



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

**Submission to the UK Department for Science,  
Innovation and Technology on the 'Growing up  
in the Online World' Consultation**

**May 2026**

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## 1.0 Introduction

- 1.1 The Northern Ireland Human Rights Commission (the NIHRC), pursuant to section 69(1) of the Northern Ireland Act 1998, reviews the adequacy and effectiveness of law and practice relating to the protection of human rights in Northern Ireland (NI). The NIHRC is also required, by section 78A(1) of the Northern Ireland Act 1998, to monitor the implementation of Article 2 of the Windsor Framework.<sup>1</sup>
- 1.2 The NIHRC bases its advice on the full range of internationally accepted human rights standards, including the European Convention on Human Rights (ECHR), as incorporated by the Human Rights Act 1998, and the United Nations (UN) system and treaty obligations of the Council of Europe (CoE) and United Nations (UN).
- 1.3 The NIHRC also advises on the UK Government's compliance with its commitment in Windsor Framework Article 2 to ensure there is no diminution of rights, safeguards and equality of opportunity in the relevant section of the Belfast (Good Friday) Agreement as a result of the UK's withdrawal from the EU. The UK-EU Withdrawal Agreement, including the Windsor Framework, is binding under international law and given effect in UK law by section 7A of the EU (Withdrawal) Act 2018.
- 1.4 On 7 May 2026, the UK Supreme Court delivered its judgment in *Dillon*, which considers Windsor Framework Article 2.<sup>2</sup> The NIHRC is currently reviewing this judgment and will provide further advice on Windsor Framework Article 2 and relevant EU obligations in due course.

## 2.0 General Comments

- 2.1 The NIHRC welcomes the opportunity to respond to the UK Government's consultation on proposed measures to protect children in the online

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<sup>1</sup> The Windsor Framework was formerly known as the Protocol on Ireland/Northern Ireland to the UK-EU Withdrawal Agreement and all references to the Protocol in this document have been updated to reflect this change. See Decision No 1/2023 of the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 laying down arrangements relating to the Windsor Framework.

<sup>2</sup> *In the matter of an application by Martina Dillon and others for Judicial Review* [2026] UKSC 15.

environment. The NIHRC recognises the significance of the current proposals which aim to ensure children’s experiences online are safe and enriching, reflecting the increasing urgency of addressing the pervasive and evolving risks presented by the digital environment. The NIHRC agrees that strengthening child protection online is an imperative and welcomes the UK Government’s proactive engagement with this issue, including through the introduction of new enforcement measures in the Online Safety Act 2023 and the Crime and Policing Bill.

- 2.2 This consultation also takes place within a broader international context, where governments across Europe and beyond are exploring measures to restrict or more tightly regulate children’s access to social media through a range of approaches.<sup>3</sup> In parallel, international human rights bodies have emphasised the importance of ensuring that policy development in this area is grounded in human rights standards.<sup>4</sup> As noted by the UN High Commissioner for Human Rights, Volker Türk, the regulation of online environments does not need to run counter to human rights.<sup>5</sup> Rather, human rights can provide a useful framework through which digital innovation and regulation can be shaped to benefit both individuals and society. In this context, human rights standards are not presented as a constraint, but a tool to ensure that responses to online harms are targeted and effective. Human rights also support a balanced approach which recognises the positive role that digital spaces can play in people’s lives, including in facilitating connection, participation and self-expression.<sup>6</sup>
- 2.3 This submission does not seek to address the full range of questions posed in the consultation document. Instead, it focuses on those areas where human rights standards and jurisprudence can most usefully inform policy

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<sup>3</sup> European Commission, ‘Statement by President von der Leyen with Executive Vice-President Virkkunen on the digital age verification app’. Available at: [Statement by the President with EVP Virkkunen on the digital age verification app](#)

<sup>4</sup> Council of Europe, ‘Regulate online platforms, not children’. Available at: [Regulate online platforms, not children - Portal](#); UN Office of the High Commissioner for Human Rights, ‘High Commissioner Türk to the Global Alliance of National Human Rights Institutions: We have the power to make the digital space work for all’. Available at: [High Commissioner Türk to the Global Alliance of National Human Rights Institutions: We have the power to make the digital space work for all | OHCHR](#)

<sup>5</sup> UN Office of the High Commissioner for Human Rights, ‘High Commissioner Türk to the Global Alliance of National Human Rights Institutions: We have the power to make the digital space work for all’. Available at: [High Commissioner Türk to the Global Alliance of National Human Rights Institutions: We have the power to make the digital space work for all | OHCHR](#)

<sup>6</sup> UN News, ‘Social media: Age-related bans won’t keep kids safe, UNICEF warns’. Available at: [Social media: Age-related bans won’t keep kids safe, UNICEF warns | UN News](#)

development. It first considers the relevant standards under the European Convention on Human Rights and Fundamental Freedoms (ECHR) to consider how principles such as necessity and proportionality apply in the digital space. It then sets out relevant standards and principles from the UN Convention on the Rights of the Child (UN CRC), underscoring the importance of recognising children as active rights-holders in this discussion. The final section sets out relevant considerations informed by the UN Guiding Principles on Business and Human Rights.

## 3.0 European Convention on Human Rights

### ECHR Article 10: Freedom of expression

- 3.1 The right to freedom of expression is protected by Article 10 of the ECHR. It guarantees the freedom to hold opinions and to receive and impart information and ideas without State interference. In its interpretation of Article 10, the European Court of Human Rights (ECtHR) has held that “freedom of expression constitutes one of the essential foundations of [democratic] society, one of the basic conditions for its progress and for the development of every man”.<sup>7</sup> Consequently, Article 10 enjoys a very wide scope and applies irrespective of the setting.
- 3.2 The ECtHR has expressly recognised the internet as “one of the principal means by which individuals exercise their right to freedom to receive and impart information and ideas”.<sup>8</sup> The ECtHR observed that the internet played an important role “in enhancing the public’s access to news and facilitating the dissemination of information in general”, with particular reference to “user-generated expressive activity” providing “an unprecedented platform” for the exercise of Article 10.<sup>9</sup>
- 3.3 As a qualified right, Article 10(2) of the ECHR allows public authorities to restrict this right if they demonstrate that the measures are prescribed by law and necessary in a democratic society to pursue one of the following legitimate aims:

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<sup>7</sup> *Handyside v UK*, application No 5493/72, judgment of 7 December 1976, at para 49.

<sup>8</sup> *Cengiz and Others v Turkey*, application Nos 48226/10 and 14027/11, judgment of 1 December 2015.

<sup>9</sup> *Ibid.*

...in the interests of national security, territorial disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

- 3.4 To assess the necessity of an interference with Article 10, the ECtHR's case law has converged on a few key principles and interpretation tools.<sup>10</sup> This includes consideration of whether there was a "pressing social need" for the action taken and "whether it was 'proportionate to the legitimate aim pursued' and whether the reasons adduced by the national authorities to justify it are 'relevant and sufficient'".<sup>11</sup> A central component of assessing the proportionality of a measure is whether the interference represents the least restrictive means of achieving the stated objective.<sup>12</sup>
- 3.5 The UK Government is consulting on statutory restrictions, potentially a ban, on social media access for under-16s. The NIHRC recognises this has emerged in the context of legitimate and pressing concerns regarding child safeguarding online, including exposure to harmful content, risk of exploitation and other child safety concerns. Given the scale of these concerns, the NIHRC agree that they give rise to positive obligations on the State to take appropriate measures to safeguard children online. The central question for the purposes of Article 10 is whether a blanket prohibition on access to social media for all those under a statutory minimum age can be regarded as proportionate to the aim pursued. In assessing such, the following is helpful.
- 3.6 In *Ahmet Yildirim v Turkey*, the ECtHR considered whether a domestic court order blocking access to a specific website on account of unlawful content was compatible with Article 10.<sup>13</sup> Although the order was directed at a single site, its implementation resulted in the blocking of the entire

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<sup>10</sup> European Court of Human Rights, 'Guide on Article 10 of the Convention – Freedom of expression'. Available at: [Guide on Article 10 of the Convention – Freedom of expression](#).

<sup>11</sup> *Morice v France*, application No 29369/10, judgment of 23 April 2015, at para 124.

<sup>12</sup> *Glor v Switzerland*, application No13444/04), judgment of 30 April 2009, at para 94.

<sup>13</sup> *Ahmet Yildirim v Turkey*, application No 3111/10, judgment of 18 December 2012.

Google Sites domain. The ECtHR emphasised that “such a measure, by rendering large quantities of information inaccessible, substantially restricted the rights of Internet users and had a significant collateral effect”.<sup>14</sup> It concluded there had been a violation of Article 10, highlighting the importance of weighing up the various interests at stake and considering whether it is necessary to restrict access to an entire platform to address specific unlawful content.

3.7 Similarly, in *Cengiz and Others v Turkey*, the blocking of YouTube was found to be a disproportionate interference with Article 10.<sup>15</sup> Significantly, the ECtHR took a broad approach to establishing the victim status of the applicants despite them not being directly targeted by the measure. The ECtHR concluded the applicants could “legitimately claim that the measure in question affected their right to receive and impart information and ideas”.<sup>16</sup> In coming to its decision, the ECtHR recognised that “YouTube is a unique platform on account of its characteristics, its accessibility and above all its potential impact, and that no alternatives were available to the applicants”.<sup>17</sup>

3.8 In light of the above, the NIHRC considers that a blanket age-based ban on access to all social media platforms raises a question in relation to proportionality. The ECtHR has reiterated the centrality of the internet, particularly “user-generated content” such as that on social media,<sup>18</sup> for the exercise of Article 10 in contemporary society. A prohibition of this nature would prevent a large heterogeneous group of children and young people from accessing a wide range of lawful content and engaging in social, cultural and civic forms of expression. The NIHRC highlights that the scale of the interference would require particularly compelling justification, including clear evidence that it represents the least restrictive means of achieving the stated objective.

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<sup>14</sup> Ibid, at para 66.

<sup>15</sup> *Cengiz and Others v Turkey*, application Nos 48226/10 and 14027/11, judgment of 1 December 2015.

<sup>16</sup> Ibid, at para 57.

<sup>17</sup> Ibid, at para 52.

<sup>18</sup> *Cengiz and Others v Turkey*, application Nos 48226/10 and 14027/11, judgment of 1 December 2015.

- 3.9 It is notable that a blanket restriction on access does not remove harmful content from social media platforms or target the behaviours or design features that give rise to risk. As a result, harmful content may remain accessible to older adolescents to whom the ban does not apply or to younger users who are able to circumvent age assurance mechanisms. In March 2026, Australia’s eSafety Commissioner published their first report on compliance with Australia’s Social Media Minimum Age, which highlighted that many children under 16 are able to circumvent requirements and retain access to their social media accounts.<sup>19</sup> This questions but does not resolve questions of the practical effectiveness of a blanket ban.
- 3.10 Moreover, the availability of less restrictive measures is a central consideration in any proportionality assessment. As explored in the consultation document, a range of measures exist which seek to mitigate specific harms without removing access altogether, including the restriction of high-risk functionalities, the implementation of age-appropriate design features, and the development of safer, moderated environments (for example, youth-specific platform settings). The existence of such interventions that are more targeted and may be capable of addressing particular risks while preserving access to the broader expressive environment must be carefully weighed against the necessity of a more sweeping restriction.

### **ECHR Article 8: Right to private life**

- 3.11 Article 8 of the ECHR protects individuals from arbitrary interferences by public authorities in their private and family life, home, and correspondence. States may limit this right under Article 8(2) of the ECHR, if the actions are in accordance with the law and necessary in a democratic society for specific objectives outlined in this provision. The prevention of crime and the protection of the rights and freedoms of others are some of those objectives contained within Article 8(2) of the ECHR. The ECtHR has

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<sup>19</sup> Australia Government, ‘eSafety Commissioner – Social Media Minimum Age: Compliance Update’ (Gov.AU, 2026), at 17.

clarified that restrictive measures must have a reasonable relationship of proportionality between the means employed and the aim sought.

3.12 The ECtHR consistently reiterates that private life is a broad concept incapable of exhaustive definition.<sup>20</sup> It covers the physical and psychological integrity of a person and may “embrace multiple aspects of the person’s physical and social identity”.<sup>21</sup> The ECtHR clarifies that,

...the guarantee afforded by Article 8 of the Convention is primarily intended to ensure the development, without outside interference, of the personality of each individual in his relations with other human beings. There is thus a zone of interaction of a person with others, even in a public context, which may fall within the scope of private life.<sup>22</sup>

3.13 Accordingly, the ECtHR has held that Article 8 protects a right to personal development and the right to establish and develop relationships with other human beings and the outside world. Article 8 thus encompasses “the right to lead a “private social life”, that is, the possibility for the individual to develop his or her social identity”.<sup>23</sup> While the ECtHR has recognised that online communications and internet usage fall within the broad scope of Article 8,<sup>24</sup> it has also acknowledged that the right to personal development and autonomy does not extend to every public activity an individual may wish to engage in.<sup>25</sup>

3.14 Therefore, the impact of the proposed minimum age requirement for access to social media on children and young people’s private life, autonomy and development must be measured. A blanket prohibition on access to social media for those under 16 may restrict those young people’s ability to form and maintain relationships, explore aspects of their identity and engage in social environments that are increasingly central to

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<sup>20</sup> *Niemietz v Germany*, application No 13710/88, judgment of 16 December 1992, at para 29.

<sup>21</sup> *S. and Marper v UK*, applications Nos 30562/04 and 30566/04, judgment of 4 December 2008, at para 66.

<sup>22</sup> *Von Hannover v Germany*, application No 59320/00, judgment of 28 July 2005, at para 95.

<sup>23</sup> *Bărbulescu v Romania*, application No 61496/08, judgment of 5 September 2017, at para 70.

<sup>24</sup> *Ibid*, at para 81. See also, *Copland v UK*, application No 62617/00, judgment of 3 April 2007, at paras 41-42.

<sup>25</sup> For example, the hunting of wild animals with hounds. See, *Friend and Others v the UK*, application Nos 16072/06 and 27809/08, judgment of 15 December 2009, at paras 40-43.

contemporary life. Given that the ECtHR has consistently emphasised the role that user-generated content has in the exercise of Article 10, it is foreseeable that Article 8 jurisprudence further develops in this area. In fact, the ECtHR's guidance on Article 8 expressly acknowledges "the generous approach to the definition of personal interests has allowed the case-law to develop in line with social and technological developments".<sup>26</sup> Therefore, the NIHRC considers that careful scrutiny is required as to whether the proposed measures are proportionate and represent the least restrictive means available, particularly where they do not distinguish between different ages, level of maturity or forms of engagement.

3.15 In addition, the consultation proposals relating to age assurance mechanisms may engage privacy concerns under Article 8 of the ECHR. In practice, this proposal may result in the UK Government requiring or incentivising private companies to implement potentially intrusive data processing practices as a condition of access to online services. Measures such as facial age estimation, biometric verification or the use of identity documentation involve the processing of personal data, including potentially sensitive biometric information that would need to be carefully handled in accordance with data protection legislation and Article 8 of the ECHR. As such, any proposals should be assessed in terms of their proportionality and whether they should be accompanied by appropriate safeguards to ensure no violations of Article 8 occur.

### **ECHR Article 14: Protection from discrimination**

3.16 Article 14 ECHR provides for the enjoyment of ECHR rights "without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status". This is not a freestanding right, but a right to protection from discrimination in the enjoyment of other ECHR rights. Importantly, the grounds of discrimination contained in (and prohibited by) Article 14 are not

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<sup>26</sup> European Court of Human Rights, 'Guide on Article 8 of the Convention – Right to respect for private and family life, home and correspondence'. Available at: [Guide on Article 8 - Right to respect for private and family life, home and correspondence](#) (at para 86).

exhaustive. The ECtHR has interpreted “other status” broadly, including age<sup>27</sup> and disability.<sup>28</sup>

- 3.17 As set above, the proposals concerning a minimum age requirement for access to social media and the associated age assurance mechanisms may engage ECHR Articles 8 and 10. Accordingly, consideration must also be given to whether the proposals give rise to differential treatment in the enjoyment of those rights on the basis of the non-exhaustive list of prohibited grounds under Article 14. Not all differences in treatment (or failure to treat differently persons in materially different situations) constitute discrimination. However, the ECtHR has held that differential treatment that lacks “an objective and reasonable justification” may amount to discrimination for the purpose of Article 14.<sup>29</sup>
- 3.18 The proposed measures would apply specifically to children and young people below a defined minimum age threshold and therefore involve a distinction based on age. It is acknowledged that the protection of children from harm online may be capable of constituting an “objective and reasonable justification” for differential treatment under Article 14. However, the NIHRC considers that careful scrutiny is required as to whether the distinction drawn is proportionate, particularly where the measures do not distinguish between different ages, levels of maturity, or forms of engagement across multiple online platforms.
- 3.19 The NIHRC further notes that restrictions on access to social media may have differing impacts across groups of children and young people. As recognised by UN Committee on the Rights of the Child (further detail below), digital spaces may play a particularly important role for some children, including those who experiences isolation, marginalisation or barriers to participation in offline environments.<sup>30</sup> Measures which significantly restrict access to online spaces may therefore have

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<sup>27</sup> *Schwizgebel v Switzerland*, application No25762/07, judgment of 10 June 2010, at para 85.

<sup>28</sup> *Glor v Switzerland*, application No 13444/04, judgment of 30 April 2009.

<sup>29</sup> *Molla Sali v Greece*, application No 20452/14, judgment of 19 December 2018, at para 135.

<sup>30</sup> CRC/C/GC/25, ‘UN CRC Committee General comment No. 25: children’s rights in relation to the digital environment’, 2 March 2021, at para 10.

disproportionate impacts on certain groups, including disabled children, LGBTQI+ young people or those living in rural or socially isolated contexts.

**3.20 The NIHRC recommends that the UK Government conducts a comprehensive human rights impact assessment of any proposal that restricts children’s access to social media platforms and the implementation of age assurance mechanisms. In particular, the assessment should consider:**

- **Article 10 ECHR (freedom of expression): whether the proposals are necessary and proportionate, including whether blanket restrictions on access to social media represent the least intrusive means available or whether less restrictive alternatives could achieve the same objective.**
- **Article 8 ECHR (right to private life): the impact of the proposals on children and young people’s private life, autonomy and development, as well as the privacy implications of age assurance mechanisms and associated data processing practices, including whether appropriate safeguards are in place.**
- **Article 14 ECHR (non-discrimination): whether the proposals may give rise to disproportionate impacts on particular groups of children and young people, including those who experience marginalisation, isolation, or barriers to participation in offline environments.**

## **4.0 UN Convention on the Rights of the Child**

4.1 According to the UN Committee on the Rights of the Child (UN CRC Committee), the rights of every child must be respected, protected and fulfilled in the digital environment.<sup>31</sup> Furthermore, privacy and data

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<sup>31</sup> CRC/C/GC/25, ‘UN CRC Committee General comment No. 25: children’s rights in relation to the digital environment’, 2 March 2021, at para 4.

protection legislation and measures should not limit arbitrarily children's other rights, such as their right to freedom of expression or protection. The UN CRC Committee has called on States to ensure that data protection legislation respects children's privacy and personal data in relation to the digital environment.<sup>32</sup> In addition, the UN CRC Committee has stated that "States parties should review, adopt and update national legislation in line with international human rights standards, to ensure that the digital environment is compatible with the rights set out in the Convention and the Optional Protocols".<sup>33</sup>

- 4.2 Meaningful access to digital technologies can support children to realise the full range of their economic, social, cultural, civil and political, rights.<sup>34</sup> However, it has been observed that the digital environment gives rise to complex scenarios in which children's rights may compete with one another. For example, design features aiming to safeguard children's right to privacy may inadvertently restrict their freedom of expression by limiting their audience reach or causing children to self-censor content. In these circumstances applying the principle of proportionality is essential.<sup>35</sup>
- 4.3 As highlighted in the UN CRC Committee General Comment No 25, the digital environment, affords new opportunities for the realisation of children's rights, but also poses the risks of their violation or abuse.<sup>36</sup> Minimum age thresholds should be informed by research, including on child development, opportunities, and risk exposure.<sup>37</sup> It has been recommended that "governments need to implement a 'smart mix' of measures – including laws, policies, incentives, and voluntary standards – to ensure all businesses operating in the digital environment respect human rights, including children's rights".<sup>38</sup>

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32 Ibid, at para 74.

33 Ibid, at para 23.

34 Ibid, at para 4.

35 Didem Özkul, Steven Vosloo and Bella Baghdasaryan, 'Best Interests of the Child in Relation to the Digital Environment' (UNICEF,2025), at 14.

36 CRC/C/GC/25, 'UN CRC Committee General comment No. 25: children's rights in relation to the digital environment', 2 March 2021, at para 3.

37 UNICEF, Drawing a line in digital spaces: Taking stock of current and proposed age-based restrictions for social media, March 2026, at 3.

38 Ibid, at 1.

## UN CRC General Principles

### UN CRC Article 3: Best Interests of the Child

- 4.4 The UN CRC Committee has emphasised that all laws and regulations affecting children must be guided by the best interests of the child principle, which applies to all laws and regulations in the digital environment. In particular States have an obligation to ensure that all policies and legislation demonstrate that the child's best interests have been a "primary consideration", including describing how the best interests have been examined and assessed, and what weight has been ascribed to them in the decision.<sup>39</sup> In addition, States must assess and give due weight to children's best interests as a "primary consideration" in all actions, without discretion.<sup>40</sup>
- 4.5 The expression "primary consideration" means that the child's best interests may not be considered on the same level as all other considerations.<sup>41</sup> The UN CRC Committee's General Comment No 14 provides guidance on the interpretation of this principle, stating that there are certain cases in which the child best interests should be assessed and treated as the "paramount consideration."<sup>42</sup> This approach is reflected in Section 1(1) of the UK Children Act 1989 which establishes the paramountcy principle, requiring that the child's welfare be the court's "paramount consideration" in matters concerning a child's upbringing.<sup>43</sup>
- 4.6 Children have a diverse range of needs and abilities, necessitating a nuanced application of the best interest principle in the digital environment. In this regard, the UK could consider the child's best interest as the paramount consideration in matters relating to social media. When

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<sup>39</sup> CRC/C/GC/14, 'UN CRC General comment No. 14: on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)', 29 March 2013 at 13(b).

<sup>40</sup> CRC/C/GC/14, 'UN CRC General comment No. 14: on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)', 29 March 2013 at para 36.

<sup>41</sup> CRC/C/GC/14, 'UN CRC General comment No. 14: on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)', 29 March 2013 at para 37.

<sup>42</sup> CRC/C/GC/14, 'UN CRC General comment No. 14: on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)', 29 March 2013 at para 12 and 38.

<sup>43</sup> Children Act 1989, s 1(1).

applying this principle, the UK Government should take into account the full spectrum of children's rights, including their rights to seek, receive and impart information, to be protected from harm and to have their views given due weight, and ensure transparency in the assessment of the best interests of the child and the criteria that have been applied.<sup>44</sup> Upholding the best interests of the child in relation to the digital environment must account for: diverse needs of children; evolving capacities of children; inequalities in access, skills and literacy, and the diverse contexts of children.<sup>45</sup> To ensure that children's best interests are a primary consideration, the UN CRC Committee proposes a continuous process of child rights impact assessment as a procedural safeguard.<sup>46</sup>

- 4.7 In addition, the UN CRC Committee had stated that, any decision concerning the child or children must be justified and explained. If the solution chosen is not in the best interests of the child, the grounds for this must be set out in order to show that the child's best interests were treated as a primary consideration despite the result.<sup>47</sup>

#### UN CRC Article 5: Evolving Capacities

- 4.8 Article 5 of the UN CRC requires States to respect children as active rights holders whose capacities develop progressively, rather than as passive objects of protection. Children's digital experiences change depending on their maturity and stages of development. The risks and opportunities associated with children's engagement in the digital environment change depending on their age and stage of development.<sup>48</sup> Therefore, States should be guided by these factors whenever they are designing measures to protect children in, or facilitate their access to, that environment. Furthermore, the design of age-appropriate measures should be informed

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<sup>44</sup> CRC/C/GC/25, 'UN CRC Committee General comment No. 25: children's rights in relation to the digital environment', 2 March 2021, at para 13.

<sup>45</sup> Didem Özkul, Steven Vosloo and Bella Baghdasaryan, 'Best Interests of the Child in Relation to the Digital Environment' (UNICEF, 2025), at 3.

<sup>46</sup> CRC/C/GC/14, 'UN CRC General comment No. 14: on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)', 29 March 2013 at para 35.

<sup>47</sup> CRC/C/GC/14, 'UN CRC General comment No. 14: on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)', 29 March 2013, at para 97.

<sup>48</sup> CRC/C/GC/25, 'UN CRC Committee General comment No. 25: children's rights in relation to the digital environment', 2 March 2021, at para 19.

by the best and most up-to-date research available, from a range of disciplines.<sup>49</sup>

#### UN CRC Article 2: Non-Discrimination

4.9 In terms of the non-discrimination principle in relation to the digital environment, the UN CRC Committee has cautioned and advised Governments to ensure that any proposed measures do not perpetuate or create digital exclusion. Children may be discriminated against by being excluded from using digital technologies and services or by receiving hateful communications or unfair treatment through the use of those technologies. Other forms of discrimination can arise when automated processes that result in information filtering, profiling or decision-making are based on biased, partial or unfairly obtained data concerning a child.<sup>50</sup>

#### UN CRC Article 6: Right to Life, Survival and Development

4.10 Closely related to the aforementioned principles and the evolving capacities of children is the right to life, survival and development entrenched in Article 6 of the UN CRC. With regard to this, within the digital environment, States parties should pay specific attention to the effects of technology in the earliest years of life, when brain plasticity is maximal and the social environment, in particular relationships with parents and caregivers, is crucial to shaping children's cognitive, emotional and social development.<sup>51</sup>

4.11 In the digital environment, this means ensuring that children have access to the opportunities that digital technologies offer while also protecting them from their potential harms without restricting any benefits. As some researchers have noted, "a narrow focus on risk and safety can negatively impact children's right to participation and undermine their ability to access the benefits of digital media".<sup>52</sup>

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<sup>49</sup> Ibid.

<sup>50</sup> Ibid, at para 10.

<sup>51</sup> Ibid, at para 14.

<sup>52</sup> Didem Özkul, Steven Vosloo and Bella Baghdasaryan, 'Best Interests of the Child in Relation to the Digital Environment' (UNICEF, 2025), at 11.

- 4.12 **The NIHRC recommends that the UK Government carefully consider the General Principles that guide the interpretation of the UN CRC, including non-discrimination, the best interest of the child and the right to life, survival and development, in respect of any proposals to ban or severely restrict access to social media platforms. In particular, the UK Government should consider the child’s best interests as a paramount consideration and ensure transparency regarding how this principle has been assessed and how the criteria have been applied.**
- 4.13 **The NIHRC recommends that the UK Government ensure that children’s evolving capacities are taken into account, particularly their age and maturity, when designing any measures within the digital environment.**

## **5.0 Business and Human Rights**

- 5.1 As identified by the UK Government, underlying children’s social media activity are business models designed to keep users online for longer through addictive features, personalised algorithms, targeted advertising and affirmation functions, among others, that can also lead to exposure to extreme and harmful content, addictive platform design, and data

exploitation.<sup>53</sup> This has also been recognised at the UN<sup>54</sup> and European levels.<sup>55</sup>

- 5.2 The UN Guiding Principles on Business and Human Rights (UNGPs) are an internationally recognised framework that sets standards for States and businesses to prevent, address, and remedy human rights harms from business activities through three pillars. These are the States' duty to protect human rights from third-party abuses (Pillar I); businesses' responsibility to respect human rights throughout their operations (Pillar II), and victims' right to access an effective remedy for business-related human rights harm (Pillar III).<sup>56</sup>
- 5.3 Under the UNGPs, States must protect against human rights abuses, committed by third parties, within their jurisdiction. This includes as third parties tech companies. Therefore, it is necessary to take steps to prevent, investigate, punish, and redress such abuse through effective policies, legislation, regulations, and adjudication.<sup>57</sup>
- 5.4 Additionally, tech companies have a responsibility to respect human rights<sup>58</sup> by integrating them into their governance structures and policy
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<sup>53</sup> Department for Science, Innovation and Technology, 'Growing up in the online world: a national consultation' (DSIT, 2026). Available at: [Growing up in the online world: a national conversation - GOV.UK](#); Jamie Grierson, 'Ministers open-minded on shape of UK social media limits, Phillipson says', *The Guardian*, 28 April 2026; Dan Milmo and Kiran Stacey, 'Starmer tells social media firms: 'Things can't go on like this'', *The Guardian*, 16 April 2026. Meta, the company behind Facebook and Instagram, is facing legal scrutiny in the EU. The European Commission's preliminary findings from an investigation have found that Meta has failed to prevent children under 13 from accessing its social media platforms, in breach of its own minimum age rules, exposing children to risks such as harmful content, addictive platform design, and data exploitation. Jennifer Rankin, 'Meta found in breach of EU law for failing to keep children off platforms', *The Guardian*, 29 April 2026.

<sup>54</sup> A/HRC/61/68, 'Impact of disinformation on the enjoyment and realization of human rights Report of the Human Rights Council Advisory Committee' (HRC, 2026); A/HRC/53/25, 'Sustainable development and freedom of expression: why voice matters Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan' (HRC, 2023); United Nations High Commissioner for Human Rights, 'High Commissioner Türk to the Global Alliance of National Human Rights Institutions: We have the power to make the digital space work for all'. Available at: [High Commissioner Türk to the Global Alliance of National Human Rights Institutions: We have the power to make the digital space work for all | OHCHR](#); UN High Commissioner for Human Rights, 'High Commissioner Türk calls on business to tackle today's challenges with human rights as their guide'. Available at: [High Commissioner Türk calls on business to tackle today's challenges with human rights as their guide | OHCHR](#).

<sup>55</sup> European Parliament, 'Press Release: Children should be at least 16 to access social media, say MEPs' (EP, 2025). Available at: [Children should be at least 16 to access social media, say MEPs | News | European Parliament](#); Jennifer Rankin, 'EU investigates Facebook owner Meta over child safety and mental health concerns', *The Guardian*, 16 May 2024; Jennifer Rankin, 'Meta found in breach of EU law for failing to keep children off platforms', *The Guardian*, 29 April 2026.

<sup>56</sup> UN Office of the High Commissioner for Human Rights, 'Guiding Principles on Business and Human Rights: Implementing the UN "Protect, Respect and Remedy" Framework' (UNGPs) (OHCHR, 2011).

<sup>57</sup> UNGPs, Principle 1.

<sup>58</sup> Because businesses can have an impact on virtually the entire spectrum of internationally recognised human rights, their responsibility to respect applies to all such rights (Principle 12 UNGPs).

commitments, by conducting due diligence to address actual and potential adverse human rights impacts in their operations, and by providing remedy and grievance mechanisms.<sup>59</sup> To address negative human rights interference, there must be adequate measures to prevent, mitigate and, where appropriate, remediate harm arising from their operations, including actual or potential harm to users caused by the design and features of their social media platforms.

- 5.5 Human rights due diligence is a risk management process designed to make practical and effective the responsibility of businesses to respect human rights.<sup>60</sup> This process should not be reduced to a “tick-box” exercise; rather, it must involve substantive measures to address risks faced by right-holders.<sup>61</sup> The UNGPs require businesses to undertake human rights due diligence to fulfil their responsibility to respect human rights. One method for conducting such due diligence is through Human Rights Impact Assessments (HRIAs) of corporate practices. The Special Rapporteur on Freedom of Opinion and Expression has urged information and communications technology companies to conduct HRIAs during product and policy development, and to maintain these assessments throughout operations, ensuring meaningful consultation with the public and civil society.<sup>62</sup> The B-Tech Project, led by the UN Office of the High Commissioner for Human Rights, provides general guidance on implementing the UNGPs within the technology sector.<sup>63</sup>
- 5.6 When companies assess their human rights impacts and conduct due diligence, all internationally recognised human rights must be considered for all right holders.<sup>64</sup> The UNGPs require that their implementation occurs in a non-discriminatory manner,<sup>65</sup> and that particular attention is given to

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<sup>59</sup> Marisa McVey and Anna Montgomery, '[NI Business and Human Rights Index](#): Assessing the Corporate Implementation of the UN Guiding Principles in Business and Human Rights in NI' (NIHRC and QUB, 2024), at 5.

<sup>60</sup> DIHR, '[Driving change through public procurement](#)', at 23.

<sup>61</sup> UNSCEB, '[Guidance for UN Staff on HTFL in UN Supply Chains.pdf](#)', at 18.

<sup>62</sup> A/HRC/38/35, 'Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression' (HRC, 2018), at para 55 and 77. The Danish Institute for Human Rights has developed practical guidance for businesses, and other actors in the digital ecosystem, on how to conduct human rights impact assessment of digital activities. See DIHR, 'Human rights impact assessment of digital activities'. Available at: [Human rights impact assessment of digital activities | The Danish Institute for Human Rights](#).

<sup>63</sup> UN Office of the High Commissioner for Human Rights, 'B-Tech Project'. Available at: [B-Tech Project | OHCHR](#)

<sup>64</sup> UNGPs, Principle 18.

<sup>65</sup> UNGPs, General Principles.

the rights and needs of marginalised or vulnerable groups who may be most affected by severe human rights impacts.<sup>66</sup> As observed by the former Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises, John Ruggie, children “are among the most marginalized and vulnerable members of society and can be disproportionately, severely, and permanently impacted by business activities, operations, and relationships”.<sup>67</sup> When assessing risks, tech companies must analyse and identify the specific human rights harms that children may encounter in the technology environment. This should be informed by the ECHR, UN CRC and the standards developed by the UN CRC Committee and other relevant bodies.

- 5.7 The UN agency for children, UNICEF has warned about the significant risks of “that age-based restrictions alone will fail to address the underlying drivers of harm”,<sup>68</sup> and has said that:

the introduction of age restrictions must not reduce incentives for companies to invest in safer platform design and effective content moderation for all users. Regulation must compel companies to take responsibility by proactively identifying and addressing any adverse impacts on children’s rights. This includes by conducting robust child rights due diligence, including child rights impact assessments in relation to the digital environment.<sup>69</sup>

- 5.8 According to UNICEF, age restrictions should be integrated into a comprehensive strategy that protects children from harm, upholds their rights to privacy and participation, and prevents them from migrating to less regulated, unsafe spaces. UNICEF emphasises that “[l]aws introducing

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<sup>66</sup> UN Office of the High Commissioner for Human Rights, ‘The Corporate Responsibility to Respect Human Rights. An Interpretive Guide’. Available at: [The Corporate Responsibility to Respect Human Rights. An Interpretive Guide](#), at Q4.

<sup>67</sup> UNICEF, ‘[Children’s Rights in National Action Plans \(NAPs\) on Business and Human Rights. A thematic supplement to National Action Plans on Business and Human Rights: A Toolkit for the Development, Implementation, and Review of State Commitments to Business and Human Rights Frameworks](#)’, at 4.

<sup>68</sup> UNICEF, [Drawing a line in digital spaces: Taking stock of current and proposed age-based restrictions for social media](#), March 2026, at 1.

<sup>69</sup> *Ibid*, at 3.

age restrictions are not an alternative to companies improving platform design and content moderation".<sup>70</sup>

- 5.9 **The NIHRC recommends that, alongside any measures that restrict children's access to social media platforms or some of their functionalities, the UK Government carefully considers introducing requirements or regulations for tech companies that address the human rights harm embedded in their business models.**
- 5.10 **The NIHRC recommends that the UK Government carefully considers evaluating whether tech companies offering services and products to children should be subject to mandatory human rights due diligence, paying particular attention to the rights and needs of children, in line with the UNGPs.**

### **Artificial intelligence and human rights**

- 5.11 As flagged by the UK Government, children are increasingly using artificial intelligence (AI) systems such as chatbots in their daily lives, and there is evidence of serious risk of exposure to harmful or illegal content or from interaction with addictive features from this use.<sup>71</sup>
- 5.12 The NIHRC recognises that AI has significant potential to improve children's lives, for example, in education and through assistive technologies that enhance accessibility.<sup>72</sup> However, the use of AI systems by public authorities and businesses without human rights considerations can lead to human rights harm through biased algorithmic decision-making, pervasive surveillance, manipulative behaviour and exploitation of

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<sup>70</sup> UNICEF, [Age restrictions alone won't keep children safe online](#), 10 December 2025.

<sup>71</sup> Department for Science, Innovation and Technology, 'Growing up in the online world: a national consultation' (DSIT, 2026). Available at: [Growing up in the online world: a national conversation - GOV.UK](#), at 34-36.

<sup>72</sup> For example, a research report from Northern Ireland found that teachers in Irish-medium schools frequently work beyond their contracted hours and must translate English-language textbooks and materials due to insufficient Irish-language resources. The researchers recommended considering AI support for Irish-medium education. AI tools, including machine translation and large language models, could generate initial drafts of teaching materials or assist with routine translation, allowing teachers to focus more on planning and instruction and supporting Irish-medium education in general. Noel Purdy, Claire McVeigh, Mark Ballentine and Emilia Symington, 'Teacher Workload in the Irish medium Sector. Evidential Insights' (CREU, 2025). Available at: [\(PDF\) Teacher Workload in the Irish Medium Sector: Evidential Insights](#); UN Regional Information Centre for Western Europe, 'Building an accessible future for all: AI and the inclusion of Persons with Disabilities'. Available at: [Artificial intelligence and the inclusion of Persons with disabilities](#).

vulnerabilities.<sup>73</sup> Therefore, AI systems need to include human rights considerations from the outset and throughout their lifecycle, be safe for children by design, not be deployed until they are and be paused or retired if they create risks or cause human rights harms.<sup>74</sup>

5.13 As a relatively new treaty, the CoE Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law has been signed but not yet ratified by the UK. By taking this step, the UK has agreed to “not defeat the object and purpose of the treaty”.<sup>75</sup> The CoE Framework Convention on AI aims to ensure that all activities involved in AI systems respect human rights, democracy, and the rule of law, while supporting technological progress and innovation. It requires States to “adopt or maintain measures to ensure that the activities within the lifecycle of artificial intelligence systems are consistent with obligations to protect human rights, as enshrined in applicable international law and in its domestic law”.<sup>76</sup> It also requires States to:

adopt or maintain measures for the identification, assessment, prevention and mitigation of risks posed by artificial intelligence systems by considering actual and potential impacts to human rights, democracy and the rule of law.<sup>77</sup>

5.14 Article 19 of the CoE Framework Convention on AI makes clear that States should “seek to ensure that important questions raised in relation to artificial intelligence systems are, as appropriate, duly considered through public discussion and multistakeholder consultation in the light of social, economic, legal, ethical, environmental and other relevant implications”.

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<sup>73</sup> UN Working Group on BHR, ‘[Artificial intelligence procurement and deployment: ensuring alignment with the Guiding Principles on Business and Human Rights](#)’; DIHR, ‘[Driving change through public procurement](#)’, at 49.

<sup>74</sup> The AI system lifecycle includes planning and design, data collection and processing, model development or fine-tuning, testing and validation, making systems available, deployment, operation and monitoring, and retirement. These activities are often iterative rather than strictly sequential and may restart if the system or its intended use changes significantly. Retirement decisions can be made at any stage during operation and monitoring. CoE Steering Committee for Human Rights, ‘Handbook on Human Rights and Artificial Intelligence’ (CDDH, 2026), at para 9.

<sup>75</sup> Article 18, Vienna Convention on the Law of Treaties 1969.

<sup>76</sup> Article 4, CoE Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law.

<sup>77</sup> Article 16(1), CoE Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law.

The associated explanatory report notes that civil society and National Human Rights Institutions should be included in public discussions.<sup>78</sup>

- 5.15 The UK adheres to the principle of withholding treaty ratification until the domestic legal framework is consistent with the treaty's obligations, thereby facilitating effective implementation.<sup>79</sup> Consequently, any proposals emerging from the UK Government's consultation should correspond with the provisions of the signed CoE Framework Convention on AI to enable its timely ratification.
- 5.16 The UNGPs framework also applies to the procurement and deployment of AI systems by States and businesses. The UNGPs require States to protect individuals and communities from human rights abuses by third parties, including businesses in their value chains. AI use by businesses can harm virtually all internationally recognised human rights, particularly privacy and data protection, liberty and security, non-discrimination, fair trial, freedom of association, and the right to a clean, healthy and sustainable environment.<sup>80</sup> The UK Government should ensure that businesses engaged in the AI lifecycle apply human rights due diligence throughout their operations and conduct project-specific human rights impact assessments, tailored to the size, nature, and context of the business, with particular consideration of the risks to children.<sup>81</sup> This includes identifying, preventing, and mitigating AI-related human rights risks, and ensuring

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<sup>78</sup> CoE, 'Explanatory Report to the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law', at para 120.

<sup>79</sup> Institute for Government, 'UK-EU future relationship: UK ratification'. Available at: [UK-EU future relationship: UK ratification | Institute for Government](#); Ministerial statement by the Secretary of State for the Home Department, Priti Patel MP, 'Ratification of the Istanbul Convention Statement made on 17 May 2022. Statement UIN HCWS34'. Available at: <https://questions-statements.parliament.uk/written-statements/detail/2022-05-17/hcws34>.

<sup>80</sup> Specifically on the right to a clean, healthy and sustainable environment, AI and its supporting infrastructure, such as data centres, have been linked to environmental harm. Key concerns include high electricity consumption leading to increased greenhouse gas emissions, significant water use for cooling, reliance on unsustainably mined critical minerals, and the growth of electronic waste. UN Environment Programme, 'AI has an environmental problem. Here's what the world can do about that'. Available at: <https://www.unep.org/news-and-stories/story/ai-has-environmental-problem-heres-what-world-can-do-about>; Dan Milmo, 'Datacentre developers face calls to disclose effect on UK's net emissions', *The Guardian*, 1 March 2026.

<sup>81</sup> UN Office of the High Commissioner for Human Rights, 'Guiding Principles on Business and Human Rights: Implementing the UN "Protect, Respect and Remedy" Framework' (UNGPs) (OHCHR, 2011); Committee of Ministers of the Council of Europe adopted Recommendation CM/Rec(2016)3 on human rights and business at para 20.

transparency, accountability, and access to remedy in AI procurement and deployment.<sup>82</sup>

5.17 Businesses have a significant role in AI governance. As part of their corporate responsibility to respect human rights, businesses should have a comprehensive oversight of all AI systems within their operations and business relationships to identify and assess human rights impacts. Key actions include mapping the human rights impacts associated with AI systems, taking into account operational contexts and datasets. Businesses must incorporate human rights-compliant objectives into the design and development of AI systems and regularly evaluate both these objectives and the effectiveness of measures implemented to address potential impacts. They also need to identify individuals or groups at heightened risk of adverse effects, such as children, through substantive stakeholder engagement and consultation.<sup>83</sup>

5.18 As mentioned, human rights due diligence and impact assessments should not be treated as “tick-box” exercises and should enable meaningful action to safeguard rights, for example, through pausing deployment until the risks can be effectively addressed.<sup>84</sup> The Council of Europe developed the HUDERIA methodology and model to conduct risk and impact assessments of AI systems from the perspectives of human rights, democracy, and the rule of law. It is intended for public and private actors and links international human rights standards to existing technical risk-management frameworks in AI.<sup>85</sup> The HUDERIA methodology and model may serve as a valuable model for businesses and public authorities in the

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<sup>82</sup> UN Working Group on BHR, '[Artificial intelligence procurement and deployment: ensuring alignment with the Guiding Principles on Business and Human Rights](#)'; Article 16, CoE Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law.

<sup>83</sup> UN Working Group on BHR, '[Artificial intelligence procurement and deployment: ensuring alignment with the Guiding Principles on Business and Human Rights](#)', at para 43; Article 18 of the CoE Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law requires member States to “take due account of any specific needs and vulnerabilities in relation to respect for the rights of persons with disabilities and of children”.

<sup>84</sup> Article 16 of the CoE Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law calls States to assess the need for a moratorium or ban or other appropriate measures in respect of certain uses of artificial intelligence systems where it considers such uses incompatible with the respect for human rights, the functioning of democracy or the rule of law.

<sup>85</sup> CoE, 'HUDERIA Methodology and Model: Methodology for assessing the risks and impacts of artificial intelligence systems from the perspective of human rights, democracy and the rule of law and Resource model for context-based risk analysis (COBRA)' (CoE, 2025 and 2026). Available at: [HUDERIA - risk and impact assessment of AI systems - Artificial Intelligence](#).

UK conducting human rights due diligence for the AI systems they use or provide.

- 5.19 **The NIHRC recommends that the UK Government assess whether further regulation for businesses developing and deploying AI is necessary to ensure effective governance of AI systems with which children interact, so that children’s human rights considerations are embedded from the initial planning and design stages and maintained throughout AI systems’ lifecycle.**
- 5.20 **The NIHRC recommends that the UK Government requires businesses developing or deploying AI systems that interact with children to conduct human rights and environmental due diligence to identify and address any potential human rights harms to children arising from their systems.**
- 5.21 **The NIHRC recommends that the UK Government ensures that any proposals resulting from the consultation align with the provisions of the CoE Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law to facilitate its ratification, and engages with civil society and UK National Human Rights Institutions in public discussions concerning AI governance for children.**

## Contact us

Any queries: [Colin.Caughey@nihrc.org](mailto:Colin.Caughey@nihrc.org) and  
[Eilis.Haughey@nihrc.org](mailto:Eilis.Haughey@nihrc.org)

www.nihrc.org | info@nihrc.org | +44 (0)28 9024 3987  
4<sup>th</sup> Floor, Alfred House, 19-21 Alfred Street, Belfast, BT2 8ED

