

**CHILDREN'S RIGHTS AND DIGITAL MARKETING:
SUMMARY OF IMPACTS AND EMERGING
TRENDS IN REGULATION AND
INDUSTRY PRACTICE**



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1

Context and purpose

Children across all regions of the world are increasingly engaging in play, learning, leisure, and cultural and artistic activities through digital platforms and media. This includes consuming and creating content, messaging, playing games, listening to and producing music, making and viewing videos, developing new art forms, and more.

While children can enjoy many benefits and opportunities in the digital environment, they may also be exposed to numerous risks. These include risks related to commercialization and extensive data processing.¹ The digital ecosystem can also expose children to risks such as fraud, identity theft and sexual exploitation,² as well as marketing practices that target or aim to influence them.³

Children may be consumers, users and active participants in the digital ecosystem, and companies have a responsibility to respect their rights. A digital environment that works for children means protecting them from risks while ensuring they can benefit from advancements in digital technology.

The purpose of this report is to share a summary of findings from UNICEF's research on digital marketing and related practices and their impacts on children's rights. The challenges are pressing and diverse, ranging from manipulative design tactics to data exploitation, the lack of sufficient focus on addressing digital child labour, and uneven global protections. Addressing these issues requires collective action by policymakers, businesses and civil society to align digital marketing practices with children's rights.

For these reasons, UNICEF conducted research from **May to December 2024** to inform the development of a [toolkit for industry](#) on children's rights and digital marketing. This toolkit serves as an update to UNICEF's original [discussion paper](#) and [industry toolkit](#) on children's rights and digital marketing, developed in 2018.

The research included:

- ▶ A desk-based review of **48 regulations** from around the world relevant to digital marketing and child rights, and 186 recommendations from existing guidance on responsible business practices by academia, civil society, industry associations and intergovernmental organizations;⁴
- ▶ Stakeholder interviews with **22 participants** from academia, civil society and business, plus one expert round table (December 2024); and
- ▶ Two industry surveys with **46 responses** from diverse functions (September 2024), including brand and marketing, data protection, human rights, PR and communications, and risk and compliance.



Advertising and marketing

Recognizing that advertising is in fact a component of marketing, for the purpose of this report the two terms are used interchangeably to refer to the activity of promoting, communicating or praising a commercial product, brand or service in order to induce people to buy or use it.

The terms 'digital advertising' or 'digital marketing' refer to the use of digital media to promote, communicate or praise commercial products, brands or services.

For more definitions,  see the [Annex](#).

2

The digital marketing ecosystem

The digital environment is shaped by businesses that profit from, and often depend on, targeting practices through contextual advertising or using personal data to target revenue-generating content to consumers.

This impacts children's online experiences both intentionally and unintentionally.⁵ The business of digital marketing to children generates billions of dollars and involves a dynamic network of interconnected actors.⁶

For example:



Advertisers, or **brands**, form the core of the digital marketing ecosystem as they initiate campaigns to promote products or services. These advertisers rely on several other key players, including **advertising agencies** and **technology providers**, to conceptualize, execute and optimize their marketing strategies.



Marketing agencies handle creative production, strategic planning and media buying from publishers, while technology providers such as **advertising technology (ad tech)** companies offer tools to enhance precision, track performance and manage complex multichannel campaigns.



Data brokers also play a significant role by collecting, aggregating and selling personal information to help advertisers target specific audiences with greater accuracy.



Publishers, which include **platforms** as well as websites and apps where ads are displayed, are the main gateway for rights-holders to engage with digital marketing content.⁷ These platforms provide the infrastructure for distributing content and ensuring engagement by various audiences.



Influencers and content creators, including children, have become powerful intermediaries between brands and consumers. With established trust and a large following, influencers promote brands through social media posts, blog content and videos, often presenting as more authentic and personal engagement than traditional advertising.⁸

Actors within this ecosystem are highly reliant on each other and bear leverage at different points when it comes to content and design of marketing communications, as illustrated in the figure below.

Figure 1
Key industry actors in the digital marketing ecosystem

Media buyers				Sellers	
Brands	Agencies	Data brokers	Ad tech	Content creators	Publishers
Sell the product, brand or service; commission and pay for advertising	Develop advertising and facilitate purchases of ad space, in accordance with a client's brief	Acquire, package and sell data to buy-and sell-side actors	Facilitate automated sales and purchases of ad inventory; enable segmentation and targeting	Produce and share digital content, as individuals or corporate entities	Decide on format / location and design of ad inventory and sell ad space (e.g. platforms)

Categories of actors are not mutually exclusive. A business may through its business practices fall within one or more categories.



Each of these actors plays a unique role:

Some have more control over the type of content within a marketing communication, others have more control over the context of ad placement and target audience, or over the interface design elements that determine how marketing communications are displayed and how rights-holders can interact with them.

While States are the primary duty bearers to protect human rights under international law, all of the actors above bear a responsibility under the United Nations Guiding Principles on Business and Human Rights (UNGPs) to respect human rights, including child rights, within their business activities and relationships.⁹

The UNGPs were built on existing international law and continue to represent a key international standard of responsible business conduct.

According to these principles, States have a duty to regulate businesses to protect rights-holders, and companies have a responsibility to avoid infringing human rights and address any adverse human rights impacts they are involved in – whether through their own (online or offline) activities or through their business relationships. In other words, all businesses (regardless of size or target market) have a responsibility to ensure their digital business activities, including marketing, respect children's rights.



3

How digital marketing impacts children's rights

Digital marketing poses significant risks to children, and these risks evolve rapidly along with technological advancements. Common formats such as AI-driven programmatic advertising, advergames, personalized ads and native advertising are all associated with child rights impacts. For example, they can obscure commercial intent, making it difficult for children to make informed decisions.¹⁰

Risks stem from specific content and design choices that exploit children's developmental vulnerabilities. Such practices raise serious concerns regarding children's rights, including their right to development, privacy, protection from economic exploitation, freedom of thought, and beyond (👁️ see Figure 2, below).¹¹

Children's rights in the digital environment

- ▶ The Convention on the Rights of the Child (CRC), adopted in 1989, defines children as **everyone under the age of 18**, unless national laws state otherwise.
- ▶ For the first time in international law, the CRC recognizes children as subjects of the **full scope of civil, political, economic, social and cultural rights**.
- ▶ The rights of every child must also be respected, protected and fulfilled **in the digital environment**, as affirmed by the Committee on the Rights of the Child in General comment No. 25 (2021).

Selection of practices associated with harmful impacts on children



Marketing of harmful products and services or featuring harmful content: Children can experience harm through marketing that promotes harmful products and services (e.g., unhealthy foods and beverages,¹² breastmilk substitutes,¹³ gambling and alcohol) or that features harmful content (e.g., violence, sexualized representations of children, and gender stereotypes). Children may be directly exposed to such content, or this content can influence decisions made by parents or guardians, leading to potential negative impacts.



Profiling and automated decision-making: Children's online activities can be tracked with AI tools to create profiles that inform automated decisions. This practice can infringe on children's right to privacy and non-discrimination, and provide stimulus to business models centred on large-scale data collection. For instance, advergaming collect children's data to personalize gameplay and influence their purchasing decisions.¹⁴



Monetization strategies: Profit-driven practices are seamlessly embedded into children's online experiences, including play, education and communication. Examples include design features that encourage in-app purchases, loot boxes¹⁵ and personalized ads, all of which can promote consumerism and exploit children.¹⁶



Engagement-driven business models: Social media platforms are highly incentivised to keep users including children online, as their online activities are highly monetized through advertising revenue.¹⁷ This allows companies to collect data, monetize behavioural insights, and influence user behaviour, often at the expense of children's well-being.¹⁸



Digital child labour: Children increasingly engage in revenue-generating activities online, blurring the lines between play and work.¹⁹ The rise of child influencers and content creators has created new forms of labour that often fall outside existing legal protections. This includes content creation and influencer marketing or being active in game development or eSports, which can expose children to exploitation.²⁰



by AI and emerging technologies, can take advantage of children's inexperience and can lead to issues such as overspending, invasion of privacy and behavioural manipulation.²¹ Interviewees for this research highlighted concerns around the prioritization of profit over children's well-being, with persuasive design techniques and data exploitation used to influence children's preferences and actions, and potentially change their behaviours.

These digital marketing practices have the potential to impact children's rights outlined in the CRC. **Figure 2** offers selected examples of child rights impacts associated with digital marketing.

Figure 2

Selected impacts of digital marketing practices on children's rights



Equality and non-discrimination | 2

Digital marketing can exacerbate discrimination if it features content that reinforces stereotypes or is targeted in ways that exploit vulnerabilities based on race, gender, socio-economic status, or other variables. Algorithms may create unequal access to products, services or opportunities, promoting stereotypes that further disadvantage children in vulnerable situations.^{22, 23}



Best interests of the child²³ | 3

Marketing strategies often prioritize corporate profit over the child's well-being. Programmatic advertising and gamified experiences can manipulate children's behaviour, especially in moments of vulnerability, impact their mental and physical health, and can encourage materialism.²⁴



Freedom of expression | 13

Children's online interactions are frequently commodified by marketing tactics. Sponsored content, influencers, or ad-heavy environments can distort their freedom to express themselves authentically by subtly promoting commercially driven content (e.g. in the guise of a social media challenge).²⁵



Freedom of thought, conscience and religion | 14

Children may face the risk of being manipulated if it is unclear to them that certain information, content or entertainment is a persuasive commercial message. Even in cases where children do recognize ads, this does not mean they are immune to the persuasive techniques deployed within them.²⁶ Freedom of thought can also be affected by the algorithms used to recommend content, which may nudge children towards certain preferences or actions.



Privacy | 16

Digital marketing can involve the collection and exploitation of children's personal data. Commercial entities profile children's online behaviour and preferences and use this information to reach children with targeted advertisements.²⁷



Access to information | 17

While children have the right to access diverse sources of information, digital marketing may distort this access by promoting biased or commercialized content over educational or neutral information. Algorithms may filter information to align with commercial interests rather than a child's developmental needs and can steer children towards harmful content to increase engagement.²⁸



Highest attainable standard of health | 24

In terms of content, persuasive tactics can be used to promote unhealthy food and beverages, sedentary activities or harmful body images, affecting children's mental and physical health.²⁹



Access to education | 28

Digital marketing can undermine children's right to education by diverting attention from meaningful learning and exposing them to commercial pressures that may hinder the development of critical thinking and life skills.³⁰



Right to leisure and to participate in cultural life | 31

Digital marketing in games or on social media platforms often commercializes play. This commercialization and attention-based business models can detract from the joy and creativity of play, limiting children's freedom to explore and express themselves and contribute to excessive use of digital technologies.³¹



Protection from economic exploitation | 32

Influencer culture and monetized online activities expose children to forms of economic exploitation that encourage them to serve as marketers of products, often without understanding the financial implications or legal protections needed for their involvement in such commercial activities.³²



Protection from sexual exploitation and abuse | 34

Algorithmic targeting and influencer culture can expose children to predatory actors.³³ Furthermore, ad tech providers can inadvertently enable the funding of websites hosting child sexual abuse materials (CSAM) by serving ads (including from reputable brands) on platforms.³⁴

It is important to recognize that, if robust safeguards are in place and marketing communications are designed responsibly through a child rights-based approach, digital marketing practices can deliver opportunities for children, **including:**

- ▶ The development of digital literacy skills as children learn to evaluate and interpret commercial messages critically;
- ▶ Enhanced creativity and self-expression through opportunities for content creation and connection with others; and
- ▶ Increased access to educational resources through age-appropriate platforms, which offer free access to valuable information.

The Children's Rights and Business Principles also recognize the positive role of using marketing that raises awareness of and promotes children's rights, positive self-esteem, healthy lifestyles and non-violent values.³⁵ But the potential benefits of such marketing practices can only be fully realized when businesses apply a comprehensive rights-based approach.

While companies are starting to put policies in place to tackle emerging issues, implementation remains a challenge. Achieving a digital environment that respects and supports the full range of children's rights requires a collective effort from policymakers, industry leaders, parents, caregivers and educators.

4

Trends in the regulatory landscape

States have the obligation to ensure child rights are protected and that businesses do not abuse children's rights.³⁶

In response to the expanding evidence on child rights harms associated with digital marketing, regulation in this space has been developing rapidly. Across continents, countries are working to balance the risks and potential benefits of digital marketing by fostering a digital environment that prioritizes children's well-being, promotes their creativity and education, and shields them from exploitation.

Significant legal and regulatory advancements have emerged to protect children's rights in the context of digital marketing over recent years

for example:

- ▶ *Strict standards for safeguarding children's privacy, preventing exposure to harmful content, and banning targeted advertising to minors* are delineated in such frameworks as the European Union's [General Data Protection Regulation](#) (GDPR, 2016) and [Digital Services Act](#).
- ▶ *Restrictions on marketing unhealthy foods and other harmful products to children* are part of the EU [Audiovisual Media Services Directive](#) (2018).
- ▶ In the United Kingdom, the [Age Appropriate Design Code](#) restricts how digital marketing can target children by requiring high privacy settings by default, limiting data collection, and banning manipulative design features such as nudges and personalized ads based on profiling.
- ▶ In the United States, key legislative frameworks include the [Children's Online Privacy Protection Act](#) and the proposed [Kids Online Safety Act](#), which reflects emerging trends toward stronger online safety and privacy standards for children.
- ▶ In South America, countries are enforcing strict consumer protection laws and aim to prevent exploitative data processing practices for children under 12, for example, Brazil through its [Consumer Protection Code](#) (1990) and [General Data Protection Law](#) (2020).

Many other national laws and regional policies are emerging with an emphasis on protecting children from data exploitation, harmful content, and manipulative advertising and monetization practices.

Based on the assessment of 48 relevant regulations, including those mentioned above, this research found that despite increasing awareness of potential harms there are still significant gaps in protections for children in relation to the negative impacts of digital marketing practices.

This underscores the need for stronger regulation and enforcement and for States to consider the wide set of stakeholders involved in the digital marketing value chain. This includes a need to ensure effective regulation of specific products and services (e.g., unhealthy foods and beverages) in addition to marketing tactics. Importantly, the process of formulating regulation must be free from industry interference, for example, lobbying by food and beverage industry players.³⁷

Increased corporate accountability and a greater emphasis on prioritizing children's rights in the design and implementation of digital platforms and marketing strategies are crucial to assuring a safer online environment for children. Figure 3 outlines the trends that are shaping regulation of responsible digital marketing practices in relation to children.

Figure 3

Key trends in regulation regarding digital marketing practices and children



Lack of comprehensive coverage for digital marketing and AI: While data protection for children is strengthening globally, mirroring Europe's GDPR, existing laws often lack comprehensiveness in addressing the nuances of digital marketing, such as manipulative or persuasive design and behavioural advertising.



Great variance in implementation of regulations among countries: Inconsistent implementation across jurisdictions creates fragmented protection for children and increases complexity for rights-holders in holding corporations accountable and seeking effective remedies, especially in cases of cross-border harms.



Overreliance on parental consent: Many regulations rely on parental consent as a primary protection mechanism for children's data. This risks overlooking children's evolving autonomy and decision-making abilities. Beyond the problematic nature of shifting responsibility away from companies, this approach is further weakened by the challenges of obtaining meaningful and informed consent.



Lack of focus on manipulative design tactics: Few regulations explicitly target manipulative or persuasive design tactics, such as infinite scrolling or gamified ads, which can exploit children. This regulatory gap allows companies to continue employing these tactics with minimal accountability.



Lack of digital labour protections: Many regulations overlook digital labour issues, such as children engaged in content creation, influencer marketing, or forms of unpaid labour in the digital economy. This lack of recognition leaves many children unprotected from exploitation by actors in the digital marketing ecosystem or their parents and caregivers.



Limited extraterritorial application of regulations: Many digital regulations are bound by territorial limitations, failing to account for the global nature of digital platforms and marketing practices. This restricts the ability to hold companies accountable for harmful practices that affect children across borders, creating significant gaps in rights-holder protections, particularly in the Global South.



Lack of disclosure requirements: Lack of disclosure requirements among intermediaries creates low transparency in digital value chains that makes understanding impact for diverse actors more complex. This can mean that advertisers are unaware of harms to children that they may be facilitating through their digital marketing.

These trends outline the need for a more cohesive, proactive and child-centred approach to regulating digital marketing practices that prioritize children's rights and well-being in the digital environment.

In addition to existing regulation, guidance and recommendations have been developed by civil society, academia and industry associations to help businesses engage responsibly with children online. For this review, **186 recommendations** from a range of existing guidance documents were analysed to draw out trends and gaps.

The analysis showed that while progress has been made in addressing such issues as persuasive design and data protection, more attention is needed to safeguard children from emerging risks associated with child influencers and ad tech as well as address underlying power dynamics between actors in the digital marketing ecosystem and cross-border impacts.

A key challenge lies in translating high-level principles into concrete actions for businesses operating within a complex, global digital ecosystem. This endeavour requires not only clear and specific guidance but also robust enforcement mechanisms, meaningful collaboration among stakeholders, and ongoing research to adapt to the rapid evolution of the digital environment. By prioritizing these efforts, and strengthening regulatory frameworks, it is possible to build a digital world where marketing practices respect and support the rights and well-being of all children.



5

Trends in industry practice

Despite increasing regulation globally on child rights and digital marketing, interviews revealed that responsible digital marketing practices are not systematic or widespread, particularly when considering impacts on children. These inconsistencies continue to present risks to children's rights and well-being. Even among brands considered popular by children, inconsistencies in child-related policies and practices are evident, indicating a lack of clear standards.

Some companies are implementing positive practices, for example, offering child-friendly terms and conditions, conducting human rights due diligence, performing child rights impact assessments, and limiting data collection from young users. But many companies still face significant knowledge gaps and other barriers. Figure 4 outlines industry challenges, as identified in the research and interviews.

Figure 4 Key challenges for industry – insights from interviews and desk-based research



Knowledge gaps in understanding harm, responsibility and leverage: Many companies struggle with a fundamental lack of understanding about the specific harms their digital marketing practices may pose to children, as well as their own responsibilities to mitigate these harms. This gap extends to recognizing leverage in their business relationships and influencing safer industry standards, resulting in inconsistent approaches to respecting children's rights.



Navigating the complex regulatory ecosystem: The fragmented nature of global regulations surrounding digital marketing and children's rights presents significant challenges. A combination of laws (e.g., data protection, platform, and consumer protection) is needed to create responsible practices at scale. Companies operating across jurisdictions must navigate a patchwork of laws and guidelines, from varying age thresholds to rules around data processing, and digital marketing design. This complexity often leads to uncertainty and inconsistent compliance, leaving children vulnerable in countries with weaker enforcement.



Incohesive internal governance structures and siloing of functions: Within many businesses, diverse departments – for example, marketing, legal, compliance and corporate social responsibility – operate in silos, making it difficult to implement a unified approach to child rights. This lack of cohesion can result in misaligned priorities and inconsistent policies, undermining efforts to embed children's rights into corporate strategies.



Perceived competing interests: Companies reportedly perceive a conflict between business interests and respecting children's rights. Business models that rely on targeted advertising and data monetization frequently prioritize profit over child rights and human rights considerations, even when these practices risk exploiting young audiences. Interviewees called for clarity on business cases for responsible digital marketing to aid in their internal efforts.



Perceived lack of choice and opacity of platforms and intermediaries: Brands and advertising agencies frequently find themselves constrained by a limited selection of platforms that comply with responsible marketing standards. Major platforms dominate the digital marketing landscape, and many lack robust child rights mechanisms, forcing brands to either compromise on their responsibility or forgo access to large audiences.

6

Next steps

Industry stakeholders who seek to enhance their responsible business practices in regard to children's rights and digital marketing have expressed a need to:

- ▶ Increase industry capacity on understanding child rights in the context of digital marketing;
- ▶ Make the business case for child rights considerations within digital marketing practices;
- ▶ Clarify who is responsible for considering child rights impacts within digital marketing practices; and
- ▶ Provide examples of best practice.

The findings presented in this summary emphasize the urgent need for a child rights-based approach to digital marketing regulation and industry practices. While digital environments offer immense opportunities for creativity, education and social interaction, they also expose children to significant risks that can undermine their rights enshrined in the Convention on the Rights of the Child.

UNICEF's [second edition industry toolkit](#) on children's rights and digital marketing translates existing recommendations, best practices and child rights expertise into an accessible and actionable guide for companies operating in the digital marketing ecosystem. By providing clear, practical guidance, the toolkit is designed to support businesses in fulfilling their responsibility to respect child rights in their practices, activities and relationships.

Annex: Key definitions

Advertising and marketing

While recognizing that ‘advertising’ is in fact a component of ‘marketing’, for the purpose of this report the two terms are used interchangeably to refer to the activity of promoting, communicating or praising a commercial product, brand or service in order to induce people to buy or use it. The terms ‘digital advertising’ or ‘digital marketing’ refer to the use of digital media to promote, communicate or praise commercial products, brands or services.

Advergames

Digital games that are designed primarily to promote a product, brand, or service.³⁸

Automated decision-making

Processes where decisions are made without human involvement, based solely on algorithmic systems (e.g., deciding what content or ads a person sees based on factual data or inferred data).³⁹

Child

Every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.⁴⁰

Child rights

The fundamental rights that every child is entitled to, as outlined in the Convention on the Rights of the Child and other human rights treaties.⁴¹

Contextual advertising

A form of advertising that targets audiences based on the content of the web page or app rather than personal data about the user. It does not involve tracking or profiling based on personal data.⁴²

Human rights due diligence

A business’s ongoing processes for identifying and assessing its actual and potential human rights impacts, including on children’s rights, integrating and acting upon its findings, tracking its responses and communicating how its impacts are addressed, as set out in the United Nations Guiding Principles on Business and Human Rights.⁴³

Influencer marketing

Individuals with a considerable online presence, such as those who create video channels that have millions of subscribers, to promote a product, brand or service in exchange for financial or in-kind compensation.⁴⁴

Native advertising

Advertising that mimics the look or feel of content it appears within, making it appear ‘native’ to the platform and reducing the perception of advertising.⁴⁵

Personalized or behavioural ads

Advertising delivered based on personal data, including behaviour, preferences, demographics, and online activity.⁴⁶

Profiling

Any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person in particular to analyse or predict aspects concerning that natural person’s performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements (GDPR, article 4).⁴⁷

Segmentation

The practice of grouping users into categories based on shared traits or behaviours, often to guide marketing or content strategies.⁴⁸

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