

Digital Marketing and Child Rights Protection

29 November 2018
EPHC, Ljubljana

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Comments

- We will only **seize opportunities** if we **address threats**
- The **European Union** has a major responsibility to address digital marketing
- It has **extensive powers** to do so but has **failed to use them effectively**
- It has both a moral and a **legal obligation** to act under international and EU human rights law
- The **European public health community** has an important role to play

The GDPR as a tool of child protection?

Article 6(1) GDPR:

“**Processing shall be lawful only if** and to the extent that at least one of the following applies:

(a) the data subject has given **consent**...

(e) processing is **necessary** for the purposes of the **legitimate interests** pursued by the controller or by a third party, **except** where such interests are **overridden** by the **interests or fundamental rights and freedoms of the data subject** which require protection of personal data, **in particular** where the data subject is **a child**.”

Acting in the best interests of the child

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”

- Article 3(1) CRC / Article 24 EU Charter should be interpreted **broadly** with a **child-focus** at all stages of the policy process
- **Three-fold conceptual framework:**
 - a substantive right, a rule of interpretation and a procedural principle
- **“A primary consideration”**
 - Recognition that there may be other considerations
 - CRC Committee: “the child’s best interests may not be considered on the same level as all other considerations”

Food marketing as a children's rights issue

- **UNICEF REPORT**



- **WHO EURO REPORT**

