC provisions and the Committee on the Rights of the Child's evolving praxis to frame questions of freedom of expression (Articles 13 and 17 of the UNCRC) and protection from harmful content. This demonstrates how, even early on, the inquiry drafters, as public servants, referenced the general comment as an interpretive tool in balancing children's rights in the digital environment.²¹⁹

Following its 2021 adoption, the Ministry of Children and Families embedded it in the 2021 strategy *Rights online: National strategy for a safe digital childhood*.²²⁰ The strategy explicitly recognised the general comment as clarifying how children's rights to privacy, non-discrimination, protection, education and play apply in digital contexts, emphasising the need to balance these rights in policymaking and how this approach should guide national policy.

In March 2021, the UN Committee on the Rights of the Child adopted General Comment No. 25 on children's rights related to the digital environment. The comment clarifies what digital means for children's civil

²¹⁸ NOU (Norges offentlige utredninger) (2013).

²¹⁹ The inquiry was prepared by the Media Authority (Medietilsynet) and was informed by input from children and youth, other national authorities, academia, municipalities and civil society.

²²⁰ Barne- og familiedepartementet (2021).

*rights and freedoms, their right to privacy, non-discrimination, protection, education, play and more. It also explains why states and other duty bearers must act and how they should act. (p. 4; author's translation)*²²¹

The general comment has further shaped legal reform processes. Notably the 2022 national inquiry, *Your privacy – Our shared responsibility – Time for a privacy policy*²²² relied on it to define state obligations concerning children's digital privacy, including protection against profiling, targeted advertising and intrusive parental monitoring. Drawing on paragraph 16 of the general comment, the inquiry highlighted risks arising from automated systems and commercial practices, and recommended stronger restrictions on profiling, immersive marketing and emotional analysis aimed at children.

Norway thereby demonstrates substantive uptake of the general comment as a normative guide shaping national inquiries, strategy development and legislative recommendations by specialised authorities such as the Norwegian Media Authority (Mediilsynet).

United Kingdom: impact on parliamentary debates

A review of UK parliamentary debate through the parliamentary repository Hansard from 2021 to 2026 shows that the general comment has been cited primarily during scrutiny of the Online Safety Bill and children's data protection. For instance, in the House of Lords on 1 February 2022, Baroness Kidron repeatedly invoked the general comment to argue that children's rights apply fully online and that the best interests of the child must guide platform design. Furthermore, Baroness Kidron referenced the general comment to introduce an amendment to the Data (Use and Access) Bill to introduce a code of practice on children and AI²²³ as well on EdTech.²²⁴ Lord Clement-Jones similarly referred to it when advocating stronger duties on privacy, profiling and corporate accountability. In the House of Commons, references were more indirect, although debates on age-appropriate design and risk assessments reflected its themes.

In parliamentary debate, the general comment is framed around safety-by-design, privacy, participation and the best interests of the child. Its influence appears most explicitly in strengthening arguments for proactive child safety duties under the Online Safety Act 2023. While rarely contested directly, its authority competes with concerns about proportionality and innovation, but also preferences toward focusing on UK law

²²¹ Ibid. page 3.

²²² NOU (2022).

²²³ UK Parliament (2024a).

²²⁴ UK Parliament (2024b).

and principles.²²⁵ The review highlights that the general comment has operated as a persuasive interpretive tool shaping rights-based amendments in UK digital regulatory debates, driven particularly by key parliamentarians, in particular Baroness Kidron, who was key in developing and drafting the general comment.

National legislation and regulation

Brazil

Brazil provides one of the clearest examples of the general comment being incorporated into binding national law. In April 2024, the National Council for the Rights of Children and Adolescents (CONANDA) adopted Resolution No. 245,²²⁶ which explicitly cites the general comment several times and frames it as authoritative for interpreting children’s rights in the digital environment.²²⁷ The resolution mandates privacy- and safety-by-design, child-friendly information, data minimisation and parental consent with withdrawal rights, and bans commercial profiling, targeted advertising and indiscriminate surveillance of children. It reflects the general comment’s emphasis on children’s rights as positive obligations requiring systemic safeguards.²²⁸ Its Preamble notes:

*CONSIDERING General comment No. 25 of 2021 ... which binds the interpretation of the rights provided for in the Convention on the Rights of the Child in the digital environment, as well as General Comment No. 14 on the right of the child to have his or her best interests considered primarily.*²²⁹

²²⁵ See: UK Parliament (2025): ‘However, although we support the intent of the amendment, we have concerns about the reference to the UN Convention on the Rights of the Child and general comment 25. Although these international frameworks are important, we do not believe they should be explicitly tied into this legislation. Our preference would be for a redraft of this provision that focused more directly on UK law and principles, ensuring that the protections for children’s data were robust and tailored to our legal context, rather than linking it to international standards in a way that could create potential ambiguities.’

²²⁶ Resolution No. 245, The rights of children and adolescents in the digital environment. Diário Oficial da União. <https://criancaeconsumo.org.br/wp-content/uploads/2024/04/Resolution-Conanda-245.2024.pdf>

²²⁷ This resolution complements existing instruments such as the Statute of the Child and Adolescent, the Consumer Defence Code and the General Data Protection Law.

²²⁸ Scholars note that Resolution 245 signals a shift, indicating that while Brazil had long recognised the abusiveness of marketing communication targeted at children, the online environment was not consistently understood as a space where rights apply equally as offline. As Tomaz et al. (2023) argue, ‘it is vital to consider the General Comment No. 25 ... and to create mechanisms that educate not only children, but society in general, to think about the protection of children on the Internet as necessary as in any other environment.’

²²⁹ This is an unofficial translation.

This normative consolidation was strengthened by Law No. 15.211/2025 2025 *Brazilian Digital Statute of the Child and Adolescent* (ECA Digital Law),²³⁰ enacted in September 2025. The Law codifies safety-by-design, age-appropriate settings, reliable age verification²³¹ and parental supervision tools,²³² prohibits profiling and targeted advertising for minors, bans loot boxes²³³ and requires rapid removal of harmful content.²³⁴ Oversight is entrusted to the National Data Protection Authority,²³⁵ with significant sanctioning powers.²³⁶ The Law embeds the best interests principle and introduces CRIAs and research access provisions, thereby operationalising the general comment's call for enforceable business regulation and accountability. By integrating safeguards such as privacy-by-design,²³⁷ transparency²³⁸ and accountability for digital service providers, it operationalises the general comment's call for States to regulate business actors and secure children's rights to protection, provision and participation in digital spaces. Notably, the Law integrates many of the mechanisms necessary to scaffold implementation, consistent with the general comment, including CRIAs and provision for free access to data for academic research and oversight on the impacts of digital products on the best interests of children.

Civil society and NGOs played a decisive role in advancing Brazil's child rights framework for the digital environment, by translating and operationalising the general comment into concrete legal proposals and advocacy strategies. A key actor of change was the Alana Institute, which explicitly structured its efforts around the general comment's provisions. It partnered with the judiciary to advocate for first, Resolution 245, and then, the ECA Digital Law.²³⁹

Implementation may face capacity constraints, coordination challenges, enforcement difficulties across global platforms, and tensions between protection participation and privacy.

Indonesia

Indonesia has recently taken significant steps to strengthen its regulation toward a more child rights-respecting digital system. In 2024, the government developed a *Draft government regulation on child protection governance in the implementation of electronic*

²³⁰ Lei No 15.211 de Setembro de 2025, Dispõe sobre a proteção de crianças e adolescentes em ambientes digitais (Estatuto Digital da Criança e do Adolescente).

<https://legislacao.presidencia.gov.br/atos/?tipo=LEI&numero=15211&ano=2025&ato=f1cETV65UNZpWT348>

²³¹ Ibid. chapter IV.

²³² Ibid. chapter V.

²³³ Ibid. para. IV, article 20.

²³⁴ Ibid. chapter X.

²³⁵ Ibid. chapter XIV.

²³⁶ Ibid. article 35 ii.

²³⁷ Ibid. article 7.

²³⁸ Ibid. chapter XII.

²³⁹ Sylwander & Livingstone (2025).

systems (TKPAPSE), mandated by the 2024 amendment to the Electronic Information and Transactions (ITE) Law. This has now evolved into a binding regulatory framework that will be operationalised through a ministerial regulation coming into effect in March 2026.

The regulation was designed to operationalise children’s rights online through enforceable duties on digital service providers, and was enacted in March 2025.²⁴⁰ The Ministry of Communication and Informatics (Kominfo), now renamed the Ministry of Communication and Digital (KomDigi), coordinated its preparation through interministerial workshops, stakeholder consultations and a children’s workshop in May 2024, reflecting the general comment’s emphasis on children’s participation in decision-making.

The draft outlined a framework focusing on the best interests of the child, data protection by-design and the prevention of manipulative and exploitative practices. It required providers to conduct data protection impact assessments (DPIAs), ensuring high default privacy settings, restricting geolocation and profiling, and offering transparent complaint mechanisms. It also included obligations for age-appropriate design, clear accountability for third parties and limits on hidden persuasive techniques, standards that closely mirror the rights-based approach outlined in the general comment.

The regulation was enacted in March 2025 as Government Regulation (PP) No. 17/2025 on electronic system governance for child protection, widely referred to as PP Tunas (Tunggu Anak Siap). Following its enactment, KomDigi developed a ministerial regulation to operationalise its provisions. Released for public consultation in January 2026, it received 362 submissions addressing risk classification governance, age verification and enforcement. The regulation introduces tiered age limits, age verification and risk-based obligations, and may require removal of underage accounts from March 2026.²⁴¹ Although it closely follows the Australian model, it differs from Australia’s approach to social media restrictions for under-16s by applying more broadly to all digital service providers, including online games and e-commerce, reflecting a risk-based approach and responding to the rapid convergence of platform functions.²⁴² Experts have cautiously welcomed PP Tunas for its design-based protections beyond blanket bans, but warn that reliance on design parental consent design may fail vulnerable children, and urge close monitoring of its early implementation to assess its impact and potential unintended consequences.²⁴³

The regulation draws on international models such as the UK’s AADC, Ireland’s *Fundamentals for a child-oriented approach to data processing*, California’s AADC and the

²⁴⁰ Digital Policy Alert (2025).

²⁴¹ Indra (2026).

²⁴² It is unclear whether the government has taken children’s rights to participate into account.

²⁴³ Indra (2026).

EU's GDPR.²⁴⁴ During drafting, officials consulted the UK ICO, 5Rights Foundation and IEEE, explicitly aligning the regulation with global child rights and privacy standards. Our interviews with advocates supporting the development of the new regulation reveal that their advocacy and expert input drew directly from the general comment, even though it was not explicitly cited in the final text. National civil society submissions to the Committee on the Rights of the Child regarding the State Party review of Indonesia explicitly reference the general comment, urging its use as a guiding framework for the country's digital era child protection laws.

The Indonesian case demonstrates how states draw on other national legislation and regulation, such as the AADC and the EU's GDPR to draft their national policies. Further, it demonstrates the collaborative efforts underpinning the drafting of regulation aligned with the general comment, involving coalitions of child rights organisations, intergovernmental organisations such as the IEEE, and cross-national cooperation, including with the UK's ICO.

Ireland

In recent years, Ireland has developed its framework to safeguard children's safety and privacy online. In 2021, the *Fundamentals for a child-oriented approach to data processing*²⁴⁵ was published by the Irish Data Protection Commission (DPC), to guide the application of the EU GDPR with relation to children, and was developed in parallel to the UK Children's Code (the AADC) and in close consultation with the UK's ICO. It represents one of the clearest examples of how the general comment has informed the translation of international child rights principles into national regulatory guidance.

Although not a statutory code, the *Fundamentals for a child-oriented approach to data processing* serve as a benchmark to all organisations processing children's personal data. The structure of the 14 fundamentals closely reflects the general comments' interpretation of the UNCRC, particularly regarding privacy, access to information, participation and protection from exploitation. The DPC explicitly acknowledges that its approach is grounded in children's rights, drawing on the UNCRC and the general comment to interpret how data protection principles should be interpreted and applied in child-specific contexts.

Furthermore, the DPC also notes that, in 2021, the UN Committee published General Comment No.25 on Children's Rights in Relation to the Digital World²⁸ making it explicit that children's rights under the UNCRC apply to

²⁴⁴ UNICEF Innocenti – Global Office of Research and Foresight (2025d).

²⁴⁵ Coimisiún um Chosaint Sonraí [Data Protection Commission] (2021).

*the digital environment. The General Comment provides an authoritative analysis of how the UNCRC relates to the digital environment...*²⁴⁶

Ireland's new media regulator, Coimisiún na Meán, has also advanced a binding regulatory framework for video-sharing service providers (VSPs) based in Ireland. The Online Safety Code,²⁴⁷ adopted in 2024, aims to uphold the EU DSA while strengthening child protection. During the regulators' 2023 consultation to develop the Code, NGOs, civil society, government agencies and health centres called for it to include a human rights and child rights approach based on the UNCRC as well as the general comment and the 2018 CoE Guidelines. In the consultation several organisations, including the 5Rights Foundation and the Irish Heart Foundation, cited paragraph 38 of the general comment, calling on States to require the business sector to undertake child rights due diligence and CRIAs. The 5Rights Foundation, the Ombudsman for Children and Belong To also referenced paragraph 44 of the general comment to make a case for 'appropriate and effective judicial and non-judicial mechanisms for the violation of children's rights relating to the digital environment.'

The Online Safety Code has incorporated many of the features that are embedded in the general comment. It requires effective age-assurance systems,²⁴⁸ including age estimation and content, and prohibits the commercial use of children's personal data collected for age verification or parental control purposes.²⁴⁹

The Netherlands

The Netherlands has progressively integrated children's rights into its digital policy framework, explicitly drawing on the UNCRC and the general comment. Central to this approach is the CRIA and the Code of Children's Rights Online, which aim to assess and support how digital products and services address children's rights, safety and wellbeing throughout their design and use.

The CRIA is designed to assess digital services throughout their life cycle, ensuring alignment with children's rights and wellbeing. It is explicitly based on the general comment and encourages transparency, including disclosure of findings. It is meant to be carried out in relation to children's rights and wellbeing during the design and development of digital services, as well as during its life cycle.²⁵⁰ The CRIAs categorise

²⁴⁶ Ibid. p. 19.

²⁴⁷ Coimisiún na Meán (2024).

²⁴⁸ Part A, Appropriate Measures 10.6. Online Safety Code.

²⁴⁹ Article 17.2, requiring VSPs to establish and operate age-verification systems to protect children from content defined under Article 28b (1)(a-c) of the Audiovisual Media Services Directive. This further requires 'effective age assurance measures, including age estimation, and recognises that age verification solely based on the user's self-declaration is not considered an effective measure. VSPs are required to ensure that children's personal data collected by them for purposes of age-verification and parental controls shall not be processed for commercial purposes.'

²⁵⁰ Ministry of the Interior and Kingdom Relations & Government of Netherlands (2024).

online risks using the 4Cs framework.²⁵¹ While the onus is on raising awareness of the impact of these services on children’s rights, it may also be used as an accountability tool.

In July 2023, the government adopted a national policy on children’s rights online,²⁵² further consolidating this framework.²⁵³ Complementary measures include exploration of the legal obligations for CRIAs, age verification guidance, enhanced monitoring mechanisms and a national awareness-raising campaign.²⁵⁴ Dutch policy has also been aligned with EU initiatives such as BIK+.

Following the UK’s AADC adopted in 2020, the Netherlands developed its own Code of Children’s Rights in 2021,²⁵⁵ developed by Leiden University and Waag. It sets out 10 child rights-by-design principles, including best interests, participation, transparency, data minimisation, prohibition of profiling and prevention of economic exploitation and harmful design. It explicitly cites the UNCRC and the general comment as foundational sources. Although not legally binding, it reflects a holistic understanding of children’s rights, and signals a growing institutional commitment to embedding children’s rights in digital governance.²⁵⁶

Spain

Spain has recently strengthened its legislative framework for children’s rights in the digital environment. In June 2024, the Council of Ministers announced a draft *Organic Law for the Protection of Minors in Digital Environments*, formally introduced to Parliament in April 2025.²⁵⁷ The Law consolidates child online safety measures, including mandatory parental controls by default, age verification, restrictions on certain loot boxes and stronger platform duties, criminalisation of deepfakes and online grooming. It raises the age of consent for data processing to 16 and mandates the development of a national strategy on child protection in digital environments. While it does not reference the general comment, it reflects its protective and regulatory dimensions, including the emphasis on the shared responsibility between State and businesses and safeguarding children’s best interests in the digital environment. However, participation, freedom of expression, access to information and evolving capacities as guiding

²⁵¹ Livingstone & Stoilova (2021).

²⁵² Digital Government (2025a).

²⁵³ There is a step-by-step plan for the use of age-verification (tools), which will be applied to a case in the first half of 2024.

²⁵⁴ Digital Government (2025b).

²⁵⁵ Ministry of the Interior and Kingdom Relations & Government of Netherlands [Ministerie van Binnenlandse Zaken en Koninkrijksrelaties], University of Leiden & Waag Technology and Society (2023).

²⁵⁶ There are a number of additional developments that are in line with the guidance of the general comment, such as: The possibility of establishing a children’s personal data authority within the Dutch Data Protection Authority is being examined to further strengthen the processing of children’s personal data. A national centre of expertise to gather research on the impact of digital services on children.

²⁵⁷ Ministerio de la Presidencia, Justicia y Relaciones con las Cortes (2024).

principles in regulatory design are less fully addressed, and CRIAs are not clearly embedded as procedural obligations in the law.

In parallel, the Spanish Data Protection Agency (La Agencia Española de Protección de Datos, AEPD) published a 2024 report on strengthening privacy protections for children²⁵⁸ which calls for a shift away from reactive, individualised responses toward a safety-by-design and by-default approach, encouraging systemic accountability by technology providers.²⁵⁹ This echoes the general comment's emphasis on prevention and proportionality. Yet the AEPD grounds its analysis in the GDPR and the EU DSA, referencing the general comment only peripherally.

Spain operates a multilevel regulatory system, and its autonomous Communities have developed complementary regulatory frameworks recognising the rights of children in digital environments. Notably, the Community of Madrid has expressly referenced the general comment in the Preamble to its Law on the Rights, Guarantees and Comprehensive Protection of Children and Adolescents.²⁶⁰

United Kingdom

The UK's online safety framework has had a major global influence, shaping regulatory models in countries such as Australia, South Africa, Singapore and Indonesia, and informing elements of the EU's Digital Services Act (DSA). Its approach has also inspired the establishment of the Global Online Safety Regulators Network, now comprising 25 countries.

At national level, the UK's regulatory system for children's rights in the digital environment has evolved through a sequence of landmark instruments. The Data Protection Act (DPA) 2018 established a duty for the Information Commissioner's Office (ICO) to create statutory standards for age-appropriate design. This mandate led to the Age Appropriate Design Code (AADC), which came into force in September 2020 as the first comprehensive code of practice for online services likely to be accessed by children. The AADC explicitly roots its principles in the UNCRC, recognising the need for 'special safeguards and care in all aspects of children's lives', and calling for a safer digital space in which children can 'learn, explore and play'.

The ICO and wider stakeholders have since drawn on the general comment to situate the AADC more explicitly within international child rights law, clarifying how children's rights apply online, reinforcing the ICO's mandate under the DPA, and positioning the AADC within a broader treaty-based framework.

²⁵⁸ AEPD (2024).

²⁵⁹ Ibid.

²⁶⁰ CIDENI, Thomson Reuters Foundation & TrustLaw. (2025).

This influence is visible in how the ICO implements the Code's 15 standards. By linking them to principles such as best interests, evolving capacities and participation, the ICO frames children's privacy and safety as positive obligations requiring proactive safety-by-design measures. It also promotes child rights due diligence, child participation in design processes and initiatives such as the AADC Design Certification Scheme.²⁶¹ ICO's guidance on the UNCRC and what it means for online services²⁶² demonstrates that the general comment provides an interpretive framework for the ICO in understanding how children's rights apply in the digital environment.

Although the UK's Online Safety Act (OSA) 2023²⁶³ establishes a statutory duty of care on user-to-user and search services likely accessed by children, requiring proportionate, risk-based measures to prevent children encountering harmful content, it does not refer to the general comment. It does draw heavily on the child rights logic embedded in the AADC. The communications regulator Ofcom is tasked with producing codes of practice outlining the child-specific duties of the Act. Together, these instruments reflect a layered system of regulation grounded in data protection, safety-by-design and children's rights. However, experts and academics have criticised the OSA's focus on content moderation and post-publication takedown, rather than on systemic platform design features that enable harm, which sets it apart from the general comments by-design approach.²⁶⁴

Significantly, Ofcom's 2025 codes of practice on the protection of children reference both the UNCRC and the general comment,²⁶⁵ thereby embedding principles such as best interests, evolving capacities and proportionality into age assurance, algorithmic risk mitigation and child-specific risk assessments, reflecting clear interpretive influence on regulatory design.

Stakeholder interviews reveal that the ICO views the UNCRC and the general comment as part of its interpretative mandate under the DPA. Advocates, however, note inconsistencies between policy ambition and enforcement: while the ICO 'understands' the importance of the general comment, enforcement action remains cautious, and Ofcom does not perceive itself as explicitly mandated to apply a child rights framework. Nonetheless, campaigners highlight that advocacy for amendments and stronger duties under the OSA has been 'grounded in' the principles of the general comment.

Civil society actors have been central in promoting the general comment within this evolving UK regulatory context. The 5Rights Foundation, in its 2024 submission to Ofcom, urged that online services 'uphold children's existing rights to participate and

²⁶¹ ICO (2021).

²⁶² ICO (no date).

²⁶³ Online Safety Act (UK) (2023).

²⁶⁴ Woods (2026).

²⁶⁵ Ofcom (2025).

express themselves in the digital world as per the UNCRC and General Comment No. 25.’ Similarly, the NSPCC in their submission to the Education Committee’s inquiry into Screen Time: Impacts on education and wellbeing, noted that the general comment ‘clarifies the rights of children in digital environments and places accountability on nation states to ensure the provisions are followed.’²⁶⁶ The Children’s Coalition for the Online Safety Act, coordinated by 5Rights Foundation, in its report *Enforcing the Online Safety Act for children*, grounded its recommendations for regulated services explicitly in the UNCRC and the general comment, stressing that age-assurance and verification mechanisms must respect children’s fundamental rights and evolving capacities.²⁶⁷

The general comment is exerting increasing normative and interpretative influence in the UK context. The combination of the AADC, the OSA, and Ofcom’s developing codes of practice demonstrates a shift toward a child rights-based regulatory culture, in which the general comment provides both a reference point for advocacy and an implicit framework guiding implementation. Collectively, these developments situate the UK as a key catalyst in the international diffusion of the principles of the general comment, bridging data protection, safety regulation and children’s rights in the digital age.

National authorities and regulators

Australian e-Safety and Information Commissioners

The Australian eSafety Commissioner is the national independent regulator for online safety, established in 2015 under the Enhancing Online Safety for Children Act²⁶⁸ and later replaced by the Online Safety Act 2021.²⁶⁹ eSafety investigates and removes harmful content, enforces safety standards for digital platforms and services, and promotes education and resources to foster safer online experiences, particularly for children and young people.

In the 2024 the Australian Parliament enacted the Online Safety Amendment (Social Media Minimum Age) (SMMA) Act,²⁷⁰ which restricts access to social media platforms to children under 16. Enforcement responsibilities are shared between eSafety and the Office of the Australian Information Commissioner (OAIC). eSafety oversees and supports platform compliance with the online safety obligations set out in the Act, while the OAIC monitors compliance with the Act’s privacy requirements.

²⁶⁶ NSPCC (2023).

²⁶⁷ Children’s Coalition for the Online Safety Act (2024).

²⁶⁸ Australian Government (2015).

²⁶⁹ Australian Government (2021).

²⁷⁰ Parliament of Australia (2024).

In its *Implementation of the social media age restrictions: Statement of commitment to children's rights statement*, eSafety emphasises that the Online Safety Act requires the Commissioner to 'have regard' to the UNCRC when exercising functions relating to children.²⁷¹ The statement explicitly incorporates the general comment, committing to 'reasonable steps' guidelines for the SMMA regime, including privacy-preserving and data-minimising age-assurance measures, transparent explanations to young users, accessible review mechanisms, multilingual child-friendly materials and co-designed safety education. eSafety also commits to evaluation processes that involve children as co-researchers. In addition, it coordinates Basic Online Safety Expectations (BOSE) reporting,²⁷² enforces industry Codes and Standards addressing online harms, operates complaints schemes for cyberbullying and image-based abuse, and commits to evaluation where children are involved as co-researchers. These responsibilities and commitments explicitly map onto core UNCRC principles and provisions, as well as to the general comment framework, including the principles of best interests of the child, privacy, protection, participation, and remedies, and children's rights in relation to the business sector.

In its *Explanatory Statement to the Online Safety Industry Standard 2024*²⁷³ relevant to child sexual exploitation material, pro-terror material, extreme crime and violence material, and drug-related material and other forms of violent and extreme material, as well as its *Statement of Compatibility with Human Rights*, eSafety explicitly references the UNCRC, the OPSC and the general comment, engaging with the rights to freedom of expression, privacy, protection from online violence and the best interests of the child.

eSafety also contributes to the Department of Foreign Affairs and Trade to advance children's rights in the digital environment, explicitly referencing the general comment as a key framework, including through the integration of safety issues into Australia's International and Critical Technology and Engagement Strategy and its contributions to UN resolutions.²⁷⁴ Among other contributions, eSafety supported and contributed to the drafting of the general comment.

Australia's forthcoming Children's Online Privacy Code,²⁷⁵ mandated under the Privacy and Other Legislation Amendment Act 2024 and developed by the OAIC, aims to strengthen protections for children's personal information in digital environments.²⁷⁶ The Code will clarify how the Australian Privacy Principles apply to services likely to be accessed by children, including social media, messaging and gaming platforms. Its aim is not to restrict participation but to safeguard privacy, autonomy and safety through meaningful consent, age-appropriate communication, stronger controls over

²⁷¹ eSafety Commissioner (2025).

²⁷² eSafety Commissioner (no date).

²⁷³ eSafety Commissioner (2024).

²⁷⁴ eSafety Commissioner (2022).

²⁷⁵ Set to be in place in December 2026.

²⁷⁶ Office of the Privacy Commission of Canada (2023).

geolocation and targeted advertising, data minimisation and risk assessments.²⁷⁷ Consultation materials and submissions from children, national authorities, academia, civil society and industry expressly referenced the general comment, advocating for privacy-by-default protections and capacity-attuned consent models.²⁷⁸ These examples illustrate how Australia's eSafety Commissioner and the OAIC, supported by a range of other stakeholders, are operationalising a child rights-based digital governance framework grounded in the UNCRC and the general comment.

Privacy Commissioner of Canada

In 2023, Canada's federal, provincial and territorial privacy commissioners adopted a joint resolution calling for the best interests of young people to guide all privacy and data practices. Drawing on the UNCRC and General comment No. 25, the resolution urged governments and organisations to integrate children's rights into privacy legislation and digital design, ensuring privacy-by-default, transparency, limits on data collection and disclosure, and protection from profiling, tracking and commercial exploitation. It recommended privacy impact assessments, the participation of children and advocates in design processes, and clear mechanisms for access, correction and deletion, positioning children's privacy as a distinct and fundamental right across Canada's digital environment.

Drawing on the joint resolution and inspired by the UK and Irish examples, Canada's Privacy Commissioner is developing a children's privacy code under Canada's Personal Information Protection and Electronic Documents Act, Canada's federal privacy law for the private sector. In 2025 the Privacy Commissioner held an exploratory consultation to clarify obligations for organisations handling children's data. The aim was to embed the best interests of the child into the Code through privacy-by-default, age-appropriate transparency and consent, limits on data collection (data minimisation), sharing and tracking (e.g., geolocation), safeguards against deceptive design and practical tools for children to access, correct, delete and control their personal information. The Commissioner frames the Code as 'enabling the exercise of children's privacy rights', outlining Canada's obligations under the UNCRC, and pointing to guidance provided by the general comment and Canada's responsibility to 'ensure that digital service providers offer services that are appropriate for children's evolving capacities'.²⁷⁹

²⁷⁷ Australian Government, OAIC (Office of the Australian Information Commissioner) (2025).

²⁷⁸ See contributions from: the Australian Human Rights Commission (2025); Australian Research Council's Centre of Excellence for the Digital Child (2025); DFC and 5Rights Foundation (2025); the Attorney-General's Department's submission on industry standards public consultation on exposure to certain materials online highlights that extending privacy-by-default and geolocation off by-default protections to all children under 18, and assessing children's capacity to consent on a case-by-case basis, would better align Australia's Children's Online Privacy Code with the principles of the general comment, particularly with regard to the principle of children's evolving capacities. Other examples include the Australian Council on Children and the Media submission on the Restricted Access System Declaration discussion paper.

²⁷⁹ Office of the Privacy Commissioner of Canada (2025).

Ireland's Ombudsman for Children's Office

In recent years, Irish institutions have actively embedded the general comment into their regulatory, policy and advocacy frameworks. Central to this progress has been the Ombudsman for Children's Office, which has systematically drawn on the general comment to shape both public policy and legislative processes.

Prior to the general comment's formal adoption in 2021, the Ombudsman's Office cited the draft general comment to influence the *National Council for Curriculum and Assessment's (NCCA) Primary Curriculum Framework*, urging explicit consideration of the role of technology in education.²⁸⁰ That same year, the Ombudsman's Office cited the general comment in an opening statement to the Oireachta's (Irish Parliament) Joint Committee on Media, Tourism, Arts, Culture, Sport and the Gaeltacht, during parliamentary scrutiny of the Online Safety and Media Regulation Bill, highlighting both the opportunities and risks that digital spaces present for children's rights, arguing for regulation that balances protection with participation and access.

The general comment has since become a cornerstone of the Ombudsman's Office's advice to the media regulator, Coimisiún na Meán, in developing the country's first binding Online Safety Code for video-sharing platform services (VSPS).²⁸¹ The general comment also underpins the Ombudsman's Office's research agenda.²⁸² A study commissioned by the Ombudsman's Office on children's right to be heard through social and digital media used the general comment as a conceptual framework to expand beyond a narrow protectionist lens. The research reframed digital engagement as integral to the realisation of participation rights, emphasising children's voices in digital policymaking. Building on the general comment's principles, the Ombudsman's Office recommended convening a cross-sectoral Digital Participation Expert Forum and developing a *Charter for children and young people's digital participation* to guide rights-respecting digital engagement in public decision-making.²⁸³

Nigeria

Nigeria's National Digital Learning Policy from 2023 directly referenced the general comment, specifically by treating learning as a child rights and equality issue and not just as an education modernisation project. It explicitly cites the general comment to justify urgency around digital inclusion and to warn that, without inclusion, inequalities may deepen. It therefore advocates a response that bridges the digital divide for

²⁸⁰ Ombudsman for Children's Office (2021).

²⁸¹ Ombudsman for Children's Office (2024).

²⁸² O'Neill et al. (n.d.).

²⁸³ Ibid. page 15.

underserved, rural and marginalised learners. The policy translates this into practical measures:

- Expanding connectivity, power and affordability of devices
- Building teacher capacity and digital literacy
- Setting standards for quality, safe and accessible content (including for learners with disabilities and in Indigenous languages)
- Embedding e-safety, privacy, cybersecurity and early guardrails for responsible AI in education systems
- Implementation of plans and evaluation models.

This policy is particularly significant as Nigeria is currently facing immense challenges, with over 10,5 million primary school-aged children not enrolled in school, 60% of whom are girls, and limited digital infrastructure, with only 36% of Nigerians using the internet, 78% of youth lacking digital skills and 47% of teachers having basic digital literacy skills.²⁸⁴

South Africa

South Africa's digital policy and governance landscape shows gradual progress in embedding children's rights, with the general comment serving as an emerging but largely implicit reference point in formal proceedings, while explicitly informing advocacy agendas.

Recent frameworks, including the National Digital and Future Skills Strategy, the National Artificial Intelligence Policy Framework and the Protection of Personal Information Act (POPIA) (Department of Communications and Digital Technologies, 2024), and the Information Security Framework emphasise equity, inclusion and ethical technology use as well as introducing some data protection, yet are not child-centric frameworks.²⁸⁵ Lacking tailored protections, enforcement and mechanisms, and accountability structures, there are currently no binding digital governance standards ensuring children's rights. Nonetheless, the general comment and the rights of the child in the digital environment are being invoked by advocates to push for change.

In 2024, the Department of Communications and Technologies published the National Artificial Intelligence Policy Framework, which was the first step toward developing a National Artificial Intelligence Policy.²⁸⁶ The Framework fails to address children or

²⁸⁴ UNICEF (2023).

²⁸⁵ Protection of Personal Information Act (POPIA) (2024).

²⁸⁶ Communications & Digital Technologies (South Africa) (2024).

recognise them as a distinct group requiring specific protection or consideration in the context of AI. The Centre for Child Law's²⁸⁷ submission to the AI Policy Framework explicitly invoked the general comment, calling for stronger provisions on children's data protection, algorithmic transparency and participatory design, thereby linking child rights law with emerging AI regulation, and affirming that the UNCRC applies equally online. Civil society has reinforced these efforts. The South African Human Rights Commission's (SAHRC) *Social Media Charter* (2023) argues that constitutional protections of dignity, equality and privacy extend to digital spaces, offering guidance on cyberbullying, harmful content and online safety, and advancing the general comment's call for rights-based digital citizenship and accountability by both users and platforms.

Academic and advocacy work, including the University of Pretoria's *Children's Right to Digital Safety* (2022), similarly reflects the general comment's holistic approach to protection, participation and provision while exposing persistent gaps, such as the absence of a coherent child-centred digital policy, an overreliance on punitive rather than preventive responses to online harm, and limited inclusion of children's perspectives in policymaking.

Collectively, although the general comment is rarely directly referenced, particularly in policy, there is some evidence that it has informed advocacy and institutional reform, prompting regulators to integrate child-specific considerations into South Africa's evolving frameworks for education, cybersecurity and AI governance.²⁸⁸

Impact on advocacy

Impact of the general comment on the advocacy of NHRIs and non-state actors to the Committee on the Rights of the Child

Our review of the impact of the general comment in the UNCRC treaty monitoring process revealed that across all regions, NHRIs, NGOs and civil society coalitions have increasingly used the general comment as an advocacy framework to push the Committee on the Rights of the Child to address children's rights in the digital environment.²⁸⁹

In Europe, organisations have used the general comment explicitly to advocate for the rights of children in the digital environment. In Germany, ECPAT Germany referenced the general comment to demand mandatory child protection policies for organisations and stronger business accountability in digital environments. In their Concluding observation to Germany, the Committee recalled the general comment

²⁸⁷ Centre for Child Law (2024).

²⁸⁸ Centre for Child Law (2024); South African Human Rights Commission (2023).

²⁸⁹ Sylwander & Livingstone (2025).

directly when recommending the strengthening of media safeguarding regulations and digital literacy for children, caregivers and teachers. Similarly, in Ireland, Plan International's 2022 submission urged statutory online safety oversight. Recalling the general comment, the Committee recommended improvements in digital inclusion and the Online Safety Commissioner's mandate. In Slovakia, the NGO Poradňa used the general comment's equity lens to highlight Roma children's exclusion from online learning, prompting the Committee to call for targeted digital access measures.²⁹⁰

In North Africa and the Middle East, the general comment has anchored advocacy efforts on privacy and data protection. In Egypt, Maat for Peace raised a mass data breach case affecting 72,000 children. The Committee then drew on this example and referenced the general comment when recommending reparations, stronger privacy laws and digital literacy programs. In Iraq, the National Commission for Child Protection and NGO coalitions referenced the general comment to urge alignment of online safety legislation and digital education policy. The Committee's 2024 Concluding observations cited the general comment explicitly on digital inclusion and literacy.

In the Americas, the general comment has been used by advocacy networks to strengthen online protection and inclusion agendas. In Guatemala, civil society reports on connectivity inequities and harmful content shaped Committee recommendations, recalling the general comment on digital literacy and rural access. In Ecuador, NGOs highlighted gendered digital divides. The Committee, invoking the general comment, urged legislative action and investment to reduce digital illiteracy. In Brazil, civil society actors, including SaferNet Brasil, the Alana Institute, and Human Rights Watch, explicitly referenced the general comment in their submissions to the Committee to highlight children's exposure to online abuse, misuse of educational data, unequal digital access, and lack of enforcement of existing laws to protect children in the digital environment. Their advocacy prompted the Committee to urge Brazil to strengthen data protection enforcement, regulate education technology companies and expand safe and inclusive digital access for all children.

²⁹⁰ UNCRC (2025).

5Rights Foundation

This case study of 5Rights Foundation demonstrates how specialised child rights advocates can play a catalytic role in translating international standards into concrete legislative, regulatory and governance reforms, acting as agenda-setters, technical partners and norm-shapers across national, regional and global arenas. Founded in 2012 by Baroness Beeban Kidron, 5Rights works with governments, regulators, UN bodies, industry and academics to embed child-centred design and safety requirements into the core of digital services. Its approach combines evidence-based advocacy, policy drafting, legal expertise and practical toolkits that support implementation. It has played a distinct role in strengthening the uptake and operationalisation of the general comment. Central to its work is the argument that children’s needs should be anticipated and embedded into design.

General comment No. 25: 5Rights played a central role during the drafting and consultation phases of the general comment. After adoption, the organisation actively supported dissemination and interpretation through briefings, government consultations and regional capacity-building. Expert interviews indicate that several governments view 5Rights material as an accessible entry point for aligning national policies with the general comment.

Global and multilateral impact: Across UN and global governance processes, 5Rights has been a visible and often a leading actor in interpreting and applying the general comment in global governance debates. Its influence is reflected in:

- **2023 UNGA Resolution on the rights of the child in the digital environment**, which incorporates principles long advanced by 5Rights, particularly around the responsibility of service providers, design obligations and child participation.
- **Global Digital Compact (GDC) negotiations**, where 5Rights participated in drafting consultations and introduced language which aligned with the general comment related to safety-by-design, profiling, data minimisation and platform accountability. Notably, the GDC explicitly incorporated children’s rights in the digital environment, despite opposition from some UN Member States, thanks to strong advocacy coordination among child rights actors led by 5Rights.
- **CoE work on AI and children**, where 5Rights contributed expert input to guidelines on AI systems affecting children.
- **EU regulatory agenda**, including structured engagement on the Digital Services Act (DSA) and the AI Act, where its technical papers and the Age

Appropriate Design Code (AADC)²⁹¹ strongly influenced approaches to child protection, risk assessment and safety requirements for online services.

- **CDENF CRIA+**, to which 5Rights contributed expertise on CRIAs, bridging the general comment's principles with operational methodologies for European states.

The African Union (AU): Child Online Safety and Empowerment Policy (2024) represents one of the strongest examples of a general comment-informed regional policy. Interviews and documentary evidence indicate that 5Rights acted as a primary technical partner to the AU Commission, contributing to policy drafting, consultation design and capacity-building for officials. The 5Rights *Child Online Safety Toolkit*²⁹² is referenced in the policy as a guiding framework. The collaboration nonetheless extended far beyond dissemination of the toolkit, involving the co-creation of a continental regulatory vision, now informing national processes across the continent.

Indonesia: This an important example of reform informed by the general comment and catalysed by 5Rights. Through partnerships with the Ministry of ICT (now KomDigi), the IEEE and local organisations, 5Rights contributed to the drafting of the 2025 Child Online Protection Law. Stakeholders state that principles drawn from the toolkit and the AADC are visible in the Law's provisions on design obligations, accountability, use of children's data and platform safeguards. This process combined policy advice, translation of materials, local consultation and engagement with youth advocates.

Argentina: Where 5Rights collaborated with Civic Compass and the Defensoría del Niño to support the drafting of a national child online safety bill. While political turnover halted legislative progress, the initiative broadened national debate and created institutional familiarity with the general comment and its principles.

Ireland: Ireland's approach to children's data processing and DPIAs has also drawn on frameworks promoted by 5Rights, with direct engagement between the organisation and the DPC.

UK: 5Rights is active in legislative and regulatory processes in the UK, often being cited in parliamentary debates, as evidenced in parliamentary records in Hansard. Currently, 5Rights Foundation has been cited more than 100 times in the UK Parliament.²⁹³

²⁹¹ The UK AADC, developed by the ICO with substantial leadership from 5Rights' earlier work, has become one of the most significant global models for operationalising the general comment in regulation.

²⁹² 5Rights Foundation (2022).

²⁹³ Hansard is the official report of Parliamentary debates: <https://hansard.parliament.uk>

Impact on academic research

Since 2021, academic literature has consistently positioned General comment No. 25 as an important milestone that has redefined how children’s rights are theorised and operationalised in the digital age. Rather than treating it as a mere citation, scholars deploy the general comment as an authoritative interpretive framework that consolidates prior advocacy while opening new analytical space for examining children’s agency, protection, participation and governance in digital environments. Across disciplines, the general comment functions as a discursive pivot, enabling researchers to reinterpret substantive rights and to clarify state and business obligations in technologically mediated contexts.

In legal scholarship, the general comment is frequently characterised as a form of interpretive law-making, a soft-law instrument that updates the UNCRC for the digital era and translates abstract treaty provisions into operational standards. Authors describe it as bridging pre-digital child rights norms and contemporary digital realities,²⁹⁴ positioning it as a hinge between international children’s rights law and emerging regulatory regimes such as platform governance and AI regulation.²⁹⁵ In this way, legal scholarship positions the general comment as legitimising rights-based approaches to algorithmic accountability, safety-by-design and corporate due diligence, and serving as an interpretive lens to articulate state duties and business responsibilities through the interpretive authority of the UNCRC.

Comparative and regional studies have mobilised the general comment as a benchmark against which national and regional frameworks are assessed. Researchers draw on it to interrogate asymmetries between regulatory traditions, to critique gaps in privacy and data protection regimes, and to advocate legislative reform in contexts ranging from Africa and the Middle East to Europe, North America and Asia.²⁹⁶ The general comment thus operates as a universal reference point that can be locally translated.

The scholarship referencing the general comment has an extensive thematic reach. In relation to protection, it is used to analyse child influencers, technology-facilitated sexual exploitation and abuse and regulatory responses to online harm.²⁹⁷ Under the banner of child rights-by-design, scholars invoke it to rethink age-appropriate design,

²⁹⁴ Djeffal (2022).

²⁹⁵ Ibid.; Feruza (2023).

²⁹⁶ Ayalew (2022); Shahsavari (2023).

²⁹⁷ Maxwell (2022); Weiss (2021).

game regulation and innovation pathways grounded in children’s rights.²⁹⁸ Business responsibilities and platform governance are recurring concerns, including marketing practices, profiling, commercial exploitation and State duties to regulate digital service providers.²⁹⁹

The right to privacy and data protection is among the most prominent themes. The general comment informs analyses of surveillance, EdTech, parental data-sharing, cross-regional comparisons of data protection and jurisprudence on arbitrary interference with children’s privacy.³⁰⁰ It also frames debates on digital inclusion, non-discrimination, humanitarian access and the rights of marginalised groups in the digital environment, including children with disabilities and institutionalised youth.³⁰¹

Civil rights and freedoms, including participation, play,³⁰² expression³⁰³ and sexual rights,³⁰⁴ are increasingly interpreted through the general comment’s lens. Similarly, literacy and education scholarship draws on it to examine digital literacy, cybersecurity education and rights-sensitive curricula. Emerging technologies constitute a rapidly expanding field of engagement, with researchers applying the general comment to AI, emotional AI, neurotechnology, facial recognition and algorithmic discrimination.³⁰⁵

Beyond peer-reviewed journals, the general comment appears in undergraduate and postgraduate theses across multiple countries,³⁰⁶ signalling its integration into higher education and the training of future researchers and practitioners. Although this review is limited to English-language publications, the geographical spread of citations suggests broad global uptake.

A review of the literature referencing the general comment demonstrates that it functions not as static commentary, but as an active site of meaning-making in academic research. It enables scholars to assert the continuity of children’s rights across physical and digital spaces, legitimise new normative domains such as AI governance under human rights law, and articulate a shared interdisciplinary language. By providing concrete measures and interpretive clarity, it equips researchers to assess legislation,

²⁹⁸ Fortim (2025); Grimes et al. (2023); Livingstone et al. (2023); Regan Shade (2023).

²⁹⁹ Alabrese et al. (2022); Backholer (2024); Djefal (2022); Sing & Backholer (2023); Sing et al. (2023); Tomaz et al. (2023); Verdoodt et al. (2023); WHO (2023).

³⁰⁰ Alabrese et al. (2022); Arce (2023); Ayalew (2022); Ayalew et al. (2024); Brites & Castro (2022); Bunn & Leaver (2023); Margaletić & Preložnjak (2023); Djefal (2022); Farthing & Bessant (2024); Groth & Southgate (2024); Hsu & van der Hof (2023); Čulo Margaletić & Preložnjak (2023); Sing & Backholer (2023); Sing et al. (2023); Southgate et al. (2025); Steinberg (2023); Stockman & Nottingham (2024); Stoycheff & Stoycheff (2024); Tomaz et al. (2023); Verdoodt et al. (2023); Verdoodt et al. (2024); WHO (2023).

³⁰¹ Jonsson (2023); Cranmer (2024); Xhomara (2024).

³⁰² Colvert et al. (2024).

³⁰³ Caton et al. (2024).

³⁰⁴ Woodley et al. (2024).

³⁰⁵ Atabey & Scarff (2023); Buarque (2023); Dabbagh et al. (2024); Elvstrand et al. (2023); Fielding & Murcia (2022); Gaudry et al. (2021); Lynch et al. (2023); Manganello et al. (2024).

³⁰⁶ Austria, Brazil, Finland, Norway, New Zealand, South Africa, Sweden and the UK.

policy and lived experiences critically, while identifying the responsibilities of States and other duty-bearers. In doing so, the general comment has helped shape a transformative, child rights-based research agenda that transcends disciplinary boundaries.

A theory of change

Across jurisdictions, General comment No. 25 has moved from soft-law guidance to an influential interpretive framework shaping legislation, regulation, policy and public discourse. Its uptake is most visible where actors have treated it not merely as a reference, but as a design blueprint for child rights-based digital governance, such as in Brazil and Ireland.

Applying a theory-of-change lens to the findings of this report reveals that the impact of the general comment unfolds through layered interacting pathways rather than linear implementation. Structural change and measurable change are mediated by geopolitical dynamics, institutional capacity, normative contestation and industry power. Evidence across UN bodies, regional organisations and national frameworks demonstrates significant normative consolidation, but uneven translation into enforceable accountability and systemic design reform.

Common themes recur across countries: safety- and privacy-by-design; age-appropriate design and age assurance; limits on profiling, targeted advertising and manipulative design; child rights impact assessments (CRIAs); stronger corporate accountability; and embedding the best interests of the child, evolving capacities and child participation in regulatory processes. The evidence also points to instances in which a general comment-based approach has steered debates away from narrow content moderation toward systemic platform responsibilities. There are currently a small number of examples of comprehensive implementation of this approach in binding national and regional legislation and law, but these remain limited. However, global normative diffusion suggests broadening normative diffusion into UN and regional frameworks.

This final section of the report will reflect on the findings and engage with experts' reflections on the obstacles and enablers of change.

Obstacles

Norm contestation within intergovernmental arenas

One recurring obstacle concerns resistance to explicitly grounding digital governance in children's rights. Experts observed that resistance to embedding children's rights language in legislation is increasing, as one participant in the high-level consultation noted:

Resistance to naming children's rights in law is getting stronger. (High-level expert consultation, January 2025)

Within the UNGA and HRC, the general comment has gained visibility, but remains unevenly embedded. Early resolutions addressed digital harms without citing the general comment, signalling caution among States about explicitly endorsing it as a treaty body interpretation. Even where explicit reference was made, as in UNGA Resolution 78/187, several States expressed reservations, arguing that general comments are non-binding and should not be treated as authoritative consensus language. Objections centred on parental authority, state sovereignty and concerns about expansive interpretations of children’s privacy and autonomy.

Similarly, in negotiations on the Global Digital Compact (GDC), language reflecting the general comment’s holistic framing was diluted, despite strong civil society advocacy. These debates illustrate a structural obstacle: while many States accept that children’s rights apply online, some resist recognising the general comment as an interpretive benchmark that may clarify or expand obligations. This constrains the consolidation of the general comment as a routine normative reference point in multilateral governance.

Selective and protection-focused uptake

Across multiple regional contexts, uptake of the general comment tends to prioritise protection from harm, particularly online sexual exploitation, cyberbullying and harmful content, while underemphasising participation, access and freedom of expression.

In ASEAN, for example, the 2023 *Guidelines for harmonised and comprehensive national legislation* explicitly references the general comment, yet the broader *ASEAN digital masterplan 2025* does not integrate a holistic child rights approach. In the AU, the Child Online Safety and Empowerment Policy embeds the general comment principles, but implementation remains heavily oriented toward safety and criminalisation, with weaker mechanisms for participation and structural accountability.

In Europe, while the EU Digital Services Act (DSA) and AI Act operationalise elements of the general comment, monitoring of the Digital Decade roadmaps reveals limited integration of child rights indicators and insufficient emphasis on corporate due diligence and remedies. National initiatives frequently prioritise media literacy and parental tools over enforceable business obligations. This protectionist narrowing reflects a broader political preference for harm prevention over empowerment and participation.

Experts consistently argued that while protection has advanced, countries must deliver on the general comment’s holistic approach of provision, protection and participation, and these must be backed by effective remedies. They point to the risks of an overly protective framework:

The easier road of an overly kind of protectionist lens... overly restricting age, verification solutions ... gatekeep children away of certain services that they actually have the right to access. (Child rights expert, high-level international expert consultation, January 2025)

Tech companies are increasingly wielding a child rights language in their communication – for instance, about teen accounts or other purported improved safety measures. Still, experts are critical that companies adopt an understanding of child rights and the best interests of the child that does not reflect the UNCRC and the general comment’s holistic approach. So, too, by policymakers and others claiming to act in the best interests of children to introduce protectionist measures, as experts note that ‘everyone is using it as it pleases them’ and that child rights are being ‘weaponised for advocating for a protectionist perspective’ (Expert child rights NGO, interview, October 2024)

In the high-level consultation, experts identified that protective measures are often reactive, overbroad or restrict children’s rights to information and participation in the digital environment. At the same time, they also noted that there is increasing political resistance to embedding children’s rights in law, with one expert noting, ‘Resistance to naming children’s rights in law is getting stronger.’ Others pointed out that children’s rights are often seen as restrictive and therefore as limiting innovation, particularly in Global South settings, as one African expert noted on working with designers and engineers of digital products, ‘engineers say “that’s why we don’t design for children” – because it comes with restrictions.’

Consultations point to the need to mandate the general measures set out in the general comment, such as CRIAs, complaint and redress systems for children, and child participation in design processes, as well as oversight and regulatory processes.

Industry accountability and the political economy of design

One of the most significant structural obstacles identified in consultations concerns the power asymmetries between States, international organisations and global technology companies. Many of the consulted experts point to the structural power of tech companies and the need for enforceable duties, safety-by-design, transparency and well-resourced trust and safety mechanisms. The high-level expert consultation flagged the power asymmetries in global norm setting:

The international community are increasingly captured by Tech ... the lack of mandatory support for those levers is fundamentally missing.

They also discussed the operational constraints inside companies:

Trust and safety teams within the companies have a huge amount of ability to make something good and no power.

Experts in Asia, Africa and Southeast Asia noted how national legislative processes on data protection and online safety are greatly influenced by large tech companies, often American companies, in what they call the ‘big tech lobby’. These experts identified how issues of children’s rights may at first be top of the agenda, including with explicit reference to the general comment, but are manoeuvred out of the negotiations by big

tech. In different African contexts, experts noted that this was often done with the promise of significant local investment. Experts at our high-level consultation, as well as experts in Europe and North America, expressed concern about the international community's engagement with technology companies, noting their presence at large international negotiations and gatherings, such as the Summit of the Future, as well as several EU events.

This dynamic reflects what one expert described as a broader accountability deficit:

The governance gap isn't just about gaps in law, it's a gap in accountability, especially for global tech firms operating across borders. (Child rights expert, high-level expert consultation, January 2025)

Without enforceable duties, transparency requirements and sanctions, safety and rights-respecting design remain vulnerable to commercial priorities.

Experts noted the need to engage with tech while establishing clear differentiation so that organisations and policymakers do not become 'captured' by it. They called for binding regulation, regular auditing and remedies for rights violations, which companies cannot negotiate. They also underscored the importance of the UN and other international agencies remaining independent of tech industry interests, and the need to rebalance global digital policy towards human and children's rights.

A persistent obstacle noted by experts worldwide to furthering children's rights in digital governance is the influence of American big tech companies, their adherence to American legislation, and their disregard for regional governance frameworks, such as EU legislation, and even national legislation, as in Brazil.

From a theory-of-change perspective, this reveals a blockage at the structural level. General comment No. 25 articulates state obligations to regulate business actors, but the absence of binding levers, cross-border enforcement and mandatory CRIAs weakens the pathway from normative guidance to corporate behavioural change. Experts agree that child rights-by-design must be the default, not a discretionary add-on.

Weak enforcement and accountability

Even where normative consolidation is strong, enforcement remains uneven. The CoE has embedded child-sensitive AI provisions in its *Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law*, and the EU has introduced binding obligations under the DSA and AI Acts. However, monitoring reports indicate persistent gaps in implementation, particularly regarding remedies, corporate due diligence and independent oversight.

In the AU and ASEAN contexts, implementation faces additional structural barriers: fragmented legal systems, limited regulatory capacity, weak cross-border cooperation

and insufficient resources. Model Laws and regional strategies risk remaining aspirational without sustained funding and harmonised enforcement mechanisms.

At national level, Brazil provides a strong example of legislative incorporation of general comment principles, yet enforcement across global platforms remains challenging. In South Africa and Canada, the general comment informs advocacy and consultation processes. However, binding digital governance standards ensuring children's rights remain limited. These examples illustrate a recurring gap between normative adoption and behavioural change by duty-bearers, particularly large transnational technology companies.

Limited institutional awareness and uneven understanding

A further obstacle concerns limited awareness and uneven understanding of the general comment among legislators, regulators and even child rights advocates. One expert reflected, 'I see the problem of awareness in discussions with States. Because of a lack of awareness of the general comment, their current Bill is only on data protection and on content' (Expert child rights NGO, October 2024).

Despite advances for children's rights in the European digital policy framework, experts raised concerns about the lack of understanding of children's rights in EU legislation, particularly regarding the DSA.

Experts emphasised the need for translation of the general comment into national and sector-specific language, with one expert from Latin America noting, 'we need to create a community of interpretation around General comment No. 25 and develop a shared language.' In Brazil, such translation and cooperation between civil society and the judiciary were instrumental to contextualise the general comment. However, where such translation is missing, implementation of local regulation and legislation is limited by the lack of local and regional best practice. In Indonesia, advocates observed problems arising from translating child rights-based frameworks, such as the UK AADC, into the Indonesian context.

Lastly, an important obstacle to impact is the lack of awareness among legislators, regulators and even advocates. One expert noted that in Canada this was an obstacle to adopting a holistic approach to children's rights, resulting in more protection-focused draft bills:

I see the problem of awareness in discussions with States. Because of a lack of awareness of the general comment their [Canada's] current Bill is only data protection and on content ... and so, they may be moving in another direction than the general comment. (Expert Child Rights NGO, October 2024)

Institutional fragmentation and capacity gaps

Experts pointed to institutional fragmentation as a persistent barrier to effective implementation, even in contexts with well-developed child rights-based digital governance frameworks. Progress appears strongest in jurisdictions that consolidate governance functions, such as through dedicated online safety regulators coordinating with data protection authorities. One expert observed that countries establishing a 'single oversight body ... coordinating with privacy regulators to sort of steer the conversation... are the countries that are going to be moving forward' (Intergovernmental expert, October 2024).

However, such coordination remains uneven globally. In many settings, responsibilities for privacy, child protection and digital policy are dispersed across agencies with limited mandates and resources. This fragmentation weakens enforcement capacity and reduces the likelihood that the general comment's cross-cutting obligations will be translated into coherent regulatory frameworks that deliver real change for children.

Dependence on advocacy intermediaries

Finally, the diffusion of the general comment has often depended heavily on civil society, NHRIs and specialised actors such as the 5Rights Foundation and the Alana Institute. In Brazil, Indonesia, Ireland, the UK, the EU and the CoE, legislative and regulatory advances were closely tied to sustained advocacy drawing directly on the general comment. In UN processes, child rights coalitions played a decisive role in embedding language aligned with the general comment in resolutions and negotiations.

While this demonstrates vibrant norm leadership, it also reveals institutional vulnerability. Where advocacy capacity and awareness are limited, uptake weakens. Implementation remains uneven across countries and regions, suggesting that the general comment has not yet become fully embedded as an automatic interpretive standard across digital governance systems.

Synthesis

In summary, obstacles to the implementation of the general comment arise from norm contestation, selective protectionist framing, weak enforcement, institutional fragmentation, industry power asymmetries and uneven awareness. A theory-of-change lens shows that, while normative diffusion has advanced considerably, consolidation and enforcement remain fragile. Without strengthened accountability mechanisms, coordinated governance structures and sustained political commitment, the pathway from international standards to lived transformation for children in the digital environment will remain incomplete.

Enablers of change

Using a theory-of-change lens, enablers of change can be understood as strengthening the pathways from normative articulation to institutional consolidation, enforcement, and, ultimately, impacting on children’s lived experiences. They operate at multiple interconnecting levels.

Governance consolidation and dedicated regulatory architecture

A recurring institutional enabler identified by experts is governance consolidation. Countries that have established dedicated online safety regulators or strengthened coordination between privacy, competition and safety authorities appear better positioned to operationalise the general comment’s holistic framework.

As one intergovernmental expert observed:

There has been a move to countries to do what we recommended ... a single oversight body... through online safety regulators ... coordinating with privacy regulators to sort of steer the conversation ... those are the countries that are going to be moving forward. (Expert from an intergovernmental organisation, October 2024)

The rise of online safety regulators, such as Ofcom in the UK, the eSafety Commissioner in Australia and Coimisiún na Meán in Ireland, represents a structural shift away from fragmented, voluntary governance models. Another expert noted:

The rise of sort of safety regulators is really useful ... it is giving us this single contact point ... doing more than just safety ... awareness raising and responsible digital citizenship...’ (Expert from an intergovernmental organisation, interview, October 2024)

Such regulators function as institutional anchors. They provide continuity, enforcement capacity and cross-sectoral coordination, enabling the translation of the general comment’s principles, including best interests, evolving capacities and CRIAs, into enforceable duties rather than aspirational commitments.

Human rights-based legal cultures and regulatory maturity

The mapping of impact reveals that the general comment is most fully internalised in settings with strong human rights frameworks and advanced digital regulatory systems. The EU provides a clear example. Even where the general comment is not explicitly cited, it functions as an interpretive reference point in negotiations and policy drafting.

As one European civil society expert explained:

The general comment ... is accepted as norm in negotiations in the EU particularly... But this is different in other organisations that are not as human-rights focused. (Expert child rights organisation in Europe, consultation, October 2024)

This suggests that pre-existing normative infrastructures, such as constitutional rights protections, robust data protection regimes and established oversight bodies, act as accelerators of diffusion. The general comment does not operate in isolation; it attaches to and strengthens existing rights-based frameworks.

Such environments reduce resistance at the consolidation stage. The general comment is not perceived as introducing an alien normative standard but as clarifying and reinforcing established obligations.

Normative reinforcement across institutions

Another enabling factor is reciprocal reinforcement between international instruments and organisations. As one expert noted:

The OECD guidelines and principles... influenced the contents of the general comment, and now the general comment is influencing the work of the OECD. (Expert child rights NGO, interview, October 2024)

This circular reinforcement creates what might be termed normative scaffolding. When the general comment is echoed in OECD guidance (or the inverse), EU regulations, CoE conventions, or UN resolutions, it gains legitimacy and durability. The more embedded it is within institutional ecosystems, the more difficult it becomes to marginalise.

This mutual reinforcement strengthens the diffusion and internalisation phases of the theory of change by building coherence across national, regional and global governance structures.

Advocates as agents of change

Across all regions, civil society organisations, NHRIs and specialised actors such as the 5Rights Foundation, Alana Institute and Mtoto News, as well as specialised UN bodies such as UNICEF, all emerge as central agents of change. They translate the general comment into advocacy tools, legislative proposals, regulatory submissions and technical guidance.

It still remains the most comprehensive ... direction of travel, of what good looks like for children ... the impact when it's actually kind of shoved in ... is huge. (International child rights expert and policymaker, high-level consultation, 31 January 2025)

In Australia, advocates describe the general comment as:

a constant presence ... in our advocacy work ... we make use of General Comment 25 quite a lot.

Even where legislation is not overtly rights-framed, the general comment influences secondary instruments and codes. Advocates use it to articulate State duties to regulate business and to demand CRIAs and age-sensitive and age-appropriate design.

In the Philippines, despite limited policy uptake, civil society continues to use the general comment to expand discourse beyond protection:

Freedom of expression ... freedom of thought ... freedom of assembly ... aren't really part of the conversation. (Filippino child rights professional, October 2024)

In the UK, advocates report a strategic approach:

It informs all of our positions ... but we don't articulate it as such ... we will always, always, always reference it. (December 2024)

This reveals an important enabling mechanism: often the general comment also operates implicitly. It shapes policy language and negotiation framing even when not named directly. One Australian advocate described this layered impact:

I think its impact has often been hidden behind a couple of layers ... it is there, it's not necessarily explicitly there. (October 2024)

Such advocacy functions as a bridge between international norms and domestic implementation, strengthening the pathway from articulation to institutional change.

Legislative incorporation and normative diffusion

Where the general comment's principles are codified in binding legislation, implementation pathways become more robust. Brazil was cited as a prominent example:

Brazil is ... one very important example where we can see that it's actually affecting national law. (Expert, regional consultation, Americas, October 2024)

Similarly, developments in Indonesia, Ireland and the Netherlands show how general comment-inspired tools such as CRIAs, age-appropriate design and privacy-by-default are diffusing across jurisdictions. Cross-national learning and policy transfer, such as the influence of the UK's AADC, act as multipliers of this impact.

This model diffusion accelerates institutional consolidation by embedding the general comment's framework into regulatory templates that can be adapted elsewhere.

Epistemic authority and future-proofing

Experts repeatedly emphasised that the general comment provides a shared vocabulary and anticipatory framework. It links rights language to enforceable duties while remaining technology-neutral and adaptable.

Its future-oriented design allows it to address emerging technologies such as AI, immersive environments and data-driven profiling. As one advocate summarised, the challenge is ensuring that existing laws ‘are actually delivering for children’ while ‘keeping an eye to what’s the next new thing’.

This anticipatory quality strengthens the sustainability of impact across technological change, ensuring the general comment remains relevant beyond specific regulatory cycles.

Synthesis

Together, these factors strengthen the pathways from norm articulation to institutional consolidation and enforcement. They demonstrate that the general comment’s impact is neither automatic nor linear. It depends on institutional receptivity, advocacy mobilisation, regulatory capacity and political will.

Where these enablers align, the general comment operates not merely as guidance but as a catalytic instrument shaping digital governance in ways that bring children’s rights closer to lived reality.

Despite developments and evidence of the general comment’s impact among a wide variety of state and non-state actors, direct legislative incorporation remains limited, participation rights are less developed than protection measures, enforcement capacity and cross-border platform accountability pose challenges, and tensions persist between innovation, proportionality and rights-based regulation. Nonetheless, where regulators, ombudspersons and civil society act as catalysts, the general comment has demonstrably shifted national digital governance toward a more coherent child rights framework.

Notably, there are countries worldwide that demonstrate advances in children’s rights through digital governance developments that do not rely on the general comment.³⁰⁷

³⁰⁷ CIDENI, Thomson Reuters Foundation & TrustLaw. (2025). Estudio comparado: Análisis de ocho jurisdicciones sobre la implementación de la Observación General N° 25 sobre derechos de niños, niñas y adolescentes en entornos digitales. Ed. Centro Iberoamericano de Derechos de la Niñez, Santiago de Chile.

Concluding reflections

The theory of change developed based on this analysis reveals:

Underlying assumptions: Change is premised on the assumption that internationally endorsed child rights norms can influence national and regional governance, not through coercive enforcement but through processes of normative legitimisation, consolidation and diffusion, integrated into institutional frameworks and organisational practice. It assumes that States, UN bodies, regional intergovernmental organisations, civil society, international non-governmental organisations and industry actors respond to normative pressure through shared standards and through the mobilising role of cross-sectoral and locally adapted advocacy.

Mechanisms of change: The theory of change identified core mechanisms through which the general comment generates impact. These describe the causal processes toward change.

- 1. Normative clarification and legitimation:** The general comment's framing offers authoritative interpretation of existing UNCRC obligations, clarifying how they apply in the digital environment.
- 2. Institutionalisation and normative diffusion:** Its principles become integrated into institutional practices and programming, including in UN monitoring cycles, legislative drafting, regulatory frameworks and policy inclusion.
- 3. Standardisation and technical translation:** It is operationalised through technical standards, regulatory guidance and design processes, translating rights principles into product design and policy requirements.
- 4. Coalition mobilisation and strategic advocacy:** UN agencies, civil society, NHRIs, researchers and standard-setting bodies mobilise around the general comment, using it strategically to shape recommendations, legislation and regulatory reform.
- 5. Accountability structuring and compliance pressure:** By embedding child expectations into monitoring, reporting, enforcement mechanisms and performance indicators, the general comment creates structured accountability across governance levels (on a national, regional and global level).

Pathways to change: The theory of change identifies various routes to implementing change. These pathways are not linear and nor are they exclusive; rather, they are often parallel, overlapping and closely integrated and reinforcing pathways.

- 1. UN monitoring and political endorsement:** Through the UNCRC review process, UNGA resolutions, HRC debates and joint UN statements, the general comment is politically endorsed and becomes normatively embedded in the international human rights framework.
- 2. Regional regulatory alignment:** The general comment influences and is reinforced by regional governance systems, particularly alignment with EU instruments such as the DSA, GDPR and emerging AI regulation, creating coherence between soft-law interpretation and binding regulatory regimes.
- 3. Standard setting:** Professional associations and standards bodies like the IEEE and the ITU translate the general comment into technical standards and frameworks, embedding children's rights directly into product design and engineering practices.
- 4. National legislative and policy reform:** The general comment is incorporated into domestic legislation, digital strategies, regulatory frameworks and enforcement mechanisms, often prompted and supported by civil society expert advocacy.
- 5. Advocacy:** Civil society, rights organisations, UN agencies and NHRIs use the general comment strategically in alternative reports, litigation and public advocacy, shaping UN treaty body practice and recommendations, and influencing national reform agendas.
- 6. Knowledge and research diffusion:** Academic research, policy papers and UN agency publications reference and interpret the general comment, strengthening its epistemic authority and informing policy debates and research agendas. This is a pathway toward consolidated norm diffusion through integration into global expert knowledge production.

Agents of change: The theory of change identifies the following key agents of change:

- 1. Institutional drivers of normative diffusion:** These include UN treaty bodies (soft enforcement power), UN special rapporteurs and representatives, UN agencies (such as UNICEF and UNESCO), regional organisations and specialised regulators that translate the general comment into resolutions, regulatory guidance, monitoring practices and technical standards. Through review cycles, political endorsement and regulatory alignment, normative diffusion becomes authoritatively anchored across governance levels.
- 2. Expert advocates:** Parliamentarians, government officials, specialised civil society organisations, expert NGOs, NHRIs, the research community and expert networks strategically invoke the general comment in alternative reporting, legislative processes, standard-setting and policy drafting. They

embed its principles explicitly and indirectly and act as translators to enable local operationalisation (e.g., Brazil, Ireland and Indonesia).

3. **Specialised authorities:** Specialised regulators and national authorities that interpret, internalise and operationalise the general comment's principles and guidance into draft laws, policy and regulation (e.g., regulators in Australia, Ireland and the UK, and national authorities in Ireland, Norway and Brazil).
4. **Academics and knowledge producers:** researchers both within academia and wider research community such as NGOs, civil society, national authorities and international institutions' research units.

Outcomes: The theory of change identifies change occurring in the short and long term:

1. **In the short term**, the general comment has generated shared standards and discourse.
2. **In the medium term** (five years on from its adoption), it has informed laws, institutional frameworks and regulatory practices. Diffusion, integration and implementation are ongoing.
3. **In the long term**, the theory of change posits that it will contribute to children's enjoyment of their rights in the digital environment through provision, protection and participation.

The general comment's impact is both structural and cultural: a dynamic process through which global norms are translated into local action, shaping not only policy but, in the long term, children's lived experiences. It is now important for scholars, advocates, international organisations and UN bodies to ensure effective monitoring of the general comment's impact and to translate its guidance into measurable indicators.

Figure 2 illustrates the interconnected pathways of impact from the General comment No. 25 through agents and pathways of change toward a variety of outcomes.

Figure 1: Theory of change for General comment No. 25

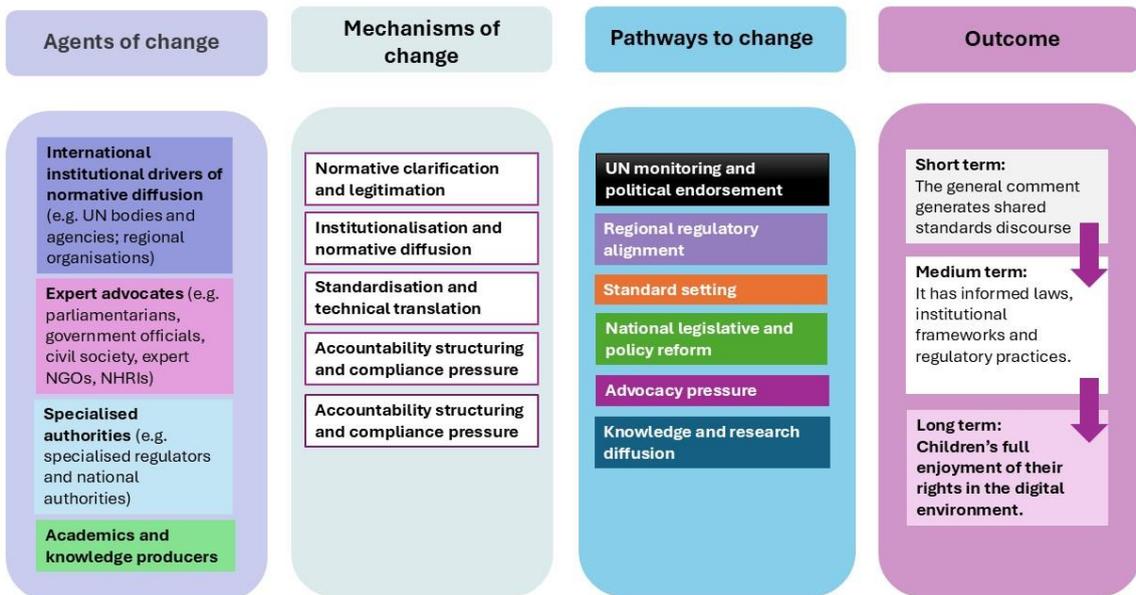
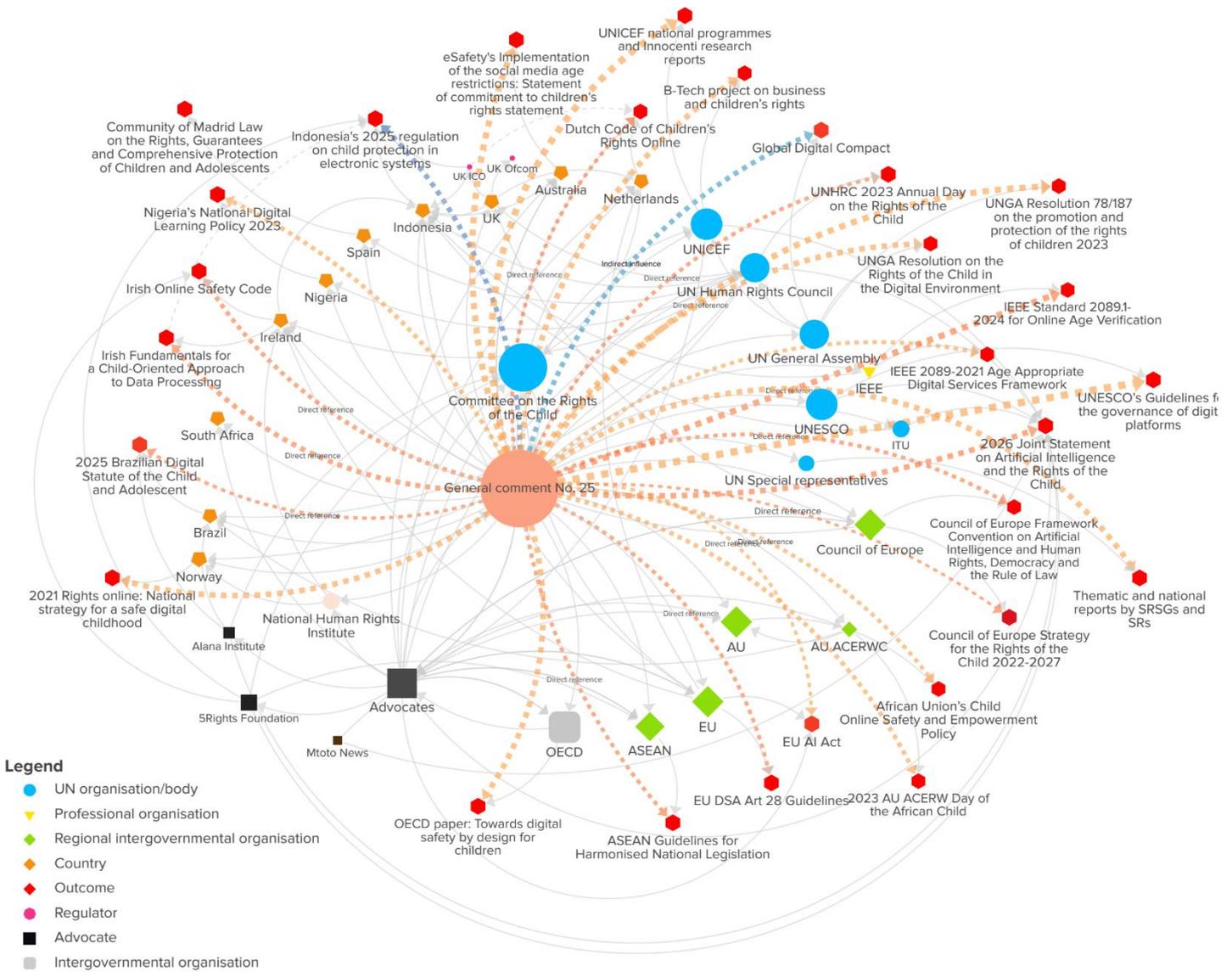


Figure 2: Network depiction of the pathways to change and impact of General comment No. 25



Last words

Attributing specific legal, institutional or normative developments directly to General comment No. 25 presents methodological challenges. As Ayalew et al. observe, general comments function as interpretive rather than binding instruments, and as such, their influence operates through uptake, internalisation and local translation within diverse legal and policy ecosystems.³⁰⁸ Measuring the general comment's causal impact is therefore complex, as change unfolds across overlapping processes of advocacy, regulation and social discourse. In the case of the general comment, the text was adopted at a specific moment when momentum had been accumulating over several years to formalise a child rights framework for the digital environment, culminating in the general comment and preceded by, for instance, the OECD guidelines and the CoE recommendation. Nonetheless, the evidence assembled in this report demonstrates that the general comment has played a definitive role in reorienting how children's rights are understood and enacted in the digital age.

The general comment's strength lies in its normative consolidation of the principle that children's rights apply fully and equally in digital contexts. It provides a unifying reference point for governments, UN agencies, civil society and scholars, bridging fragmented approaches to online safety, data protection and digital inclusion.³⁰⁹ This normative clarity has informed new legislation, such as privacy and online safety codes. It is also leveraged by advocates and has come to guide the development of regional frameworks, for instance, the African Model Law, which is currently being negotiated. Beyond law, the general comment has become embedded in advocacy strategies, academic inquiry and intergovernmental programming and governance, generating a shared vocabulary and agenda through which children's digital lives are increasingly governed, interrogated and acted on.

The literature on the implementation of the UNCRC underlines that the pathway from norm to practice is rarely linear. General comments achieve influence when their principles are translated into domestic institutions, professional practices, hard law and societal expectations.³¹⁰ This mapping of traces of the general comment shows that its uptake within national legislative processes, intergovernmental negotiations, academic discourse and among the practices of NGOs and civil society evidences the diffusion of its standards even in the absence of direct citation.

³⁰⁸ Ayalew et al. (2024).

³⁰⁹ Lievens & Verdoodt (2021).

³¹⁰ Sloth-Nielsen (2019); Varadan (2019).

The general comment's enduring impact will depend on sustained engagement and internalisation by States, international organisations, advocates and industry actors to operationalise its principles through measurable accountability, child participation, and coherent, yet locally adaptive, governance. Its influence is thus best understood not as a discrete moment of change, but as an ongoing process of normative integration which is shaping the global digital order toward one that recognises, respects and realises the rights of children through a holistic lens.

Recommendations

Drawing on the findings of this report, the following recommendations aim to strengthen the implementation and impact of General comment No. 25 across governance levels.

1. Embed child rights-by-design into law and regulation

States should translate the general comment's principles into binding legal duties, including:

- Mandatory CRIAs for digital services and AI systems
- Safety-by-design and privacy-by-design requirements as default standards
- Clear prohibitions on profiling, manipulative design and exploitative commercial practices targeting children
- Accessible, child-friendly complaints and remedy mechanisms
- Regulatory frameworks should move beyond content moderation toward systemic design obligations and corporate accountability.

2. Strengthen enforcement and regulatory capacity

Effective implementation requires well-resourced, independent regulators with clear mandates to coordinate privacy, safety, competition and consumer protection functions. States should:

- Consolidate oversight where appropriate through dedicated digital or online safety regulators
- Ensure regulators have investigatory powers, sanctioning authority and transparency obligations

- Establish cross-border cooperation mechanisms to address global platforms operating across jurisdictions.

3. Ensure a holistic child rights approach

Policies should reflect the full scope of children’s rights, balancing protection with participation, access, education and freedom of expression. Governments should:

- Avoid overly protectionist measures that restrict children’s legitimate access to expression, privacy, information and participation
- Integrate digital literacy, inclusion and participation strategies into national digital policies
- Apply the best interests principle consistently across digital governance frameworks, including AI and emerging technologies.

4. Safeguard independence in digital governance

To address power asymmetries in digital policy negotiations, international organisations and states should:

- Maintain transparency in industry engagement
- Prevent regulatory capture through conflict-of-interest safeguards
- Ensure that business responsibilities are defined by law, not negotiated as voluntary commitments.

5. Elevate children’s participation in decision-making

Children must be recognised as stakeholders in digital governance. States, institutions and businesses should:

- Institutionalise mechanisms for meaningful child participation in regulatory and legislative processes
- Support inclusive participation that reflects diverse and marginalised groups of children.

6. Invest in awareness- and capacity-building

Implementation gaps often stem from limited awareness. Governments, UN agencies and regional organisations should:

- Disseminate the general comment in accessible formats, such as local translation and child-friendly versions
- Provide sector-specific guidance for policymakers, regulators and industry
- Support regional harmonisation and knowledge exchange.

7. **Develop indicators and effective monitoring of children's rights in the digital environment**

Reiterating previous recommendations,³¹¹ States, in collaboration with international institutions, should develop a coherent framework of structural, process and outcome indicators to operationalise General comment No. 25 across governance levels.³¹² Such indicators should reflect the full spectrum of children's rights in the digital environment, encompassing protection, provision and participation:

1. **Structural indicators** should assess the existence and quality of legal and institutional frameworks, including dedicated legislation, regulatory mandates, CRIA requirements, enforcement bodies and oversight mechanisms addressing children's rights in the digital environment.
2. **Process indicators** should evaluate the effectiveness of implementation, including interagency coordination, budget allocation, enforcement practices, regulatory supervision, corporate compliance mechanisms and the inclusion of children in policy development and design processes.
3. **Outcome indicators** should measure tangible improvements in children's lived experiences, including equitable access to digital infrastructure, enhanced online safety, strengthened privacy protections, improved digital literacy, meaningful opportunities for participation and accessible remedies for rights violations.

Embedding such indicators within an institutional monitoring process, such as the UNCRC, would enable the systematic translation of the general comment's normative guidance into measurable benchmarks. This would strengthen comparative analysis across contexts, support accountability at national and regional levels and provide a clearer evidence base for targeted recommendations and international coordinated action.

³¹¹ Sylwander & Livingstone (2025).

³¹² UN OHCHR (2012); Vaghri et al. (2025); Vaghri et al. (2022).

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Appendix 1: Consultations with experts

Interviews and consultations				
No.	Consultation	Expertise/roles of participants	Region/countries	Date
RC1	Regional consultation in Africa	Human rights NGOs	Africa, Global, Tanzania	29 October 2024
RC2	Regional consultation in the Americas	Academia, child rights NGOs	Brazil, Peru, Canada, Turkey	October 2024
RC3	Regional consultation in Asia and Oceania	Academia, child rights and human rights NGOs, UN bodies	Cambodia, Philippines, Australia	October 2024
RC4	Regional consultation in Europe	Office of ombudspersons, child rights NGOs, digital rights NGOs, civil society	Finland, Ireland, Netherlands, Slovakia, Sweden, UK	24 October 2024
HEC	High-level expert consultation	NGOs, UN human rights treaty bodies, academia, civil society, UN special procedures, UN organisations	Global	31 January 2025
I1	Expert interview	Academic	Africa	31 October 2024
I2	Expert interview	Child rights expert and academic, child rights research consultancy	Asia	31 October 2024
I3	Expert interview	Expert, child rights organisation	Africa	25 October 2024
I4	Expert interview	Expert child rights-based digital governance, intergovernmental organisation	Europe/global	5 November 2024
I5	Expert interview	Policy expert, child rights NGO	Europe	4 November 2024
I6	Expert interview	Expert, UNESCO	Europe/global	13 November 2024
I7	Expert interview	Member of the Committee on the Rights of the Child	Europe/global	17 December 2024
I8	Expert interview	European policy expert, child rights NGO	Europe	24 January 2024
I9	Expert interview	Child rights expert, NGO	Latin America	December 2024

Appendix 2: General comment No. 25

The Committee on the Rights of the Child (Committee) issues general comments to provide authoritative interpretations of the United Nations Convention on the Rights of the Child (UNCRC).³¹³ These are not optional guidelines but widely recognised interpretative tools that clarify the meaning and application of the CRC's provisions.³¹⁴ General comment No. 25 extends this authoritative framework into the digital environment. Importantly, it addresses the full range of children's rights, including both positive rights, such as civil rights and freedoms, as well as protective rights, such as protection from abuse, exploitation and harmful content. The general comment recognises that the digital environment was not designed for children, yet profoundly shapes their lives, and therefore requires states to ensure that in all matters of regulation, design and provision, the best interests of the child are a primary consideration.

*The digital environment was not originally designed for children, yet it plays a significant role in children's lives. States parties should ensure that, in all actions regarding the provision, regulation, design, management and use of the digital environment, the best interest of the child is a primary consideration.*³¹⁵

The general comment definition of the digital environment takes into account the constant technical developments taking place, to future-proof the text:³¹⁶

*The digital environment is constantly evolving and expanding, encompassing information and communications technologies, including digital networks, content, services and applications, connected devices and environments, virtual and augmented reality, artificial intelligence, robotics, automated systems, algorithms and data analytics, biometrics and implant technology.*³¹⁷

³¹³ Hanson & Lundy (2017).

³¹⁴ Gerber, Kyriakakis & O'Byrne (2013).

³¹⁵ UNCRC (2021) para. 12.

³¹⁶ Livingstone et al. (2024).

³¹⁷ UNCRC (2021) para. 2

It is not a stand-alone instrument; it builds on earlier general comments and on the Optional Protocols to the UNCRC, including the Optional Protocol on the sale of children, child prostitution and child pornography, to ensure children's rights are respected, protected and fulfilled in a digital environment as well as offline spaces.

Like the UNCRC itself, the general comment is structured around the four general principles: non-discrimination (Article 2), best interests (Article 3.1), right to life, survival and development (Article 6), and children's right to be heard and have their views respected and taken into account (Article 12). The text of the general comment reflects the Committee's commitment to a holistic approach to children's rights,³¹⁸ encompassing children's civil rights and freedoms as well as their vulnerabilities and right to protection.³¹⁹ It recognises children's evolving capacities as an 'enabling principle that addresses the process of their gradual acquisition of competencies, understanding and agency', while also calling for appropriate protection and support.

It also recognises that children navigate the digital environment independently from their parents and caregivers. The general comment includes quotes from the children consulted in its introduction.³²⁰

The comment requires a broad set of measures (incl. precautionary ones), including:

- National legislation
- Comprehensive policy and strategy (that specifically addresses children's rights in the digital environment)
- Regulation of business practices (industry codes and design standards)
- Coordination across government and industry actors
- Resource allocation
- Independent monitoring
- Awareness-raising
- Research and data collection
- Access to justice and remedies.

³¹⁸ Freeman (1994).

³¹⁹ Livingstone et al. (2024).

³²⁰ Livingstone et al. (2024). This also included instances where the children's opinions were at odds with adult and State party wishes, such as the children's call for high-quality health information, including reproductive health. The final text included the children's call in para. 94 (see p. 423).

The general comment also provides comprehensive guidance on how provisions of the UNCRC should be implemented, encompassing:

- How children’s civil rights and freedoms apply online (Section VI) (Articles 12-17) (including access to information; freedom of expression; freedom of thought, conscience and religion; freedom of association and peaceful assembly; right to privacy; birth registration and right to identity)
- Protecting children from violence, abuse and exploitation (Section VII)
- Protecting children’s privacy and personal data (E in Section VI)
- Family environment and alternative care (VIII)
- The rights of vulnerable children and children with disabilities (IX)
- Ensuring equitable access to health (X)
- Equitable access to education, leisure and cultural activities (XI).

Special protection measures are also required:

- Protection from economic, sexual and other forms of exploitation
- Administration of child justice
- Protection of children in armed conflict, migrant children and children in other vulnerable situations.

It further calls for restrictions on harmful commercial practices such as exploitative advertising and profiling. It insists that safety-by-design and privacy-by-design³²¹ must become standard in digital products and services.

The general comment recognises that the digital environment is transnational, requiring strong international and regional cooperation. It calls for states to ensure its dissemination to policymakers, educators, civil society, businesses and the judiciary, and to provide child-friendly versions to children themselves.

Overall, the general comment sets out an ambitious agenda, asserting primarily that children’s rights apply equally online as they do offline, but also clarifying States’ responsibilities as well as the necessary infrastructure needed for an internet governance system which ensures the full range of children’s provision, protection and participation rights in the digital environment.³²²

³²¹ UNCRC (2021) para. 110.

³²² Livingstone et al. (2024).



Digital Futures For Children

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