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Bei Antwortschreiben bitte

Geschäftszeichen (GZ) anführen

An die
Verbindungsstelle der Bundesländer
z.H. Mag. Dr. Thomas Haderlapp

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Graz, 24.6.2021

Ggst.: Comment Kinder- und Jugendanwaltschaft Steiermark
"Guidance for advertising and marketing affecting children"

The Kinder- und Jugendanwaltschaft Steiermark (*kija*) is committed to the protection and realization of children's rights within the meaning of the UN CRC.

One of the guiding principles of the convention is to protect the child's best interests. In addition, the children's rights convention regulates a large number of other children's rights, which can be violated by advertising that is not age-appropriate as well (right to life, survival and development, respect for the views of the child, access to media, the right to benefit from social security, the right to the enjoyment of the highest attainable standard of health,...).

Art 17 UNCRC provides a framework for children's access to the media, which must subsequently also apply to advertising:

Article 17 UN CRC

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Art 17 UN CRC thus states that States Parties shall encourage the mass media to provide age-appropriate content, using appropriate language. At the same time, the content must not be detrimental to the well-being of children.

IS THERE A VERIFIED MARKET NEED FOR THE PROPOSAL?

The *kija* agrees to the fact, that advertising should not contain anything that could cause mental, moral or physical risks. It is necessary, that all children under 18 years of age, as defined in Article 1 of the UN Convention on the Rights of the Child, need to be considered in developing the standard, according to their stages of development and ability to understand the nature of marketing and advertising activities.

As a particularly vulnerable group of consumers, children need special protection from the negative influences of advertising. The ability of children to correctly interpret misleading advertising is not fully developed compared to adults. Children up to a certain age believe unfiltered what the advertisements claims.

Influencers, in particular, who fool children into a non-existent illusory world, are becoming more and more important for the young people. Children identify with their idols and try to imitate the lifestyle which is portrayed. Little by little (insatiable) needs are awakened. Frustration is the result. In addition, children are not yet able to recognise the motivation of advertising and select the content accordingly. The world of new media in particular presents us with major challenges in this regard.

Another problem in the online world are in-app purchases, which often lead to high costs or subscriptions. Here, too, there is an urgent need for regulatory intervention.

While using the internet needs are read out of the children's internet surfing behaviour and the children are confronted with needs-oriented advertising. Here in particular, it is even more difficult for children, whose needs are directly addressed and reinforced, to distinguish themselves.

It is also pointed out that children are repeatedly confronted with advertising content that they are not able to classify at this age and even find disturbing. This could be sexual content, for example.

Contrary to the right to health guaranteed by the UN CRC, the food industry appeals to children and emphasises the positive nutritional properties of inherently unhealthy foods. Children are thus led to believe that their diet is harmful. Physical illnesses may be the result. Children must not be tempted to eat unhealthy food!

In addition to the communication channels already mentioned in A. 1, children's magazines should not be forgotten. These contain a large number of advertisements in the form of text, sometimes supplemented by colourful pictures, sometimes disguised as competitions. This type of advertising, aimed at children, also involves the danger of manipulation.

WHAT PROBLEM DOES THIS DOCUMENT SOLVE?

The aim of the document is to protect children from the influence of misleading advertising. The globalised world poses unprecedented challenges for children in this aspect. Therefore an international coordination of advertising issues is essential.

To leave children unprotected to the manipulation of the advertising industry is not in line with the UN CRC and therefore there is an urgent need for action on this issue.

WHAT VALUE WILL THE DOCUMENT BRING TO END-USERS?

Ideally, children will no longer be exposed to age-inappropriate manipulation. A further result could be that age-appropriate language is used in advertising directed at children and that direct requests to purchase are avoided. Furthermore, misleading or even camouflaged advertisements directed at children should be avoided.

Finally, it would also be important to educate and help children to recognise advertising as such and to explain the used mechanisms.

Overall, the *kija* recognizes a great need for cross-national action in the area of advertising addressed to children and therefore the *kija* welcomes this document.

Kind regards

A handwritten signature in black ink, appearing to read 'Denise Schiffrer-Barac', written in a cursive style.

Mag.^a Denise Schiffrer-Barac
(Kinder- und Jugendanwältin)
