Making the WHO European Region the healthiest online environment for children

ABSTRACT

Children's lives are increasingly blended between the digital and physical worlds, intertwining virtual and real experiences in their daily routines. Ensuring online safety for children is becoming a growing concern within the WHO European Region. Most children grow up with digital devices that give them constant access to the Internet. While this may bring benefits and open up possibilities, it can also allow significant harms for children's development and physical and mental health.

This conference edition of the WHO Regional Office for Europe's Position Statement on Making the WHO European Region the Healthiest Online Environment for Children aims to support governments in formulating consistent requests to online and technology companies, with the overall goal of securing healthy online environments in which children can thrive. The position paper addresses the need to protect all children up to the age of 18 from violence, exploitation and abuse; highlights the need to include children's rights in all actions; and addresses privacy and data protection issues. Consistent and transparent monitoring and evaluation are required to ensure proper implementation of mandatory legislation to protect children in the virtual world, as both mental and physical health can be harmed if appropriate precautions are not taken. The purpose of this document is to propose requests that should be made by the health sector and included in national discussions and development of online safety initiatives related to children's well-being.

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ABBREVIATIONS

AI   artificial intelligence

EU   European Union

HFSS   high in saturated fats, trans-fatty acids, free sugars and/or salt

NPM   nutrient profile model

OECD   Organisation for Economic Co-operation and Development

UNCRC   United Nations Convention on the Rights of the Child

> **"Everyone is vulnerable in the online space, but this is especially true of children."**

The WHO Regional Office for Europe wants to make the European Region a safe place for children to grow up. It is a priority to address health determinants to make the environment – including both the physical and the online/virtual environments – a health-promoting place for children.

Online safety for children is therefore a growing concern in the WHO European Region. Children grow up with online devices that allow them constant access to the Internet. This expands children's worlds but can also lead to significant harms, which can, in part, be attributed to the impact of the introduction of artificial intelligence (AI) and big data-based targeted advertising techniques, which provide the foundational basis on which these platforms operate. While it is essential to protect all children from health-damaging content, the Internet should still allow children of different age groups to use content that is appropriate to their development stage *(1)*.

In its report on the role of the digital environment in children's lives, the Organisation for Economic Co-operation and Development (OECD) divides online risks to children into four main categories: (i) content risks; (ii) conduct risks; (iii) contact risks; and (iv) consumer risks *(2)*. The online threat to children is due to a range of factors, including the large amount of misinformation and digital marketing they are exposed to, cyberbullying, and the risk of exploitation while they are online. All of these are potentially damaging to children.

While the online environment is constantly expanding, national and regional regulations that minimize the potential harm of misinformation have lagged behind, leading to safety issues for children. Everyone is vulnerable in the online space, but this is especially true of children. The concept of "digital vulnerability" has been introduced to encapsulate the many aspects of the Internet that increase the vulnerability of all Internet users, and children in particular *(3)*.

The Position Statement aims to support governments in formulating consistent requests to online and technology companies, with the overall goal of securing healthy online environments in which children can develop healthily.

Such requests are based on the United Nations Convention on the Rights of the Child (UNCRC), specifically on general comment No. 25 (2021) on children's rights in relation to the digital environment *(4)*, the objective of

which is:

> [to explain] how States parties should implement the Convention in relation to the digital environment and [to provide] guidance on relevant legislative, policy and other measures to ensure full compliance with their obligations under the Convention and the Optional Protocols thereto in the light of the opportunities, risks and challenges in promoting, respecting, protecting and fulfilling all children's rights in the digital environment.

The four main principles are non-discrimination; the best interests of the child; the right to life, survival and development; and respect for the views of the child *(5,6)*.

These rights are often not respected, however, as children are frequently exposed to violence, pornography, exploitation and abuse on the Internet *(5)*. Children's risk of exposure to online harms is increased both by access to age-inappropriate services and by algorithms and other approaches that are used to specifically target children.

Children also need to be protected from marketing of unhealthy products and services, including foods high in saturated fats, trans-fatty acids, free sugars and/or salt (HFSS), tobacco- and nicotine-containing products, alcohol and gambling. Protecting children from these harms requires cooperation between a range of actors, including governments, industry, civil society and regulators. Steps need to be continuously taken to protect children from inappropriate content, including through the development of age-appropriate standards.

Research into online harms, conducted over more than two decades, presents predictable risks associated with specific characteristics of digital platforms and well-understood risk mitigations. Ongoing research is essential to understanding new online trends and developments and their potential health risks, as well as to subsequent implementation of evidence-informed policies to protect children and their health online.

The responsibility of governments to follow a child rights approach is the baseline for good governance and will affect the actions of commercial actors. UNCRC general comment No. 16 (2013) highlights the necessity for States to "have adequate legal and institutional frameworks to respect, protect and fulfil children's rights, and to provide remedies in case of violations in the context of business activities and operations" *(7)*.

The WHO Regional Office for Europe aligns itself with the United Nations Guiding Principles on Business and Human Rights *(8)*. It calls for robust due

diligence in the matter of child rights as a whole, including in the process by which companies assess and manage the impacts they have on all child rights, not least on the right to health. This process includes everything from identifying impacts to ensuring effective grievance mechanisms and access to remedy.

The WHO set of recommendations, which was adopted by Member States at the Sixty-third World Health Assembly in 2010, calls for national and international actions to reduce the impact on children of the marketing of HFSS foods *(9)*. Within the recommendations, WHO states the need for assessments of both marketing exposure (the quantity, frequency and reach of marketing communications for unhealthy foods to children) and power (the prevalence of specific techniques used).

This Position Statement proposes requests that should be made by the health sector and included in national discussions and development of online safety initiatives related to children.

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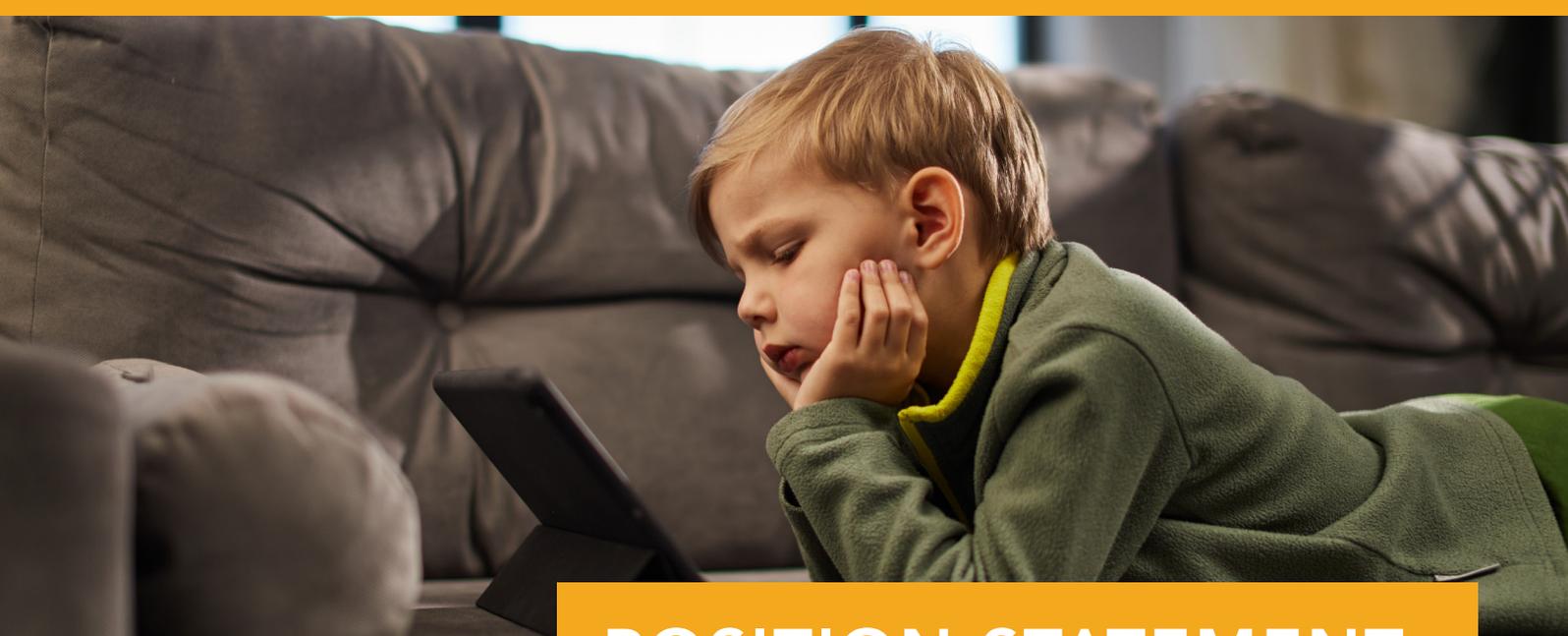
POSITION STATEMENT

1. Every child must be protected from violence, exploitation and abuse on the Internet

2. Children's rights must be respected by governments and commercial entities

3. Any person under the age of 18 must be recognized as a child

4. Children must be protected from unhealthy marketing

5. Data collection from children should be reduced to a minimum and not used for commercial purposes

6. Transparent monitoring and evaluation should be implemented

7. Cross-border collaboration should be improved

8. Children's health should always be prioritized
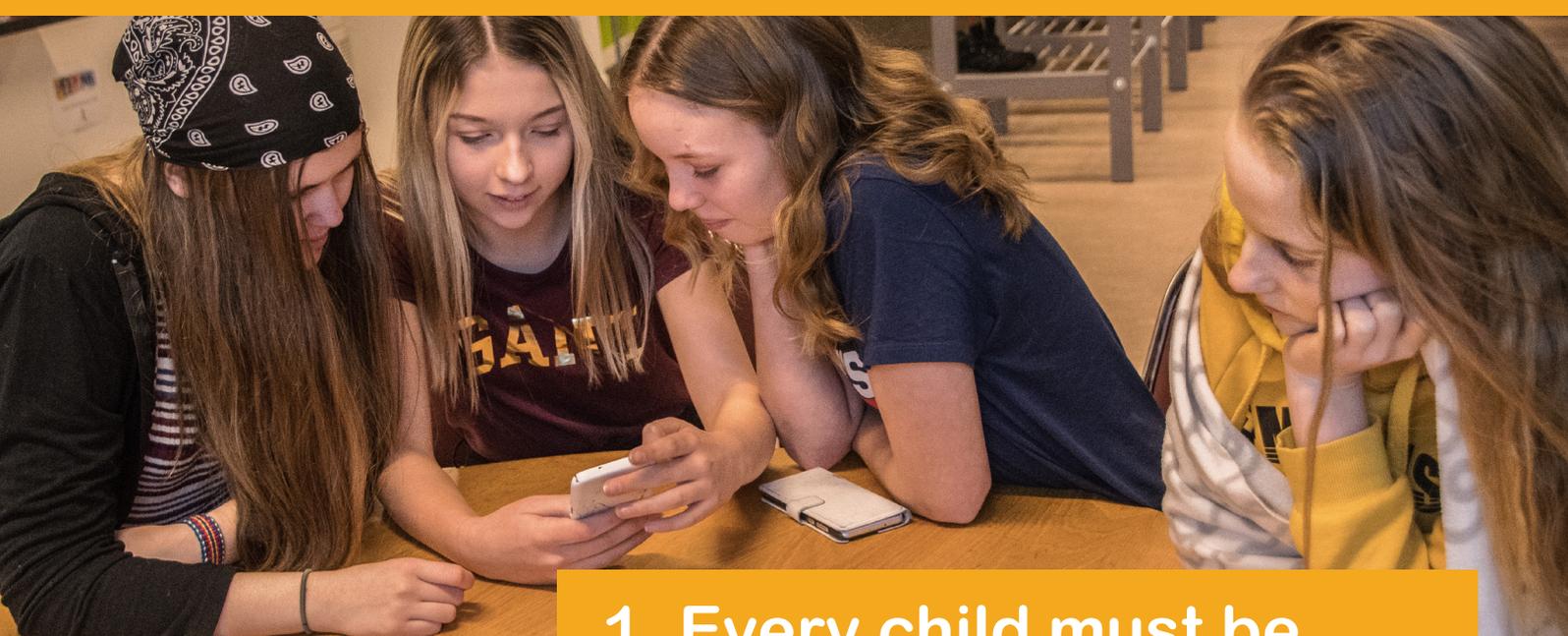
1. Every child must be protected from violence, exploitation and abuse on the Internet *(5,6)*

Children today have access to the Internet earlier in life and spend more time online than any generation before them. Around the world, two children go online for the first time every second. To ensure children's safety online, it is necessary to consider several aspects that might not immediately seem health-related. Many children receive violent or upsetting messages from peers or classmates, especially through social media or instant messaging platforms *(5)*. Furthermore, children experience violent content, misinformation and disturbing messages. The Internet can be a place of abuse, where children often feel alone *(5,10,11)*. Such content can harm children's mental and physical health. Other online risks include privacy breaches and data collection from children that is later used for targeted marketing *(12,13)*.

2. Children's rights must be respected by governments and commercial entities

Children have the right to health, healthy food, privacy and protection from exploitation. Governments must ensure that these rights are respected in both online and offline environments.

The United Nations Human Rights Council consensus resolution on the promotion, protection and enjoyment of human rights on the Internet asserts that "the same rights that people have offline must also be protected online" *(14)*. According to the United Nations Guiding Principles on Business and Human Rights, States and business enterprises have human rights responsibilities that they must fulfil *(8)*. These principles are grounded in existing obligations on States to respect, protect and fulfil human rights and fundamental freedoms, and the requirement on business enterprises to comply with all applicable laws and to respect human rights, as specialized organs of society performing specialized functions. Furthermore, it is necessary that there are appropriate and effective remedies when rights and obligations are breached.

Commercial actors must ensure that the principle enshrining the best interests of the child is prioritized over profit and financial benefits *(14,15)*.

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3. Any person under the age of 18 must be recognized as a child

The definition of who should be considered a child differs widely among different countries' legislations, platforms and online services. To ensure that all children enjoy the protection they need, the definition given in Article 1 of the UNCRC should always be used: "a child means every human being below the age of eighteen years" *(6)*.

Online and technology companies need to find ways to design their services in such a way that all children are protected from harm and exploitation.

3.1. Developing a consistent age assurance approach to accurately distinguish adult and child users

While age assurance mechanisms can protect children from certain content, the downside of such mechanisms is the risk of sharing sensitive data or the restriction on accessing information or participating online. Age assurance systems must be proportional, minimally invasive and robust against changing online environments, and they must follow principles of simplicity and standardization. Much work has been done in the field of age assurance. Examples of age assurance frameworks that already exist or are currently under development include the International Organization for Standardization's ISO/IEC JTC 1/SC 27, which covers information security, cybersecurity and privacy protection *(16)*; and the European Commission's eIDAS (electronic identification, authentication and trust services) 2.0 initiative, which built on the 2014 eIDAS regulation *(17)*.

An international standard that is adaptable to the changing online environment and ensures that age assurance measures remain effective and appropriate should ideally be implemented in all countries of the WHO European Region. Such a standard should serve to protect children from all online harms, including digital marketing.

4. Children must be protected from unhealthy marketing

The use of children's data to target them and manipulate their behaviour for commercial purposes undermines their right to privacy *(4,18,19)*. Various studies highlight the vulnerability of children and adolescents to marketing and the harmful impact it has on their health behaviours by normalizing unhealthy products, contributing to unhealthy body images, creating positive brand images, and encouraging (over)consumption *(19,20)*. Children's ability to recognize online advertisements is poor, particularly as food companies use marketing techniques that blur the lines between entertainment and advertising. The use of behavioural targeting – using an individual's online behaviour and sociodemographic profile to target advertisements – further exploits children's vulnerability and encourages them to consume products that contravene dietary advice. This is especially problematic as behaviours initiated during childhood are more likely to persist into adulthood *(20,21)*. Therefore, to ensure that children enjoy a healthy upbringing, efforts should be made to reduce as far as possible influences that promote unhealthy or harmful behaviours.

Clear mandatory marketing restrictions imposed by governments have been shown to be effective and can result in reduced overall exposure to food marketing and to marketing techniques that target children. Such restrictions can also lead to public health benefits by reducing purchases of unhealthy foods and avoiding other unintended consequences *(22)*.

4.1. Restricting all kinds of harmful marketing to children

It is essential to stop all harmful marketing to children, including exposure to HFSS foods, alcohol *(23)*, tobacco and nicotine products, cannabis, gambling, and other health-harming products and behaviours. These products and services should not be marketed to children in any way.

4.2. Using WHO tools to follow harmonized and uniform approaches

WHO has produced several tools, frameworks and guidelines for countries to implement in their national context. One example is the nutrient profile model (NPM), a tool that classifies and ranks foods according to their nutritional composition to prevent marketing of unhealthy foods and drinks to children *(24)*. Another example is the CLICK monitoring framework, which allows objective monitoring of children's exposure to harmful marketing *(25)*.

Such tools should be implemented in the WHO European Region to ensure coherent and objective protection of children against harmful marketing.

4.3. Including brand marketing in current regulations

Novel marketing strategies are having a growing impact on children. Brand marketing involves promoting a brand's products or services in a way that elevates the brand as a whole, thereby creating and upholding brand–consumer relationships and marketing brand attributes. The use of sophisticated integrated branding strategies in immersive online media creates the potential for marketers to build relationships between young consumers and brands in an interactive and direct way and at a social level not seen in traditional media.

As food products are not shown in brand marketing, it is not possible to apply either the WHO NPM or regulations that use the model to classify foods into those that can and cannot be advertised to children. New classification methods specifically for brands are therefore needed *(26)*. Continuous collaboration with experts is needed to develop tools that can be used both by governments and by online and technology companies to identify brands that should not be advertised to children.

4.4. Continuous monitoring of new trends and upcoming challenges

The Internet is constantly evolving, and children are particularly receptive to Internet innovations. Online games, virtual-reality technologies, and services based on AI and machine learning are, for the most part, not yet regulated because of their novelty, although there has been some progress in first regulation of AI in the European Union (EU) through the EUAI Act *(27)*.

Understanding the continuously evolving digital marketing ecosystem remains essential for public health policy-makers. For instance, gaming is a popular digital outlet for marketing to children, encompassing marketing via advergames, in-game advertising, social media influencers, and videogame livestreaming platforms. Branded virtual worlds are sometimes specifically designed to promote a brand (and can often be accessed via brand websites), but they also exist within wider games or gaming platforms whose primary goal is to entertain the player. Novel platforms require monitoring and specific research to inform the optimal design of policies to protect young people. It is recommended that mandatory, future-proofed legislation is designed to be flexible enough to encompass and effectively restrict these newly emerging platforms and advertising methods.

Interdisciplinary working groups to monitor such innovations should be established to constantly review the online space, to detect potential harms for children, and to work on adequate and future-proof legislation.

4.5. Need for mandatory marketing regulations in light of ineffective self-regulation

Evidence shows that co- and self-regulation of the industry does not effectively protect children from harmful marketing *(22)*. This clearly demonstrates that governments must prioritize mandatory approaches, aligned with WHO recommendations, to restrict harmful marketing to children.

# 5. Data collection from children should be reduced to a minimum and not used for commercial purposes.

UNCRC general comment No. 25 (2021) on children's rights in relation to the digital environment includes a section on their right to privacy, highlighting dangers that might arise as a result of collection and processing of children's data *(4)*.

Nevertheless, many websites, applications and online services collect thousands of data points, including the location of children (as well as other users). General comment No. 25 points out that "States parties should take legislative, administrative and other measures to ensure that children's privacy is respected and protected by all organizations and in all environments that process their data" *(4)*. Where data collection is strictly necessary for reasons of functionality, the purpose and procedure of data collection should be explained in clear and child-friendly language. Data should never be sold, shared with third parties, used for marketing purposes or commercialized in any way. When consent for data collection has been sought, children have the right to withdraw their consent. Furthermore, children should have the right to be forgotten, meaning they should be able to request their data be deleted from platforms and online environments.

A large part of data collection is done via free applications available in app stores. It should therefore be ensured that applications and software used by children do not collect and/or sell private data. Strict national standards can help to supplement regional data protection laws such as the Digital Services Act, the General Data Protection Regulation and the Audiovisual Media Services Directive, which only impose minimum requirements on countries.

One existing example is the United Kingdom Children's Code (or Age-appropriate Design Code), which includes 15 standards that online services need to follow. The aim of the code is to ensure that obligations under data protection law to protect children's data online are respected by online services *(28)*.
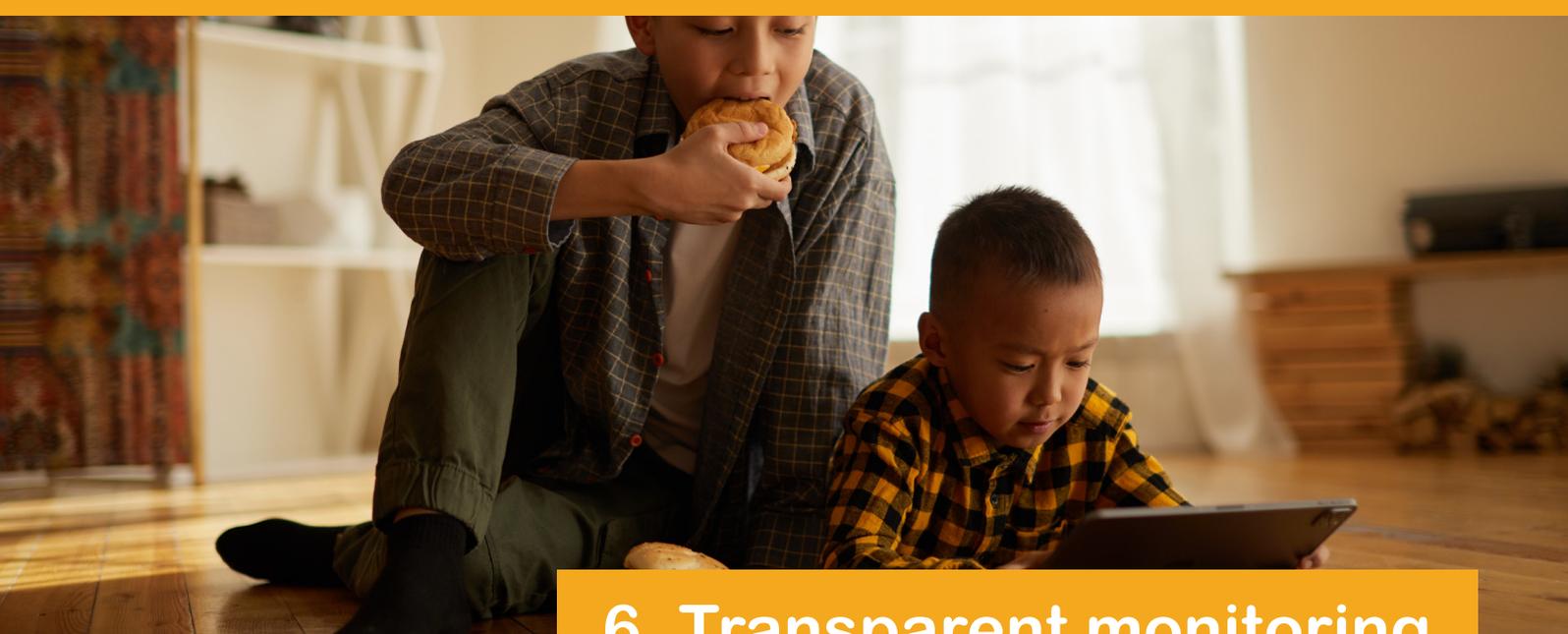
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6. Transparent monitoring and evaluation should be implemented

As highlighted in the WHO set of recommendations *(9)*, regular and transparent monitoring should be implemented using the same methodology in order to facilitate comparisons over time. Monitoring to evaluate effectiveness of marketing restrictions and their implementation is essential.

6.1. Requirement of consistent and transparent disclosure of technology, algorithms and processes that affect children's health

In the EU's Digital Services Act *(29)*, very large online platforms are legally required to identify, analyse and assess any systemic risks stemming from the design, functioning and use made of their services in relation to children, including negative consequences for users' physical and mental well-being. Children can be exposed through their services to content that may impair their health and their physical, mental and moral development. Following this risk assessment, platforms are obliged to take appropriate measures to mitigate the risks identified.

As part of the UNCRC's core principle enshrining the best interests of the child, regular impact and health risk assessments, as well as evaluation of mitigating measures, need to be conducted and made available to national governments, WHO and health experts.

There should be complete and consistent transparency on the part of platforms disclosing to governments how data are handled, how their internal technology, algorithms and processes work, and how they affect children's health and online safety. Data breaches must be publicly announced.

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7. Cross-border collaboration should be improved

To be as effective as possible, requests made to online and technology companies should be harmonized between Member States. This should include a range of issues, including the age definition of a child, privacy policies, and restrictions on harmful marketing exposure to children.

A consequence of globalization is that digital marketing and other online content are seen all over the world, not just in the country of origin. To ensure thorough implementation of marketing restrictions, regulations in all Member States must be harmonized.

Some economic unions may already have agreements in place that address the issue of minimum requirements. An example of such an agreement is the EU's Audiovisual Media Services Directive. Agreements of this kind should not, however, prevent national governments from implementing stricter regulations.

8. Children's health and well-being should always be prioritized

Mental health problems and physical consequences can result from spending significant time in a widely unregulated online space *(30,31)*. Following the precautionary principle, it is necessary to have consistent global regulations to safeguard children's health online.

The WHO's *World mental health report: transforming mental health for all* highlights the need to improve the quality of environments in communities and digital spaces as one of four key strategies for reducing risks and boosting protective factors; the importance of minimizing experiences that can harm children's mental health and of creating safe spaces for them online is underlined *(32)*. While many possible solutions on how to create healthier online environments for children have already been proposed, there is still a need to investigate further and develop innovative approaches *(1)*, thereby progressing the important goal of making the WHO European Region the healthiest online environment for children.

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