CHILDREN’S RIGHTS AND COMMERCIAL COMMUNICATION
IN THE DIGITAL ERA
CHILDREN’S RIGHTS AND COMMERCIAL COMMUNICATION IN THE DIGITAL ERA

Towards an empowering regulatory framework for commercial communication

Valerie Verdoodt
Children's Rights and Commercial Communication in the Digital Era. Towards an empowering regulatory framework for commercial communication
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ISBN 978-1-78068-941-8 (PDF)
D/2020/7849/15
NUR 822

On 20 November 2019 the United Nations Convention on the Rights of the Child celebrates its 30th anniversary. In 1989, when the Convention was adopted, children came across advertising on television, on billboards in the street, in shops and through leaflets in their mailbox. Over the past 30 years, the way in which children are targeted by advertisers and the formats that are used have changed significantly. Think of advergames, influencer marketing, and behavioural targeted advertising. The specific features of these formats, such as their immersive, interactive and personalised nature, make it difficult for children to understand the commercial and persuasive intent of the commercial messages directed at them.

Valerie Verdoodt’s doctoral research presents an original and timely fundamental rethinking of the regulatory framework of commercial communication from a children’s rights perspective. Offering a carefully considered, well-documented overview and in-depth evaluation of several legislative frameworks, policy documents, self- and co-regulatory initiatives and literature from a variety of disciplines, she has worked towards the development of children’s rights-inspired recommendations for an empowering regulatory framework for online commercial communication aimed at children. It is a subject with great societal relevance which contributes to the further realisation of children’s rights in the digital environment.

Dr. Verdoodt convincingly concludes that the children’s rights framework requires a balance between empowering children to cope with advertising (i.e. by educating them and providing them with the necessary opportunities to practice their commercial decision-making skills) and protecting them against harmful or misleading advertising and advertising that processes their personal data in an opaque manner (i.e. by recognizing the limitations to advertising literacy and providing additional protections). She found that, at present, the regulatory framework puts too much emphasis on empowerment with much of the responsibility resting on the shoulders of children and their parents, thereby tipping the empowerment-protection scales out of balance. She helpfully suggests that combining all the elements of the regulatory toolbox is the only way to restore that balance. This toolbox includes inter alia the enhanced enforcement of the regulatory framework, stimulating the collaboration between regulatory bodies, improving the structure and enforcement of advertising Alternative Regulatory Instruments and carrying out children’s rights impact assessments.
that respect the multi-dimensionality of rights, when developing advertising and marketing campaigns.

The author’s research did not only result in this book but was also published in reputable journals and edited volumes and presented at an impressive number of conferences and expert fora around the world, contributing to the international and national visibility of her work on children’s rights in the digital environment. At a time when Member States of the Council of Europe are in the process of implementing the 2018 Recommendation on Guidelines to respect, protect and fulfil the rights of the child in the digital environment and the United Nations Committee on the Rights of the Child is drafting a new General comment on this issue, Valerie Verdoost’s research in this field will undoubtedly inspire many actors, including fellow scholars, policymakers, regulators, advertisers and the public.

Prof. dr. Eva Lievens
Professor in Law & Technology
Ghent University
14 November 2019, Ghent
# CONTENTS

Preface ......................................................... v
Abbreviations ............................................ xv

Introduction .................................................. 1

1. Background .............................................. 1
2. Delineation .............................................. 4
3. Structure and methodology of the research ................. 5

PART I.
CHILDREN’S RIGHTS AND ADVERTISING LITERACY IN
THE DIGITAL ERA ............................................ 9

Chapter I.
Setting the Scene ............................................ 11

Section I. Clarification of the constitutive elements .......... 11
1. Children, commercial communication and advertising literacy .... 11
   1.1. Definition of a child .................................. 11
   1.2. Commercial communication ............................. 14
   1.3. Advertising literacy .................................. 15
2. Emerging trends in the area of commercial communication and children .. 17
   2.1. Advertising in the digital era .......................... 17
   2.2. Integration ........................................... 19
   2.3. Interaction ............................................ 21
   2.4. Personalisation ....................................... 22
   2.5. Emotional appeal .................................... 25
3. Concluding remarks ....................................... 27

Section II. The need for a future-proof regulatory framework in light of
children’s rights ............................................. 28
1. Evolving regulatory context in the digital environment .......... 28
   1.1. A fragmented legal framework for commercial communication
       in the EU .................................................. 28
   1.2. The rise of alternative regulatory instruments ................. 30
2. Children and new forms of commercial communication in policy
   documents ................................................... 33
   2.1. International policy documents ........................... 34
2.1.1. OECD Recommendation on the protection of children online ........................................... 34
2.1.2. Council of Europe ................................................................. 35
   A. Declaration of the Committee of Ministers on protecting the dignity, security and privacy of children on the Internet ........................................... 35
   B. Strategy on the Rights of the Child ........................................... 35
   C. Recommendation CM/Rec(2018)7 of the Committee of Ministers to member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment ........................................... 36
2.2. EU policy documents ............................................................. 37
   2.2.1. European Parliament Resolution of 15 December 2010 on the impact of advertising on consumer behaviour ........................................... 38
   2.2.2. European Parliament Resolution of 22 May 2012 on a Strategy for Strengthening the Rights of Vulnerable Consumers ........................................... 40
   2.2.3. Opinion of the European Economic and Social Committee on a framework for advertising aimed at young people and children (September 2012) ........................................... 41
   2.2.4. European Parliament Resolution of 20 November 2012 on protecting children in the digital world ........................................... 42
   2.2.5. European Commission Communication on a European Strategy for a Better Internet for Children (2012) ........................................... 43
3. New forms of commercial communication call for future-proof regulation ........................................... 47
   3.1. Effects of commercial communication on children's development and advertising literacy ........................................... 47
   3.2. Precautionary principle ........................................... 48
4. Taking a children's rights approach ........................................... 51
Section III. Interim conclusion ........................................... 53

Chapter II.
The Role of Children’s Rights in Regulating New Forms of Commercial Communication ........................................... 55

Section I. Introducing the children’s rights framework ........................................... 55
1. Children's rights at international level ........................................... 55
1.1. From subject of protection to active rightsholders ............................. 55
1.2. The United Nations Framework .................................................. 57
2. European children’s rights law ......................................................... 62
  2.1. Fundamental human rights for all, including children .................... 62
3. Children’s rights and new forms of commercial communication .......... 65
Section II. Children’s rights and principles in the context of commercial
communication .................................................................................. 66
1. Overarching principles that underpin a child rights perspective .......... 67
  1.1. Children’s development lies at the heart of the framework .............. 67
  1.2. Non-discrimination in advertising or marketing ............................ 72
  1.3. The best interests of the child as a primary consideration for
regulators, policymakers, advertisers and parents .............................. 76
  1.4. Offering children a voice in the decision-making process .............. 78
2. Children’s rights reconfigured by new forms of commercial
communication .................................................................................. 79
  2.1. Freedom of expression and access to information (article 13
UNCRC, article 10 ECHR, article 11 CFEU) ........................................ 80
  2.2. Freedom of thought (article 14 UNCRC) ..................................... 83
  2.3. Freedom of association (article 15 UNCRC) ................................. 84
  2.4. Right to privacy (article 16 UNCRC, article 8 ECHR, articles 7 and
8 CFEU) ......................................................................................... 86
  2.5. Right to have a diversity of mass media sources to choose from
(article 17 UNCRC) ........................................................................ 91
  2.6. Right to education and (advertising) literacy (articles 28 and 29
UNCRC). ......................................................................................... 94
  2.7. Right to engage in play and recreational activities (article 31
UNCRC). ......................................................................................... 95
  2.8. Protection against economic exploitation (article 32 UNCRC) ....... 98
  2.9. Procedural rights (articles 6 and 13 ECHR, article 47 CFEU) ......... 99

Conclusion.
An Analytical Framework for the Regulatory Framework for
Commercial Communication ................................................................. 101

PART II.
ASSESSMENT OF THE REGULATORY FRAMEWORK FOR
COMMERCIAL COMMUNICATION IN LIGHT OF CHILDREN’S
RIGHTS ................................................................................................. 105

Chapter I.
Piecing Together the Regulatory Puzzle .............................................. 107

Section I. The consumer protection context ........................................ 108
1.3.1. Definition of a child ........................................ 152
1.3.2. The age threshold for consent .......................... 153
1.3.3. Verification ................................................. 156
1.3.4. Transparent information ................................... 158
1.3.5. Direct marketing ........................................... 160
1.3.6. Profiling .................................................. 161
1.3.7. Right to erasure (“right to be forgotten”) ............. 163

1.4. Other provisions with a potential impact on children .... 163

2. Processing children’s electronic communications data – ePrivacy framework ........................................... 165
2.1. ePrivacy Directive ............................................. 165
2.2. Proposal for an ePrivacy Regulation ......................... 166

3. Self-regulation ................................................... 169
3.1. ICC Code ..................................................... 169
3.2. EASA Best Practice Recommendation on Online Behavioural Advertising ........................................... 170
3.2.1. Concept and definition .................................... 171
3.2.2. Recommendations for best practices .................... 172
3.3. IAB Europe EU Framework for Online Behavioural Advertising ........................................... 172
3.3.1. Aim and scope of the Framework ......................... 173
3.3.2. Principles for OBA ......................................... 173
3.4. FEDMA Codes of conduct ................................... 175
3.4.1. FEDMA European Code of Practice for the Use of Personal Data in Direct Marketing .......................... 175

A. Scope and definitions ........................................... 176
B. Principles regarding children’s privacy and data protection ........................................... 176
B.1. Direct Marketing – offline and online ....................... 176
B.2. Direct marketing – online ................................... 177
C. Complaint-handling ............................................. 179
3.4.2. FEDMA Code of Conduct on E-Commerce & Interactive Marketing ........................................... 179

Section V. Interim conclusion ...................................... 181

Chapter II.
Evaluation of the Current Regulatory Framework .................. 183

Section I. Advergames ............................................. 184
1. Integration, interaction, emotional appeal and personalisation may all be part of the game ........................................... 185
1.1. Persuasive tactics and children’s rights implications .................. 185
1.2. Blurred lines, mixed emotions and the existing regulatory framework ........................................... 187
1.2.1. The mixing of commercial and non-commercial content and advergames’ emotional appeal .......................... 187
1.2.2. Deception, personalisation and influenced decision making ......................................................... 192
2. Identified gaps or overlaps ................................................................. 194
Section II. Targeting children with personalised advertising .......... 196
1. Personalisation: Tracking, profiling and targeting, three different steps ... 196
   1.1. Persuasive tactics and children’s rights implications .................. 198
   1.2. Personalised advertising in the current regulatory framework .... 200
       1.2.1. Collecting and processing of children’s personal data under the GDPR and the proposed ePrivacy Regulation ... 200
       1.2.2. Personalised advertising in the Unfair Commercial Practices Directive? ........................................... 205
       1.2.3. Relevant protection for children in the revised AVMS Directive .......................................................... 205
       1.2.4. Self-regulation and targeting children with personalised advertising .................................................. 206
2. Identified gaps or overlaps ................................................................. 208
Section III. Digital influencers and vlogging advertising .................. 209
1. Integration: product placement, sponsorships, editorials and other forms of vlogging advertising ......................... 211
   1.1. Persuasive tactics and children’s rights implications .................. 211
   1.2. Digital influencers and the current regulatory framework .......... 212
       1.2.1. Vlogging advertising: audiovisual or commercial communication? ................................................. 213
           A. Scoping the applicable legal framework and untangling the vlogging advertising chain ................... 213
           B. Broadening the audiovisual playground ......................... 218
       1.2.2. Vlogging advertising in the Unfair Commercial Practices Directive ................................................. 221
           A. Unfair commercial practices by digital influencers and third-party traders ....................................... 221
           B. Unfair commercial practices by the video-sharing platform ......................................................... 224
       1.2.3. Further guidance for vloggers in self- and co-regulation
           – National best practices ................................................. 225
2. Identified gaps or overlaps ................................................................. 231

Conclusion
Gaps and Overlaps in the Current Regulatory Framework for Commercial Communication Aimed at Children .................. 233

xii

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PART III.
ASSESSMENT OF NATIONAL ARIS IN THE AREA OF COMMERCIAL COMMUNICATION ................................................................. 237

Chapter I.
The Interplay Between Alternative Regulatory Instruments and the Legal Framework for Commercial Communication ................................................................. 239

Section I. The use of ARIs and the legal framework ................................................................. 241
1. Children’s rights .................................................................................................................. 241
2. EU legislative instruments on commercial communication and ARIs ........................................... 246
Section II. Procedural and organisational elements for ARIs ................................................................. 249
1. Children’s procedural rights and the use of ARIs ................................................................ 249
   1.1. Right to a fair trial ...................................................................................................... 249
   1.2. Right to an effective remedy ...................................................................................... 251
2. General principles for self-and co-regulation at EU level ......................................................... 254
   2.1. The EU Principles for Better Self- and Co-regulation .............................................. 254
   2.2. EASA Charter principles for self-regulation .............................................................. 255
Section III. Interim conclusion ................................................................................................. 256

Chapter II.
Functional Comparative Assessment of National ARIs ................................................................. 257

Section I. Selection of national ARIs and questions for the comparative analysis .................................................................................................................. 257
Section II. Comparative study ................................................................................................. 258
1. Country reports .................................................................................................................. 258
   1.1. Belgium ..................................................................................................................... 258
      1.1.1. Attribution of regulatory power ........................................................................... 259
      1.1.2. Complaint procedure and consumer awareness ................................................. 260
      1.1.3. Enforcement and procedural safeguards ............................................................ 261
   1.2. The United Kingdom ................................................................................................... 263
      1.2.1. Attribution of regulatory power ........................................................................... 263
      1.2.2. Complaint procedure and consumer awareness ................................................. 266
      1.2.3. Enforcement and procedural safeguards ............................................................ 267
   1.3. The Netherlands ......................................................................................................... 270
      1.3.1. Attribution of regulatory power ........................................................................... 270
      1.3.2. Complaint procedure and consumer awareness ................................................. 272
      1.3.3. Enforcement and procedural safeguards ............................................................ 273
   1.4. Table of comparison .................................................................................................... 275
2. Discussion .......................................................................................................................... 278
   2.1. Characteristics of commercial communications that influence the structuring of ARIs ........................................................................................................... 278
2.2. Structure, organisation and coverage of the ARIs ............... 278
2.3. Effectiveness of the ARIs......................................... 281

Conclusion
Best Practices for the Structuring of ARIs in the Area of Commercial Communication .................................................. 283

CONCLUDING REMARKS AND RECOMMENDATIONS FOR THE FUTURE

Chapter I.
Retrospective of the research undertaken ........................................ 289

Chapter II.
Conclusions .................................................................................. 299

Chapter III.
Recommendations ......................................................................... 301

Bibliography ..................................................................................... 305
ABBREVIATIONS

AC Authority  Advertising Code Authority
AC Committee  Advertising Code Committee
ACC  Audiovisual commercial communication
ARI’s  Alternative regulatory instruments
ASA  Advertising Standards Authority
AVMS Directive/ AVMSD  Audiovisual Media Services Directive
BCAP  Broadcast Committee of Advertising Practice
BCAP Code  Code of Broadcast Advertising
BPRs  Best Practice Recommendations
CAHENF  Ad hoc Committee for the Rights of the Child
CAP  Committee of Advertising Practice
CAP Code  Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing
CFREU  Charter of Fundamental Rights of the European Union
CJEU  Court of Justice of the European Union
Code on E-Commerce  Code of Conduct on e-Commerce and Interactive Marketing
COE  Council of Europe
CRBP  Children’s rights and business principles
EASA  European Advertising Standards Alliance
EC  European Commission
ECHR  European Convention on Human Rights
ECtHR  European Court of Human Rights
EDPS  European Data Protection Supervisor
EESC  European Economic and Social Committee
EP  European Parliament
FEDMA  Federation of European Direct Marketing
GDPR  General Data Protection Regulation
IAB Europe  Interactive Advertising Bureau Europe
ICC  International Chamber of Commerce
ICC Code  Consolidated ICC Code on Advertising and Marketing Communication Practice
JEP  Jury for Ethical Practices
OBA  Online behavioural advertising
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>OECD</td>
<td>Organisation for Economic Cooperation and Development</td>
</tr>
<tr>
<td>Ofcom</td>
<td>Office of Communications</td>
</tr>
<tr>
<td>OP</td>
<td>Optional Protocol on a Communications Procedure</td>
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<tr>
<td>Social Code: YouTube</td>
<td>Social Code: Guidelines for advertising in online video</td>
</tr>
<tr>
<td>SRC</td>
<td>Stichting Reclame Code</td>
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<tr>
<td>SRO</td>
<td>Self-regulatory organisation</td>
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<tr>
<td>TFEU</td>
<td>Treaty on the Functioning of the European Union</td>
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<td>TWFD</td>
<td>Television Without Frontiers Directive</td>
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<td>UNCRC</td>
<td>United Nations Convention of the Rights of the Child</td>
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<td>UNCRC Committee</td>
<td>United Nations Committee on the Rights of the Child</td>
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<tr>
<td>VSPs</td>
<td>Video-sharing platform services</td>
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<td>WHO</td>
<td>World Health Organisation</td>
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