Terre des Hommes
International Federation

Terre des Hommes Netherlands | STOP CHILD EXPLOITATION

Terre des Hommes submission to the DSA's article 28 draft guidelines open consultation

Terre des Hommes is dedicated to preventing online violence against children and ensuring their well-being. We advocate for child rights, protect them from harm, and influence policies.

Terre des Hommes welcomes the draft guidelines on Article 28(1) of the Digital Services Act (DSA). We strongly support the clarity the Guidelines provide on the DSA requirements to reach a high level of safety, privacy and security. The guidelines are a critical and timely step toward ensuring a high level of online safety for children. Children have been increasingly exposed to a range of online harms, including addictive design features, disinformation, cyberbullying, sexual harm and violent content. These new guidelines offer a much-needed framework to address these risks systematically, support safer digital environments, and ensure that platforms are held to clear, enforceable standards that prioritise the rights, safety and well-being of children.

In particular, we welcome the guidelines' strong emphasis on a child rights-based approach. The inclusion of robust age assurance requirements, along with efforts to empower children and address issues such as addictive design, harmful content, and online risks, are important and timely steps toward creating safer digital environments for all children.

We further recommend to:

1. Align guardian control requirements with child-centered approaches

We welcome the recommendation to introduce customisable, easy-to-use, child-centered and effective time management tools for children adapted to children's development stages and evolving capacities. We also support the requirement for guardian control tools that are easy to use and not disproportionately restricting children's rights to privacy or access to services. Many guardians face challenges keeping up with technological developments. Tools targeting them should facilitate their safety goals, while helping them navigate the ever evolving platform developments.

We further recommend for guardians control tools to be grounded in communication, learning, and empowerment. Research consistently shows that fear-based parental controls are ineffective and harm trust between children and caregivers. Instead, platforms should offer graduated, privacy-preserving guardians controls: more active support for younger children (under 13) and a more collaborative approach with high-level, category-based insights for adolescents (13–17), enabling autonomy while maintaining safety oversight.

A more **collaborative and child centered approach** to such a tool can include a shared dashboard with guardians and children setting and reviewing the goals together, as well as

providing spaces for sharing learning or concerns they face online. Agency promoting features should also be encouraged, such as opt-in/ opt-out controls, giving feedback, and transparency on what controls are in place.

Similarly, guardian control tools should promote **self-regulation and learning**, with in-app guidance (for both guardians and children), positive reinforcement features and explanatory prompts.

> *"Parents need to monitor what children are viewing online to ensure safety but, on the other hand, too much monitoring from parents may make children uncomfortable."*
>
> (Child from Malta)[1]

2. Ensure children are meaningfully involved in co-designing solutions

Children are not only at risk online but are also key contributors to effective safety solutions. We welcome the guidance to regularly consult children on the design and evaluation of any elements of the platform that concern their privacy, safety and security, transparency requirements as well as testing and reviewing commercial communication with children.

We would recommend going higher in terms of the level of child participation towards collaboration and shared decision making with children. Platforms must establish mechanisms for meaningful and inclusive child participation in the design, testing, and evaluation of safety features. Our [Child Safety by Design research](#) demonstrates that **children proposed innovative and feasible safety improvements**. In our research, children reported wanting to be part of the solutions and proposed relevant improvements, such as on how to ensure easier reporting tools, better protection of children's content and intelligent moderation.

In order to design for children, platforms must design with children, ensuring a broad diversity of representation. Platforms should be encouraged to go **beyond performative consultations of children, towards co-designing** with them. Collaborative approaches to child participation in design should be in line with international standards on children's rights to be heard and to participate in decisions affecting them, in particular the nine basic requirements for effective and ethical participation[2].

> *"People of our age should participate in developing technology because some bad words are overlooked by older people."*
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> (Children from the Netherlands)[3]

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[1] ECPAT, Eurochild, Terre des Hommes Netherlands (2024) VOICE project, Speaking up for change Children's and caregivers' voices for safer online experiences.

[2] UNICEF (2022). [Child and Youth Councils: Guidance to Support Meaningful Participation](#). Page 7.

[3] ECPAT, Eurochild, Terre des Hommes Netherlands (2024) VOICE project, Speaking up for change Children's and caregivers' voices for safer online experiences.

3. Ensure child safety by design in the deployment of platforms' AI tools

We welcome the mention of AI tools but we call for more detailed guidance on this topic. The growing presence of artificial intelligence on platforms accessed by children demands dedicated attention. The guidelines should include specific, enforceable measures to ensure **full transparency and age-appropriate explanations.**

It is also essential that the guidelines specify that **AI tools must not be used for the promotion or marketing** of products to children. The guidelines should also put forth measures that prevent automated systems from pushing or recommending AI chatbots to children and that guarantee an easy and clear **opt-out, reporting and disengagement function.**

Content created by AI tools must be moderated and regulated. AI systems and chatbots aimed at either adults or minors should not be used to generate **objectifying, abusive scenarios and fantasies involving children, as well as interactions that could impair mental health, lead to suicidal ideation when children use AI tools unbeknownst to their caregivers.** This misuse ultimately normalises and condones such harmful behaviours towards children, also risking their safety.

Finally, platforms should implement measures that increase children's digital literacy in using AI tools safely. This includes, but is not limited to, interactive or even gamified tutorials for child users, educational pop-up messages that surface throughout child users engagement, tips and reminders for children on how to stay safe online while using this service.

4. Make systematic child rights impact assessment (CRIA) mandatory

We welcome children's rights and the UNCRC being a general principle to implement the Guidelines. We also support the requirement for platforms to assess in their risk review the potential positive and negative effects on children's rights of any measure they may or will have in place. We would also very much welcome the potential additional guidance or tools to support platforms in carrying out CRIA.

All platforms should be required to **systematically integrate CRIAs**, evaluating the full range of children's rights, including privacy, protection, education, participation, and access to information, from the design phase of their new products and features. This rights-based lens must be applied consistently across all risk reviews to ensure balanced, child-centred outcomes.

CRIA should also be used to ensure attention is given to children's varying **vulnerabilities**, including age, gender identity, sexual orientation, disability, migration status, socio-economic vulnerability, family structure, and other intersecting conditions. Design, features and measures must account for the diversity among children and their unique experiences.

CRIA should be carried out in consultation with children from various backgrounds and child rights experts. We recommend independent audits of CRIA to be carried out to ensure

adequate and harmonised application of the child rights framework. CRIA should be published, including with child-friendly summaries to promote transparency and accountability.

5. Strengthen the definition of harmful content and enforce zero tolerance for children's exposure

The concept of harmful content should be clearly defined for effective implementation. Harmful content should cover **illegal material** (such as child sexual abuse material, hate speech, or incitement to violence), but also **legal but harmful content** that may be age-inappropriate, sexually explicit, violent, including content that normalise or encourage discriminatory attitudes, biases, radicalisation or abusive behaviour as well as promoting self-harm. The definition of harmful content must consider contextual and cumulative harm, particularly the ways in which exposure to certain narratives or images can lower thresholds for risk and desensitise children to harmful behaviors.

The Guidelines' current approach to require platforms to implement measures to prevent repeated exposure to harmful content should be reconsidered. It would leave a grey area as to how many exposure would trigger this requirement. More importantly, given the vulnerability of children and the potential significant mental, emotional and physical impact of exposure to distressing material, there should be zero tolerance for children's exposure to harmful and illegal content online. Especially when it comes to illegal, discriminatory and distressing content, one exposure is too many. This should include proactive content moderation and preemptive filtering using child safety by design principles.

> *"There is a lot of content on the internet that can have a negative impact on us."*
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> (Focus group discussions, child from Romania)[4]

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[4] Down to Zero Alliance, Child safety by design that works against online sexual exploitation of children Research paper, 2022.