

# BUSINESS AND CHILDREN ONLINE

Children and young people benefit enormously from online opportunities to learn, explore, play and socialise. They are the fastest growing group of Internet users, going online at younger ages. Children play an active role as participants and contributors online, engaging in a wide range of activities, including as economic actors, purchasing off-line products and on-line content.

*“There is need for restrictions on profiling...sometimes it feels like cyber stalking”.*  
(Young girl, eNACSO focus group, Denmark)

*“... most apps failed to provide basic information about what data would be collected from kids, how it would be used and with whom it would be shared.”*  
(Federal Trade Commission (2012): *Mobile Apps for Kids: Disclosures Still Not Making the Grade*)

Today, ecommerce and mcommerce are not all about capturing and retaining future customers or developing brand loyalty, it is also about selling things to children and young people. There has been a proliferation of products, advertising, promotions and media targeted at children. The range of marketing tools is ever expanding, and the nature of marketing is changing; becoming increasingly interactive, ubiquitous and personalised.

A growing body of research reveals how new online business practices often fail to respect children's rights as set out in the UN Convention on the Rights of the Child (UNCRC). Aggressive and deceptive marketing ignores the best interests of children, their right to well-being, development and health, as well as their right to information. Children's rights to privacy and to information are not always protected when data is gathered for commercial purposes. Lack of age verification allows children to access and buy content and products which are intended for adults e.g. pornography and alcohol.

# PROTECTING CHILDREN ONLINE

Societies have developed elaborate rules to protect children and young people from exposure to various aspects of the adult world. For example children are not permitted in casinos, or sex shops. There are laws about the purchase of products such as tobacco. However, many of the rules and practices which have been established to protect children and young people from unfair commercial practices in “real” life or which bar access to legally proscribed areas or age sensitive materials and products, are not yet fully translated into the virtual space.

Thus we can see that policies, law and law enforcement mechanisms have not caught up with developments in digital marketing that targets children, including tracking technology and data collection practices. EU commitments to address regulatory fragmentation and jurisdictional issues to ensure protection of private data, to modernise and simplify online and digital consumer rules and to offer children special protection are promising but they have not yet come to fruition.

eNACSO recommends that the rights and protection of children are placed at the centre of EU digital and consumer policies. Our recommendations are:

*“I don’t know whether it is advertising or not because when I go to the stadium I also see background ads, so it’s all part of the game as such.” (Young boy on football advergames in eNACSO focus*

*“New media and marketing techniques raise some ethical concerns about potential deception and threats to privacy: the public is not currently well-informed about this area, and existing regulation is insufficient in some respects.” (Buckingham, David et al. (2009): ‘The Impact of the Commercial World on Children’s Wellbeing)*

# 1.

## **RECOGNIZE AND PROTECT AS SIGNIFICANT ECONOMIC ACTORS ONLINE**

- Explicitly recognize children's role as economic actors as well as their specific rights and protection needs in EU policy and legislation, in particular policy related to tracking technologies, online advertising and data collection practices;
- Explore the need for a specific EU policy framework for the protection of children as consumers on the Internet, building on existing policy wherever possible;
- Secure EU financial investment and support to developing and putting in place alternative business models which respect the privacy of and empower consumers, including children, to protect their data;
- Secure EU financial support and partnership with stakeholders to develop innovative solutions to address remaining challenges in the field of online protection, including age verification systems.

# 2.

## **UPDATE, HARMONISE AND MONITOR IMPLEMENTATION OF LEGISLATION ACROSS EUROPE**

- Ensure that EU legislation is updated and relevant to the protection of children as consumers on the Internet;
- Revisit children's right to privacy in the context of the Article 29 Working Group - map existing EU policy and law with a view to strengthening existing provisions, and/or adopting new provisions to protect children's right to privacy and companies' obligations towards children in relation to ecommerce;
- Set up an EU body which monitors and ensures that self-regulatory codes on advertising standards and are being upheld in Member States. Secure EU financial support and partnership with stakeholders, including companies, to develop innovative solutions to address remaining challenges in the field of online protection, including age verification systems.

# 3.

## **BUILD AWARENESS AMONG CHILDREN, YOUNG PEOPLE, EDUCATORS AND CAREGIVERS ABOUT HOW ONLINE MARKETING WORKS**

Promote an awareness raising campaign across the EU targeting different groups (children and young people, parents, teachers, policy makers, legislators) to raise awareness of the commercial nature of the online environment, its potential risks and how to respond to these risks.

### eNACSO

The European NGO Alliance for Child Safety Online – is a European Children’s Rights NGO network working on child and young people safety online. The network, which was set up in 2008, currently has 28 members from across Europe ([www.enacso.eu](http://www.enacso.eu)).

### eNACSO's mission

based on 1989 UN Convention on the Rights of the Child (UNCRC), is to promote and support actions at national, European and international level, to protect children and promote their rights in relation to new technologies.

### eNACSO

is currently working to stimulate debate and action to protect children from a range of online business practices that have a negative impact on the realisation of their rights as set out in UNCRC, including, for example, article 3, 12, 13 and 17. In 2014, eNACSO finalized a draft policy paper “Business, Children and the Internet: When Free Isn’t”, containing a detailed analysis of how different internet business models targeted towards children work, and how they may violate the rights of children set out in the UNCRC. This paper is currently being updated and will be launched in 2015.

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### FOR FURTHER INFORMATION PLEASE CONTACT

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