ONLINE GAMING AND CHILDREN'S RIGHTS:

Recommendations for
The Online Gaming Industry
on Assessing Impact on Children

Acknowledgments

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Foreword

Online gaming is a growing business sector, which means those involved in the gaming business are creating digital environments that draw the attention of children around the world, in a way few others can.

Online games give children the chance to learn to; collaborate with others, connect with friends around the world, learn new things, and simply have fun. However, as is the case with many activities that children engage in online, children can also experience harm while playing games. As such, online gaming companies have the responsibility to shape their platforms in ways that both maximize the positive and minimize the negative impacts on children.

This report has been finalized during the initial phases of the COVID 19 pandemic and the implementation around the world of physical distancing measures. These measures have contributed to an explosion in online gaming (among all age groups), demonstrating that gaming is a central element in 21st century leisure and entertainment.

UNICEF engages with the world of business across multiple sectors to address awareness and action on impact on children. Many industrial sectors (and regulators) are recognizing the responsibilities that are inherent in the social power and reach of business, which the pandemic has thrown into sharp relief.

The children's rights considerations that online gaming companies should examine are found in issues such as establishing healthy game time, ensuring inclusion and representation, avoiding toxic environments, considerations around age-limits and verification, combatting grooming and sexual abuse, and managing commercial influence.

The recommendations made in this document are designed to guide and support gaming companies through a process of incorporating child rights considerations throughout their business activities. The recommendations are based on an exploration of existing promising practices within the industry, and have been developed in consultation and dialogue with many industry stakeholders.

Both the value of online gaming and the potential risks and hazards associated with it are under the spotlight. These recommendations are intended to guide the online gaming industry to assess and understand its impact on children's rights with the goal of providing the best possible experience for all children looking to enjoy gaming online.

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Preface

To explore both positive and potentially negative aspects of children's online gaming, in August 2019 UNICEF Innocenti and UNICEF Child Rights and Business unit published a Discussion Paper on Child Rights and Online Gaming, as part of a series of similar papers tackling child rights issues within the digital sector. While preparing this paper and after its publication, UNICEF engaged extensively with the online gaming industry in order to better understand and confirm the risks and opportunities for child rights; to identify best practices and leaders; and ultimately to be able to offer the online gaming sector a rights-based framework to understand and manage its impacts on children.

Many companies expressed their wish to receive more practical level recommendations for further improving their approach to child rights that they could consider in their everyday business practices. The authors came across promising practices by several companies, ranging from parental controls to age ratings, and community moderation and reporting tools. Many of these examples have inspired the recommendations here, which have the aim of promoting the more widespread and consistent adoption of promising practice.

The UNICEF Discussion Paper on Child Rights and Online Gaming applies a child rights framework to online gaming, introducing topics of discussion to encourage debate and joint work among different stakeholders. It is aimed specifically at online gaming companies and covers the same wide set of issues included in this recommendations document, as well as presenting an overview of emerging best practices in the sector and an introduction to the online gaming ecosystem.

Introduction

As a digital industry creating interactive experiences, the online gaming sector[1] shares many of the challenges and opportunities of other internet services, but it also has specificities, particularly relating to some revenue models. This document makes reference to existing, more detailed guidance on child rights issues relevant for the digital sector where it is both available and also applicable to online gaming companies. The recommendations here intend to focus on issues of either unique concern for online gaming companies or to those shared issues of highest relevance for the sector.

The online gaming industry consists of companies of all sizes, from large established multinationals to very small start-ups. Its ecosystem spans developers, publishers, distributors, streaming services, esports organizers and teams, and others. It is also influenced heavily by developers of operating systems for gaming devices.

In order that the recommendations in this document are practical and accessible to companies of different sizes with different levels of resources, and are also adaptable to whatever the role of the company is in the wider gaming ecosystem, they are presented in the format of questions. The intent is that all gaming companies can consider these questions in their specific context and role. As contexts vary, not every question will be applicable to all companies.

Each section starts with an overview of the issue, also making reference to relevant articles of the Convention on the Rights of the Child ('the Convention'). Recommendations first introduce general recommendations, followed by further considerations grouped by topic. Each sub-section offers an introduction on the context on why a particular topic merits special consideration from the point of view of child rights.

The recommendations are organized according to the main sections of the UNICEF Discussion Paper on Child Rights and Gaming, reflecting the most relevant child rights issues for the sector it identified. Sections 2 and 3 provides overarching guidance on how companies may implement a more formal and consistent approach to consider child rights related risks and opportunities in their business activities. All of these recommendations are underpinned by international human rights frameworks and other instruments that call for businesses to consider their role in respecting child rights. These are outlined in Annex A. Annex B contains additional references and sources.

This document purposefully does not highlight specific best practices from individual companies as to do so would have required more detailed assessment of such initiatives.

> These recommendations are designed to help online gaming companies of all kinds – game developers, publishers, distributors, platforms, esports companies and streaming services

HOW TO USE THESE RECOMMENDATIONS

These recommendations are designed to help online gaming companies of all kinds – game developers, publishers, distributors, platforms, esports companies and streaming services – to assess their current practices and identify areas where they can improve or make a difference in relation to the rights of children.

Companies may choose to work through the full list of questions to test their overall approach and set priorities based on where the biggest gaps or opportunities can be found. Companies can also start by focusing on a specific section or topic that they deem most urgent, relevant or of most concern for their business.

Bigger companies may choose to assign specific functions/teams to consider questions that are most relevant to them – designers, community managers, safety managers, public policy, etc. Those functions/teams can consider how the recommendations could be implemented in practice, what processes would be impacted and what resources would be needed to carry them out.

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1   Throughout this paper, we refer to 'online gaming industry' to describe the industry that creates and delivers video games through digital means. "Gaming" refers to playing of video games. As such how of the term 'gaming' is used in this document is distinct from its application with regards to gambling.

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For all companies, but perhaps especially smaller and younger companies, as well as educational institutions that teach game development, these recommendations outline issues to consider building into their practices and design processes from the start – to be included in 'safety/privacy by design' approaches.

It is important to note that the areas covered do not represent an exhaustive list of all issues and as such the recommendations should not be considered as a pass or fail 'compliance check-list'.

There may also be areas where local laws go beyond what the recommendations presented here suggest. Similarly, companies may judge that some existing laws actually restrict them from being able to take action in other areas. Guidance for these types of situations is provided in the UN Guiding Principles on Business and Human Rights.[2]

There is a great opportunity for the industry to proactively seek to understand how it impacts children and find solutions that not only protect them from harm but also increase the positive outcomes for children engaging with online games. When considering these recommendations, companies should consider their ability to control and change their own practices, but also their leverage to influence the issues more widely or to encourage other actors in the industry to do so. For example, there is considerable leverage

with licensees (intellectual property holders) and with distribution, gaming device, and developer platforms to demand rights-respecting approaches from those they collaborate with or accept on their platforms.

UNICEF and the International Telecommunications Union (ITU) have jointly created guidance and tools and learning materials for the broader ICT sector. These Child Online Protection guidelines include check-lists for different parts of the sector, including content providers and developers, on what policies to have in place; how to develop processes to handle child sexual abuse materials; how to create safer digital environments; how to educate children, parents and teachers; and how to promote children's civic engagement through digital tools.

2   https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf

1. Fundamental principles

There are some fundamental principles that underpin all of the recommendations in this document.

1. Regardless of regulatory regimes, children have specific rights until they reach age 18. They should not be treated as adults when they reach the age of digital consent, whatever that may be.[3] As such, these recommendations call on companies to award special consideration and protection to all persons under 18 years of age in accordance with international norms and standards.

2. The recommendations here do not only concern companies who design and target online games for children. Children of all ages play all games, including those that are targeted at adults.[4] Given the ineffectiveness of current age verification processes, companies should acknowledge that children may be playing their games and consider the risks to children who may be present.

> *These recommendations call on companies to award special consideration and protection to all persons under 18 years of age in accordance with international norms and standards.*

3. The rights of children must be considered in the light of their evolving capacities.[5] Children merit special considerations while they grow and mature and become more able to exercise their rights online and offline. This means companies should seek solutions that can be

> Child rights, like all human rights, are universal and inalienable, indivisible, interdependent and interrelated. This means that while protecting some rights, the approach must ensure not to infringe on other rights.

tailored as children and their abilities mature rather than just implementing one blunt age level where children can either participate or not. It also means companies should find ways to involve those who are in charge of children's care, such as parents and other care-givers.

4. Child rights, like all human rights, are universal and inalienable, indivisible, interdependent and interrelated. This means that steps taken to protect some rights must not infringe on other rights. An example of this tension is the challenge of how to protect children from harmful content with better age verification systems while ensuring their right to privacy is not infringed. A holistic approach to child rights means that companies should concern themselves not only with risks and protection of children, but also their empowerment through access and free expression – and also their right to play and enjoyment of culture that are very relevant rights for the online gaming sector.[6]

5. The recommendations in this document are guided by the principle of the best interests of the child which states that a primary consideration in any decision that affects a child should be the child's best interest informed by, among other things although not exclusively, the child's own views and desires.[7]

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3   Article 1 of the Convention on the Rights of the Child defines children as all persons under the age of 18 unless otherwise stated under national law.

4   For example: <https://www.internetmatters.org/hub/research/parenting-generation-game-report/> and <https://statensmedierad.se/download/18.7b0391dc15c38ffbccd9a238/1496243409783/Ungar+och+medier+2017.pdf> (p. 45)

5   Article 5 of the Convention on the Rights of the Child "…provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the Convention."

6   The UNICEF Discussion Paper on Child Rights and Online Gaming offers an overview of the CRC articles most relevant for the sector, it is available at: <https://www.unicef-irc.org/files/upload/documents/UNICEF_CRBDigitalWorldSeriesOnline_Gaming.pdf>

7   Article 3 of the Convention on the Rights of the Child: "In all actions concerning children … the best interests ofthe child shall be a primary consideration."

2. Recommendations for the industry

2.1 HEALTHY GAME PLAY (GAMING TIME)

A child's right to leisure, play and culture (article 31) relates strongly to the online gaming sector. How much of their leisure time children spend in the digital world is an increasingly debated topic, raising concerns among some about the health (article 24) implications of excessive use or over-training in competitive scenarios.

> Any initiatives encouraging discussion between parents and children on gaming and encouragement of parents to get acquainted with their children's gaming hobby, can contribute to better outcomes for all across many areas presented in these recommendations.

Retaining players with engaging content is of course a primary target for any game designer and publisher – customers who enjoy the experience will return and buy new products and are more likely to spend money in the game. Finding the right balance between providing engaging experiences and generating revenue will be a key consideration for online gaming companies. To find this balance, companies will rely heavily on feedback from their community and are often able to adjust their approaches accordingly. Given that this is an area where children merit special consideration as they are still learning to moderate their behaviors, it is important for companies to ensure that they are consulting with children in an age-appropriate manner and seek to understand what is in the child's best interest. More information for businesses on consulting with children can be found in UNICEF's "Engaging stakeholders on Children's Rights" tool.[8]

The Convention calls for children to have a right to express their views on matters affecting them (article 12), and these views to be given due weight in accordance to the age and maturity of the child. Any initiatives encouraging discussion between parents and children on gaming and encouragement of parents to get acquainted with their children's gaming hobby, can contribute to better outcomes for all across many areas presented in these recommendations.

These questions can be answered from the perspective of game developer, publishers, distributors and platforms (in some cases the questions can be answered in terms of the requirements a publisher, distributor or platform may place on the games they market, sell and profit from).
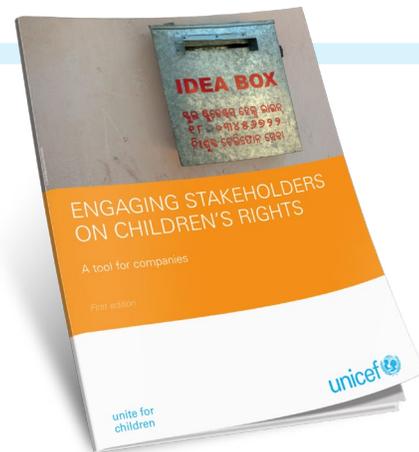
This tool offers guidance to companies on engaging stakeholders on children's rights as part of enhancing their standards and practices at both the corporate and site levels. Engaging stakeholders on children's rights can inform the development of company policies, and human rights due diligence processes (assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses and communicating how impacts are addressed), and the development of grievance and remediation mechanisms. Stakeholder engagement can also feed into a company's broader sustainability strategy and long-term goals.

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8   https://www.unicef.org/csr/css/Stakeholder_Engagement_on_Childrens_Rights_021014.pdf

GIVING GUIDANCE TO PARENTS AND CHILDREN

Parents have primary responsibility for balancing the activities of their children, with children given progressively more autonomy as they mature. Gaming companies can encourage parents to engage with their children's gaming hobby and build their understanding of how appropriate the game content is for their child, of how games work, and set game time limits together with their child. This can help parents to also view their child's gaming hobby more positively and make children more likely to tell their parents about any negative experiences they may encounter.

2.1.1. Do you provide guidance (or reference existing guidance from others in the ecosystem) for parents and caregivers to, together with their children, set fair rules and boundaries for healthy gameplay? Have you considered what healthy gameplay would look like for your games in particular?

2.1.2. Does your guidance (or existing guidance you may refer to) encourage parents to involve their children in discussions around games and the appropriate rules for game time? Does this guidance encourage parents to take into account the level of development and maturity of individual children (such as teaching children to manage their gaming time themselves or to agree on how many sessions / levels to play, rather than setting strict time limits)?

2.1.3. Do you have parental control solutions in place, or are your games compatible with platform-level parental control solutions, that are appropriate to different age groups of children and allow parents to manage play time together with their child?

2.1.4. Do the parental control solutions you provide, or do the platform-level parental controls your games are compatible with, allow for a scaling or tailored approach to take into account the evolving needs and capabilities of children as they grow and mature?[9]

2.1.5. Do you, or any organizations you are a member of, carry out any customer research or consultation with parents and children to ensure their feedback on your services, including how well your parental control solutions may address challenges around healthy game time and how your games may encourage excessive use among children?

2.1.6. Outside of parental controls, do you provide ways for players, including children, to set time / session limits? Do you actively promote these?

HEALTHY GAME PLAY BY DESIGN

There are a number of ways companies can encourage healthy game play and refrain from promoting excessive play in game design. As with commercial influence (see section 2.6), children may be more susceptible than adults to techniques seeking to direct behavior and therefore merit special considerations.

2.1.7. When you design games, do you consider techniques to support users to develop healthy playing habits and learn how to manage gaming time?

2.1.8. Do you use rewards or other "nudge techniques" to encourage players to keep playing or come back to the game at frequent intervals? Are these periods and intervals reasonable? Are the techniques you employ easy for children to recognize and also resist?

2.1.9. Are your games designed in a way that keeps the length of sessions reasonable?

2.1.10. Are your games designed in a way that does not disadvantage the player for taking time off not to play it?

2.1.11. Does your game design encourage players to take breaks (e.g. with alerts or rewards)?

2.1.12. Do you build opportunities for idle time in your games?

2.1.13. Do your games include any virtual reality elements? If/when VR is involved, do you take into account any specific risks or considerations for children and their development, given little research has been done on VR's impacts on children?

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9   "While parental controls may be appropriate for young children who are less able to direct and moderate their behaviour online, such controls are more difficult to justify for adolescents wishing to explore issues like sexuality, politics and religion. […] Importantly, parental controls may also hamper children's ability to seek outside help or advice with problems at home." (UNICEF Discussion Paper on Privacy, Protection of Personal Information and Reputation p. 17, available at: <https://www.unicef.org/csr/css/UNICEF_CRB_Digital_World_Series_PRIVACY.pdf>)

CONSIDERATIONS FOR PROFESSIONAL ESPORTS TEAMS AND EVENT ORGANIZERS

If your esports team, league or event accepts players and participants below the age of 18, there are some special requirements that should be put in place to ensure these children understand their rights, and that their educational, physical and mental needs are met.

2.1.14. Have you introduced any special considerations regarding esports players who are children (below 18) in terms of how many hours per day they can practice or stream?

2.1.15. Do your internal policies and contracts with any players under the age of 18 include specific considerations to ensure educational needs, physical and mental wellbeing, access to family support and safeguarding of minors from abuse?[10]
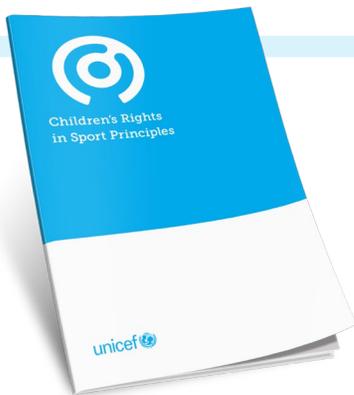
Japan Committee for UNICEF has published Children's Rights in Sports Principles, which outline 10 expectations for sports organizations, sponsors, adult athletes and parents and caregivers regarding rights of under-age athletes. Many topics covered are also relevant for the esports sector, including protecting children from exploitation, ensuring adults who interact with them are trained and understand their specific needs, that children are provided balance in their activities and other elements for a healthy lifestyle, and that any specific considerations for children are embedded in any sponsorship deals.

2.1.16. Are there any time limits or any other limits / restrictions imposed on tournaments, both online and physical events involving minors below the age of 18, either as players or spectators?

2.1.17. How do you consider issues relating to the kinds of content that minors (under 18) may see when watching events (physical audience and online audience) in event planning?

2.2 INCLUSION AND REPRESENTATION

Children's right to non-discrimination (article 2) outlines that children should not be distinguished, excluded, restricted or given preference on any ground, including race, sex, language or religion.

While there is common perception that playing online games is an activity solely enjoyed by boys, this is not reality. Nevertheless, much remains to be done to make the world and representation of online games inclusive and welcoming from the perspective of gender. Women and minorities represent a fraction of game developers,[11] which could help explain why most lead characters remain white males, and women and girls continue to struggle to find content that appeals to them.[12]

Addressing diversity and making gaming experiences more reflective of wider society also represents a significant economic opportunity for gaming companies.[13] It is important for gaming companies to pay attention to who is in the room when games are developed and decisions are made, to ensure that different viewpoints and experiences are represented and also heard. This will allow companies not only to fully appreciate the different forms discrimination can take but will support the creation of content and experiences that will appeal to a more diverse and wider user base.

Non-discrimination also encompasses issues regarding exposure to unsafe, unfriendly or even threatening environments that women and girls unfortunately still

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10 The ILO Conventions 138 and 182 on minimum age and child labour call attention to any practices that may harm the physical or mental wellbeing of children or that impede their access to basic education.

11 According to European game developer associations, women represent between 10-30% of game developers in Europe depending on the country, with figures in most countries between 10-20%.

12 Lynch, Teresa & Tompkins, Jessica & Driel, Irene & Fritz, Niki. (2016). Sexy, Strong, and Secondary: A Content Analysis of Female Characters in Video Games across 31 Years: Female Game Characters across 31 Years. Journal of Communication. 66. 10.1111/jcom.12237.

13 Change the Game: Driving Inclusivity and Belonging in Games, available at: <https://static.googleusercontent.com/media/play.google.com/en//about/changethegame/assets/static/pdf/white-paper-2019.pdf>

disproportionately encounter, and which will discourage their participation both in online gaming communities and the growing field of esports. (How to tackle toxic environments is discussed more specifically in section 2.3)

These questions can be answered from the perspective of game developer, publishers, distributors and platforms (in some cases the questions can be answered in terms of the requirements a publisher, distributor or platform may place on the games they market, sell and profit from).

Addressing diversity also represents a significant economic opportunity for gaming companies. It is important for gaming companies to pay attention to who is in the room when games are developed and decisions are made ... this will allow companies to create content and experiences that will appeal to a more diverse and wider user base.

GENERAL RECOMMENDATIONS

Children will seek to identify with characters to enhance their enjoyment of the gaming experience. To draw positive experiences and learning from games, it is important that they can find diverse characters in diverse roles and that games are marketed in a way that is inclusive. It is critical that, at every step, companies remain aware of the messages representation in games can send to children and young people: what it tells them about what they should look like, what they can do, and the roles they can play.

2.2.1. Are you making conscious efforts to introduce diverse characters (including lead characters) and to avoid stereotypical representations or gender roles for game characters?

2.2.2. Is there a conscious effort to ensure games and social features are designed in a way that will be appealing to both girls and boys?

2.2.3. Are you encouraging your developers or community to design games that appeal to diverse audiences? Do you have formal policies for this, for example is this a requirement to be considered in your game design process, or to be included on your platform?

2.2.4. When you are taking decisions on characters, storyline, social features, monetization and marketing, is a diverse group of people consulted to make those decisions? Are you making sure their views are also heard and taken into account when decisions are made?

2.2.5. Across the range of games you have developed or provide access to, have you done an inventory of your game characters based on diversity?

2.2.6. Can characters in your game be customised so players can choose what their character looks like (e.g. choose gender, skin colour – as relevant)?

2.2.7. In your marketing and promotional materials do you consider new ways to appeal to potentially new and diverse audiences, rather than solely targeting a narrow segment of your market?

2.2.8. Are you involved in any industry or other initiatives focused on taking steps to create environments that are positive, inclusive and safe for all player groups, whether players are adults or children?

2.2.9. Do you have any initiatives around encouraging girls or children from minority groups to enter the industry (e.g. these could be collaboration with schools, with universities, or traineeships, scholarships, or after-school clubs and activities)?

2.2.10. Are you taking steps to avoid that character design does not sexualize children when they are characters in the game?

COMPANY POLICIES

It is important that children find role models in game characters but also in people who work in the industry. Having a diverse workforce will help companies to better understand the requirements and challenges faced by their diverse customer base. Developing a diverse workforce requires measuring diversity to help to identify gaps and understanding how to create an inclusive workplace where people feel their needs are understood and their difference is valued. In addition, how companies treat their staff, particularly those who are parents, has a big impact on the rights of their employees' children.

2.2.11. Do you have an equal opportunity and non-discrimination policy in place? Is this supported by mechanisms for employees to report any concerns?

2.2.12. Do you measure the gender balance of (a) your overall workforce, (b) your senior management (c) different job roles (in particular more technical roles or key roles for diversity, such as developers)? Do you measure other appropriate diversity metrics depending on your jurisdiction?

CHILDREN'S RIGHTS IN IMPACT ASSESSMENTS

A guide for integrating children's rights into impact assessments and taking action for children

THE DANISH INSTITUTE FOR HUMAN RIGHTS
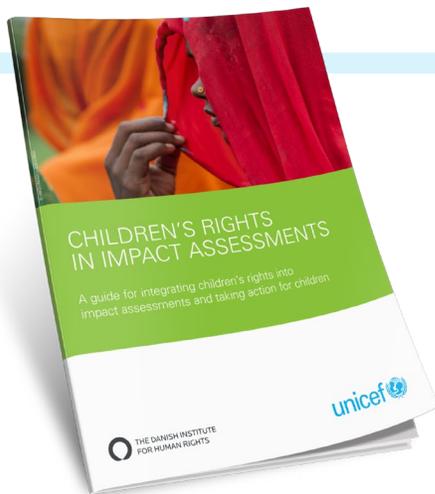
unicef

UNICEF provides guidance on impact assessments on Children's Rights and Business Principles on how companies can put in place policies and processes to create family-friendly workplaces (Principle 3). These would cover considerations such as parental leaves, maternity protections, flexible working, and fair wages, which can all support working parents, workplace diversity and have a significant impact on the lives of the children of your employees.

2.2.13. Are efforts made to ensure recruitment, promotions and inclusive workplace policies are free of bias and help to improve diversity of the workforce (e.g. do you require shortlists for each recruitment to include both male and female candidates)?

2.2.14. Do you run any networks for employees to come together to share experiences – e.g. women, the LGBT community, minorities - and for them to report any issues to management?

CONSIDERATIONS FOR PROFESSIONAL ESPORTS TEAMS AND EVENT ORGANIZERS

Esports players are some of the most visible representatives of the online gaming community, and as such who they are speaks volumes about who games are made for. Esports players are also role models and idols for many young people. For the moment, a lot of the focus of esports tournaments is on games that lend themselves well for competitive and entertaining play, such as combat, but that are also traditionally more targeted to and enjoyed by men. Making sure events are inclusive in their participation and marketed as such will bring in new audiences and result in better tournaments.

2.2.15. Do you have diversity indicators for the esports players in your leagues / teams / tournaments?

2.2.16. Do you have in place processes for people to report, and for you to investigate any harassment or discriminatory behaviour during tournaments?

2.2.17. Do you actively take steps to increase diversity in esports?

2.2.18. Do you organize, sponsor or support any female esports leagues, teams or players?

2.2.19. Have you considered esports events around games that would more traditionally target and engage women?

2.2.20. Do your promotional materials for events include pictures of women, minorities and generally diverse audiences to show an inclusive and welcoming message?

2.2.21. In promoting you players and teams, do you ensure you also promote female players?

2.2.22. Are the teams that organise esports tournaments diverse?

2.3 TOXIC ENVIRONMENTS

As young people spend more and more of their free time online, digital playgrounds play an increasingly important part in the social lives and interaction of children – as well as the cultural content they consume. Research in the United States has shown that online gameplay is second only to social media as the most common digital venue for adolescents to meet new friends.[14] Similarly, popular esports players and streamers wield increasing influence – and thus carry increasing responsibility - as teen idols and role models.

Participation in online gaming may facilitate children's enjoyment of their right to freedom of expression (article 13) and to freely come together and meet each other (article 15), enabling children to be creative and form cross-cultural bonds with others, sharing and learning together.

> Toxic or disruptive behaviour - including inappropriate, sexist or racist content - exists in the online gaming world as it does in many online environments.

However, toxic or disruptive behaviour - including inappropriate, sexist or racist content - exists in the online gaming world as it does in many online environments, and children are exposed to, targeted by and participate in it. This exposure to unsafe or hostile environments will discourage participation and will impact children's rights to non-discrimination (article 2) both as potential victims of discrimination but also by creating risk of them modelling inappropriate language and behaviour they see and hear. (Inclusion and representation are discussed more specifically in chapter 2.2)

Given social features in online games can significantly boost revenues,[15] many gaming companies seek to build positive and healthy online gaming communities that attract users. That said, there is room for more robust and consistent communication and implementation of Codes of Conduct within online games and platforms and for finding ways to incentivize and model good behaviour.

These questions can be answered from the perspective of game developer, publishers, distributors and platforms (In some cases the questions can be answered in terms of the requirements a publisher, distributor or platform may place on the games they market, sell and profit from).

GENERAL RECOMMENDATIONS

2.3.1. Do you offer a version of your game(s) / service without social features or are these features opt-in? Is this particularly for children or offered as an option for all users?

2.3.2. Can your users have private profiles which allow them to manage potential 'friend' lists and easily delete, block or mute people?

2.3.3. Do you work with or promote any helplines available for children to use to seek support, counselling or report bullying they may encounter? Is this information easy to find?

2.3.4. Do you participate in any collaborative cross-industry or multi-stakeholder initiatives to fight toxic behaviour or cyber-bullying?

COMMUNITY GUIDELINES AND CODES OF CONDUCT

Your commitment to promote positive behavior will be invaluable for children to learn and copy positive behaviors. A key part of this is to proactively and consistently promote and communicate your Community Guidelines in ways that are attractive to users of all ages.

2.3.5. Do you have Community Guidelines or Codes of Conduct which clearly outline what kind of behaviours are not welcome in your game or service?

2.3.6. Do you explain why you have Community Guidelines and what kind of community you want to create and why?

2.3.7. Are your Community Guidelines worded in simple language that your community would respond to and that would also be easily understandable for children? Are they short enough so that everyone, including children, have the patience to read them?

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14 Lenhart, Amanda, et al., 'Teens, Technology & Friendships', Pew Research Center, Washington, D.C., August 2015, p. 2, available at <www.pewinternet.org/2015/08/06/teens-technology-and-friendships>.

15 Research of 10 mobile games by TwoHat found that chat features can increase user lifetime value (LTV) by 20x. The research is available at <https://venturebeat.com/2018/12/13/how-a-top-10-mobile-game-uses-chat-and-moderation-to-drive-20x-ltv/>

2.3.8. How are your Community Guidelines communicated to users? Are they easily accessible and frequently visible (e.g. do users need to acknowledge them when they first sign up, purchase or before they can first chat)?

2.3.9. Do you incentivize players in any way to make sure they acknowledge your Community Guidelines (e.g. by giving in-game currency for completing a training)?

2.3.10. Do you use creative methods to present your Community Guidelines in a format that children can easily understand and engage with (e.g. as videos, cartoons or icons)?

2.3.11. Do you remind users of your Community Guidelines regularly?

2.3.12. Do you try to find out how users perceive the Community Guidelines and how well these being followed?

2.3.13. Are all your employees trained in your Community Guidelines?

2.3.14. Do you employ dedicated Community Managers responsible for building healthy and non-toxic player communities based on your Community Guidelines?

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MANAGING INAPPROPRIATE BEHAVIOR

Having in place monitoring to address toxic behaviour in real time; reasonable response times for flagging and communicating outcomes; and incentivizing positive behaviour all contribute to show that you can be trusted to keep everyone safe.

2.3.15. Do you have mechanisms in place for users to safely and confidentially flag inappropriate behaviour and breaches of Community Guidelines? Are these easy to find and to use (including for children)?

2.3.16. Do you monitor your processes for responding to flagging, making sure response times and resources to manage reports are reasonable?

2.3.17. Do you have anything in place to ensure that flagging mechanisms are not misused to bully?

2.3.18. Do you provide prompt responses to reports from players, including outcomes of investigations; the ability to appeal decisions; and action against players who do not respect the rules?

2.3.19. Beyond flagging, do you have other monitoring mechanisms in place to actively manage disruptive and inappropriate behavior during in-game communication and on streaming services (e.g. robust chat moderation that involves automatic and human moderators)?

2.3.20. Are your Community Managers trained to deal with situations where children are involved and diffuse situations where children are the ones being disruptive in your community?

2.3.21. Does your text chat filtering tool allow users and/or parents to choose and set different levels of filtering (e.g., ranging from removing e.g. sexually explicit language and hate speech to also removing profanity?)

2.3.22. Do your chat filtering tools adapt the level of filtering depending on the age rating of a specific game or age limits of your service?

2.3.23. Have you introduced ways to incentivize good behaviour or earn rewards for positive actions among members of your community (e.g. rewards for not having been flagged by others)?

2.3.24. Are you experimenting with any in-game, real-time educational content to promote and push on positive community behaviour?

2.3.25. What consequences do you have in place beyond banning users when they are disruptive (e.g. requirement to take e-learning course / watch a video of your Community Guidelines)?

CONSIDERATIONS FOR STREAMING SERVICE PROVIDERS AND ESPORTS TEAMS

Like all stars of popular culture and sports, how gaming streamers and esports players behave and speak can influence the young people who admire them. As role models in promoting positive behaviour, their role and responsibilities should not be underestimated and on the contrary, should be harnessed. While streamers may not be directly employed or have contractual agreements with streaming platforms, the platforms should consider their leverage to enforce their Community Guidelines to those who broadcast in their channels.

2.3.26. Are streamers required to acknowledge your Community Guidelines to ensure they understand what kind of behaviour is not welcomed in your platform before they can stream?

2.3.27. Do you engage with and encourage popular streamers on your platform to openly speak out against racism, homophobia, sexism, hate speech and other forms of bullying?

2.3.28. If streamers on your platform engage in toxic behaviour that is against your Community Guidelines, do you have clear responses to tackle such situations and are these communicated to the community?

2.3.29. Do players at your esports events have to officially acknowledge the Codes of Conduct of the event (and of the game they are playing) before participating?

2.3.30. Are esports events used to promote healthy and positive gaming communities, either by the organisers, developers or players (or all together)?

2.3.31. At esports events, are Community Guidelines / Codes of Conduct published in the event program? Are they promoted at the event itself?

2.3.32. Do you use your events to promote positive and supportive communities and behaviour?

2.4 AGE LIMITS AND VERIFICATION

While businesses have a responsibility to respect children's rights, the Convention calls for parental guidance consistent with the child's evolving capacities (article 5) and outlines parents' primary responsibility (article 18) for the upbringing and development of the child. This means not only parental responsibility of supervision but also the need for parents to consider the views of the child on issues impacting them. This is an area where parents can greatly benefit from the insight and support of the companies who have created or sell the games their children play.

The online gaming industry has built many international and national self-regulatory initiatives on age rating to help in this process. Age ratings and limits are designed to help alert children and parents to content that may be inappropriate for gamers of their age group. In addition to the audiovisual content of games, age ratings can also warn of commercial features such as the possibility of in-game purchases or encouragement of gambling. Given children may be more susceptible to commercial influences, it would seem appropriate that age ratings consider the appropriateness of different commercial content to specific age groups. Information including clear and detailed explanations of the commercial practices used within games should be provided by publishers.

> Companies can invest in child-friendly versions of their games without data collection, which both protect children's rights to play and access and continue to comply with privacy regulations.

As such, age ratings can help parents form an understanding of the suitability of a particular game for their child – whether the child is playing or watching others play the game – and help parents in their role of making informed decisions for their particular child. Transparency and completeness of the criteria against which a game is rated will improve this understanding.

Regardless of the age rating of the game, online gaming companies tend to exclude children below the age of digital consent if they are identified and parental consent is not achieved. This means that privacy regulations intended to protect children may in fact be incentivizing children to lie about their age to be able to access the games they want to play. To protect children's rights to play and access while continuing to comply with privacy regulations, companies can create a version of their games without data collection for children under the age of digital consent.

In general, there is ample room for innovation on age verification methods that are robust, respect the evolving capacities of children, and are privacy-respecting. Many commonly used age verification methods are inefficient and easily circumvented by children without the knowledge of their parents. When companies do not know who their customers are, or whether their customers are children, it is harder to provide them with additional protections.

These questions can be answered from the perspective of game developers, publishers, distributors and platforms (In some cases the questions can be answered in terms of the requirements a publisher, distributor or platform may place on the games they market, sell and from which they profit).

GENERAL RECOMMENDATIONS

Regardless of the age limit of your games or Terms of Service, unless robust age verification systems are in place, it should always be assumed that children will be present in the user base and steps taken to protect them.

2.4.1. When designing, operating and profiting from games does your company consider how players under age 18 may be affected with what they are exposed to (not limited to content, but also to community interactions, data collection, in-game purchases, and other consumer protection related practices) and how they could be protected?

2.4.2. Do your default settings take into account that children might access your services/games?

2.4.3. Do you, or the platform(s) where your game is available, provide parental control mechanisms that are easy to install and disable, that allow parents to disable or enable game features such as spending and social features, and provide varying levels of control or filtering to accommodate children's evolving capacities?

AGE RATING AND LIMITS

Existing regional and national game age rating systems take into consideration the cultural sensitivities of the countries and regions in which they are used. However, numerous different age ratings and the fact that these are not easily available or aligned across Terms of Service or privacy policies, individual games, distribution platforms where games are bought and accessed, and local legal guidance can be a source of confusion and frustration for parents and children.

2.4.4. Have you obtained an age rating from your local authorized rating agency for each market you operate in?

2.4.5. Are your age ratings aligned to relevant international ratings and local legal requirements?

2.4.6. If you operate a digital storefront for the download or purchase of games, do you ensure age ratings are displayed in a prominent and clear way for all of the services / games you offer? Do you offer information from different age ratings sources?

2.4.7. Do you explain clearly at the point of purchase or first access to a game what age ratings mean and consider (i.e. are you transparent on why a game received a particular rating, what criteria was used, and relative weight of the different criteria in determining the age limit for your game/service)? Do you offer a clear explanation of the game itself, and the features contained there-in?

2.4.8. Is your company involved in any activities to try and drive greater alignment and consistency regarding age ratings across the different platforms where games are available?

2.4.9. Do you offer the possibility for your users – including parents and children – to provide and share with others their views on the suitable age limits for your game or service?

2.4.10. Do the age rating systems you use consider the different monetization techniques and social features of the game? Or do you as a company consider omitting certain monetization techniques or social features from your games that are targeted to persons under 18?

AGE VERIFICATION AND PARENTAL CONSENT

To account for different maturity levels and evolving capacities of individual children, creating processes where parents and care-givers can be involved via parental consent mechanisms should be considered, so that children can be permitted access to additional features and content as they mature and their right to play and access is carefully considered as well as their right to privacy. However, this means that companies need to be able to identify a player as a child to be able to award this higher degree of protection and support.

2.4.11. Does your company have minimum standards and requirements for the effectiveness of age verification mechanisms? (e.g. at the very least, avoiding potentially influencing players to lie about their age by asking leading questions, such as "you need to be 16 to play this game, are you 16?"?)

2.4.12. Do you think your current age gating and parental consent processes are adequate to protect children? How could you improve?

2.4.13. Do you require age-verification and parental consent for in-game monetization?

2.4.14. Do your current age verification methods respect data privacy and security?

2.4.15. What kind of data do you require to verify age? Is this data only used for age verification and deleted when the verification has been completed? Is your method also accessible to more vulnerable children, who may not have documentation or data you require?

2.4.16. Do you have a process in place to handle and eventually remove any under-age players from your game or service who may be identified or reported to you?

2.4.17. Do you have processes in place to request parental consent from children identified to be under the digital age of consent, rather than excluding them, if the content of the game or service is otherwise appropriate for children?

2.4.18. Do you have any content directed at adults-only? How is this content flagged and is access to this protected (e.g. a PIN)?

2.4.19. If a game is accessed via a third party such as a social media site is there an age check against the game's age limit and profile age?

2.4.20. Are you involved in research and development of new age-verification methods that are more robust but do not infringe children's rights to privacy or collect unnecessary personal data?

> **"To account for different maturity levels and evolving capacities of individual children, creating processes where parents and care-givers can be involved via parental consent mechanisms should be considered...**

CONSIDERATIONS FOR STREAMING SERVICES AND ESPORTS

2.4.21. Do you have age limits for your esports tournaments/leagues/streaming services for participants and spectators?

2.4.22. Are age limits aligned to the age ratings of the game being played or streamed?

2.4.23. Do you have a consistent policy on how these age limits are determined (e.g. are they based on the age limit of the games that is being played? On local laws? On whether there is prize money or other considerations)?

2.4.24. At esports events, do you have a formal process, that is consistently applied across your events, to verify at the event venue the age of those who are participating (spectators)?

2.4.25. Are you clearly flagging mature content on your streaming service? Have you introduced any additional controls to ensure this content can be accessed only by adults?

2.5 PROTECTION FROM GROOMING AND SEXUAL ABUSE

The Convention calls for protection of children from sexual abuse (article 34). Where children are likely to gather, there will be those who wish to cause them harm.

While comprehensive research and statistics are still lacking, there is evidence that gaming platforms and communities have been misused by adults to find and connect to children and to groom them in order to sexually exploit them both online and following meeting offline. Social features in online games, platforms and streaming services can also be used to share illegal child sexual exploitation and abuse content. Conversely, they may also be used by children to tell others about real life abuse they are experiencing.

Providers of online services including online games and platforms can make a significant contribution to fighting child sexual exploitation and abuse online (and offline) by putting in place mechanisms to prevent grooming and sharing of known child sexual abuse content, and also by identifying and referring suspected illegal activity to law enforcement authorities.

These questions can be answered from the perspective of game developer, publishers, distributors and platforms (in some cases the questions can be answered in terms of the requirements a publisher, distributor or platform may place on the games they market, sell and profit from).

GENERAL RECOMMENDATIONS

2.5.1. Do your Terms of Service and Codes of Conduct clearly prohibit the sharing of illegal, child sexual exploitation and abuse content?

2.5.2. Before implementing social features in your game, platform or service, have you considered how these could be misused to groom children or share illegal content? Based on this, do you provide information to all users (including parents and children) on how to protect themselves from this misuse or content, and where to report it?

2.5.3. Do you provide guidance, or refer to guidance by others, on how parents can support their children to tell them about any inappropriate or unusual contact?

PREVENTING GROOMING AND SHARING OF CHILD SEXUAL EXPLOITATION AND ABUSE MATERIALS

There are many steps online gaming companies can take to both protect children from unwanted contact in games and platforms as well as make it difficult for criminals to misuse their services. Increasingly sophisticated technical solutions are on offer to manage unwanted content and behavior in online communities – whether to prevent known child sexual exploitation and abuse material from being uploaded or to recognize grooming attempts. Companies should also consider how they empower users to have greater control of who can contact them and share content with them with opt-in rather than opt-out from different social features.

2.5.4. Do you have mechanisms (technical or human) in place to proactively identify potentially illegal content or activity against children (grooming) whether in in-game communication, chats or other messaging services?

2.5.5. Do you have mechanisms for users to report suspected grooming activity to you?

2.5.6. Are your Community Managers trained specifically to recognize and deal with grooming activity?

2.5.7. Do you use any image hashlists, PhotoDNA, CSAI Match or URL blacklists, or other filtering solutions to review and block known child sexual exploitation and abuse material before it is uploaded to your services?

2.5.8. Do you dedicate resources – human and financial – specifically to innovate on more safety features for your products and services?

2.5.9. Do you allow users to create private profiles? Are profiles private as a default?

2.5.10. Do you have mechanisms in place for users to easily delete or block unwanted people?

2.5.11. If you enable private messaging between users, are users able to control who is allowed to message them? (e.g. by restricting this ability to people on their friend list or allowing users to screen and accept/deny messages as they arrive from anyone not on their friend list)?

2.5.12. Do you ensure that no private information (such as email or phone numbers) is visible to other users?

2.5.13. Do your parental control systems, or the platform-level parental controls your games are compatible with, allow some or all social features to be disabled?

COLLABORATING WITH LAW ENFORCEMENT AND OTHER STAKEHOLDERS

Incidents of grooming and child sexual exploitation and abuse are extremely sensitive and time critical, and what your company can and should do in these situations may be clearly defined in law. For this reason, it is important to understand the local requirements and define and communicate clear, written internal processes on how these situations should be handled, by whom, and who should be informed.

2.5.14. Do you have formal, written internal processes to block and remove content (and eventually preserve the content for investigative purposes) when it is found or reported to you, and report this to the authorities or to the National Center of Missing and Exploited Children (NCMEC) or similar child protection organizations?

2.5.15. Are your Community Managers trained in these processes and able to handle and report situations where users may share information about situations that may be putting them in danger?

2.5.16. Is your company participating in any cross-industry initiatives to create awareness among users or to collaborate with law enforcement to fight child sexual exploitation and abuse materials online?

2.6 COMMERCIAL MODELS AND INFLUENCE

The Convention calls for children to be protected from all types of exploitation (article 36), including commercial exploitation. From a child rights perspective, the increasingly popular 'free-to-play' business model, where revenue is derived largely from in-game microtransactions, can have benefits in that a greater number of children can access high-quality games and participate in these communities because the original content is free.

However, as online gaming companies identify new monetization strategies for free-to-play games, these may represent challenges from the perspective of child rights. Children may be more susceptible to commercial practices seeking to direct their behavior and manipulate emotions and are less likely to be able to distinguish paid content or commercial influence than adults. Forms of economic exploitation relevant to online gaming may include monetization techniques that may be aggressive, inappropriate or manipulative and that can be difficult for children to recognize or avoid. Examples can be found in 'nudge techniques' that lead users to give certain responses; stealth advertising; product placements; sponsorship of streamers or use of other influencers; and advertising that cannot be turned off or that is offered as an alternative to purchases to gain in-game advantage or currency.

Particularly concerning are monetization practices that may infringe on children's right to privacy or may involve selling or sharing their personal information to third parties.[16] Given the challenges with age verification (see

16 This section refers to data collected, retained and shared for commercial purposes. It does not refer to situations where companies may be legally obligated to collect, retain or share data for e.g. law enforcement purposes. A more complete view to the complexities of corporate collection and use of children's data, please visit UNICEF Discussion Paper on Privacy, Protection of Personal Information and Reputation, available at <https://www.unicef.org/csr/css/UNICEF_CRB_Digital_World_Series_PRIVACY.pdf>

section 2.4), it can be assumed that the data of many children is being unknowingly processed in this way. Protection of privacy and personal information (article 16) states that children have "the right to protection from interference with their privacy, family, home and correspondence, and to protection from unlawful attacks on their honor and reputation."

> Children may not be as equipped as adults to recognize commercial influence and can be more susceptible to commercial messages and techniques seeking to direct behaviour or manipulate emotions. Children are also less likely to recognize paid content than adults.

Another area receiving increased attention, particularly from regulatory authorities, is gambling and casino type features in online games. A key concern is that children may find it more difficult to resist such features, or they may not understand that real money is being spent. Lootboxes[17] have been in focus, in particular if they contain content that can help players advance in a game or be sold elsewhere for real currency. In-game currencies themselves have been compared to casino tokens[18], because although they cannot be "cashed out" in the game,[19] they take the user one step away from thinking of the real monetary value of their spending.

There is still little information in the public domain regarding the significance of different revenue streams for specific gaming companies or how certain commercial practices, in particular relating to data collection, relate to monetization efforts. Increased transparency from online gaming companies on their commercial motivations could help dispel misconceptions and would support customers in making more informed choices.

These questions can be answered from the perspective of game developer, publishers, distributors and platforms (in some cases the questions can be answered in terms of the requirements a publisher, distributor or platform may place on the games they market, sell and profit from).

GENERAL RECOMMENDATIONS

Children may not be as equipped as adults to recognize commercial influence and can be more susceptible to commercial messages and techniques seeking to direct behaviour or manipulate emotions. Children are also less likely to recognize paid content than adults. It is hence important to consider what monetization techniques might be perceived as unfair or misleading to children and ensuring that any commercial content, product placement, and promotion and advertising are clearly marked as such. These considerations are also valid for gaming platforms that may receive a share of in-game purchase revenues of games published on their platform and can have significant say on what monetization techniques are acceptable on their platform.

2.6.1. Does your company use in-game monetization including in-game microtransactions and/or advertising? Do you explain to outside audiences how significantly each of these contributes to your overall revenues?

2.6.2. Have you considered in designing and operating in-game monetization techniques (including in-game purchases and advertising) how children of different ages (up to 18) may perceive or be affected by these methods?

2.6.3. Has your company developed any policies or guidelines which set out what in-game monetization techniques are not acceptable for your company? Do these policies and guidelines consider what may not be acceptable for children (e.g. 'nudge techniques' or game characters seemingly insisting users purchase some items)? Are these policies shared with any third parties you may be collaborating with?

2.6.4. Do you provide clear and accessible disclosure and guidance to parents and children about your in-game monetization techniques?

2.6.5. Do you offer options for players (including parents or children themselves) to restrict in-game purchases and advertising (e.g. parental controls to restrict or block purchases or requiring consent from parents)?

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17 Lootboxes are 'mystery boxes' that can contain different virtual items – in-game currency, cosmetic features but also e.g. tools that can help players gain advantage in the game. Users pay to open a box or spin a wheel and receive one or more randomized virtual items. Most large gaming platforms have required game publishers to publish the odds or relative rarity of winning from lootboxes since 2019 and this practice is spreading.

18 See, for example, Swedish Media Council: Ungar & medier (Youth & Media) (2017), available at
<https://statensmedierad.se/download/18.7b0391dc15c38ffbccd9a238/1496243409783/Ungar+och+medier+2017.pdf>

19 There is, however, a secondary market for the sale and purchase of in-game currency and items for real money, which may be happening in breach of a gaming company's Terms of Service.

2.6.6. For children who identify themselves as below the digital age of consent, do you offer a version of your game / service without data collection, rather than exclude them from the game, if it is otherwise appropriate for them?

2.6.7. When children are identified, do you offer a version of your game / service that may be more appropriate for them (e.g. without social features, advertising, in-game purchases, or with offline versions)? Does disabling these features for children greatly affect gameplay?

IN-GAME PURCHASES

Children may not appreciate the real monetary value of in-game purchases in the same way as adults and may be more likely to accidently over-spend without the consent of their parents. Companies can support children in understanding the value of in game currencies and put in place mechanisms to recognize and remedy accidental or uninformed purchases.

2.6.8. Do you apply daily and monthly spending limits to your games, or are your games compatible with platform-level parental controls or other features, that enable players to control spending?

2.6.9. Do you have mechanisms in place to identify and respond to abnormal spending patterns?

2.6.10. Do you have a policy in place to reimburse purchases, e.g. those made by a child without parental consent? Is the policy easy to find and clearly communicated? Do you track the number of cases where children make purchases without parental consent?

2.6.11. Does your game design restrict availability of some items to a specific time period or give exclusive offers tied to certain timeframes?

2.6.12. For games that offer in-game microtransactions, can players earn the same of comparable items from gameplay without making purchases? If yes, are your games designed to encourage players to purchase virtual items to save time?

2.6.13. Do your games use lootboxes or similar features? Are you transparent about what can be won and what the odds of winning are in a way that is easily understandable?

2.6.14. Do you limit the amount of different in-game currencies in a given game to avoid confusion and clearly explain the value and difference of these currency(ies)?

2.6.15. Do you in your game design make sure that it is easy for players to opt-out from your offers to buy items or in-game currency (e.g. by ensuring graphics for leaving a page or buttons to decline an offer are the same size as to accept it)?

2.6.16. Do you in your game design use game characters to mirror or boost the player's emotions when they succeed or fail to complete sessions or levels? Are these techniques used to push monetization and are any special considerations taken for children?

2.6.17. If you offer the possibility for skin-trading, what mechanisms do you have in place for preventing skin-gambling[20]?

ADVERTISING

Advertising in games should take into account that children are likely to view them. Examples are advertisements for other games meant for older audiences or advertising of products that are not appropriate for children.

UNICEF's Discussion Paper on Digital Marketing is primarily aimed at advertisers targeting children in the digital space, and to creators of digital platforms that are child-directed and that contain advertising. It mainly focuses on raising awareness of relevant issues from the perspective of child rights but includes a final section with suggestions and opportunities for positive change.

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20 Skin betting means using in-game virtual items as a form of currency to place bets on outcomes of professional sports matches, esports tournaments, and casino-style games such as roulette or blackjack, often in violation of the applicable Terms of Service.

2.6.18. Do you have a policy on what products and services cannot be advertised within your games / platform / events / streaming (such as alcohol, tobacco, fire-arms, gambling and betting, other adult content such as pornographic content or unhealthy foods and drinks)? Does this policy consider children and what may and may not be appropriate for them?

2.6.19. Is all advertising, including product placement and endorsements, clearly marked as such?

2.6.20. Do you allow or use interstitial ads in between game levels that cannot be turned off? Are you considering the length of these ads, so they are shorter than the gaming sessions?

2.6.21. Does your in-game advertising align to the intended audience of your game?

USE OF PLAYER DATA

Regulatory regimes increasingly define "an age of digital consent" for instances where the collection and processing of personal information requires consent by children themselves or their parents. In current regulation, this age usually varies between 13-18 but is consistently below 18. In line with international norms of children's rights, many of these regulations stipulate that collection, sharing or reselling of children's data should not be undertaken unless specific and valid consent has been obtained.

However, defining an age limit for children to provide informed consent to the processing of their personal information is inherently difficult, partly due to the necessary balancing between children's rights to participation and freedom of expression (which may be limited if the age set is too high) and protection from commercial exploitation (if the age set is too low). At a minimum, companies should comply with minimum ages as set in law, but companies should consider implementing higher standards if heightened protection concerns arise.

The nature of data and its intended use are also key factors – with data collected to improve the gaming experience being likely less potentially harmful to children than data collected for targeted advertising or onward data sale. A responsible company should consider proactively informing users about what data

it collects and how this will be used so that children or their parents are able to provide fully informed consent and understand implications of this. Regardless of regulatory regimes, children have specific rights until they reach age 18 and should not be treated as adults as soon as they reach the age of digital consent.

Given the potential challenges of obtaining meaningful and informed consent from children or parents, companies that want to ensure respect for children's rights in this space should consider the best interest of the child as a primary consideration for what data they collect and how this is used, even where consent is obtained. This principle should also extend to the process of obtaining consent (e.g. refraining from bundling consent for essential and non-essential data collection by providing granular options).

> A responsible company should consider proactively informing users about what data it collects and how this will be used so that children or their parents are able to provide fully informed consent and understand implications of this.

2.6.22. Do you use player data to inform how in-game monetization techniques are used and offered to players? What types of data do you use (e.g. game time, previous purchasing history, stage in game, player skill, demographics)? Do you use aggregated, anonymized and / or individual player data?

2.6.23. Do you collect and use player data to increase spending or to optimize monetization opportunities? If yes, are you ensuring such tactics are not used in the cases of players who are children?

2.6.24. If your game or service collects data from players, how do you ensure that the behaviour of children below the digital age of consent playing your games is not tracked? What limitations do you put in place on the use of children's data and how do you implement those limitations?

2.6.25. Do you share the user data you collect with third parties for example between platforms and game developers? Are the data protection policies of these third parties aligned to yours and are you ensuring that the use of the data is limited to the purposes it was originally provided for?

2.6.26. Are you transparent with users about what data you collect from them, how you use and share it and with whom? Is this information easy to find, complete and also easy for children to understand?

2.6.27. Are you ensuring that permissions are not 'bundled' and that it is transparent and clear what access and data collection users agree to at any given time?

2.6.28. Do users have to agree to data collection (incl. cookies) before they can access your game or platform, or is there a possibility to opt out? Is the opt-out process easy to navigate and informative?

PRIVACY POLICIES

Privacy policies and Terms of Service most commonly take the point of view of the service provider focusing on addressing their legal risks and obligations. Written in legalistic language, even older children – and adults – may struggle to understand the extent and implications when permitting the collection of personal data.
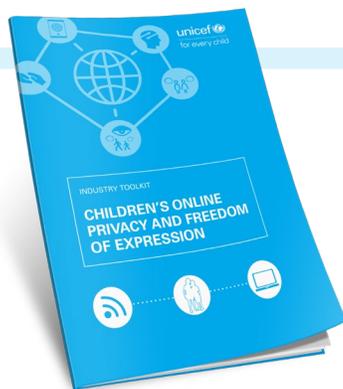
UNICEF's Industry toolkit for Children's Online Privacy and Freedom of Expression outlines overarching principles, based on human rights law, that should ground and shape decisions about children online. It translates these five principles into check-lists of issues to consider to better respect children's privacy and freedom of expression across the products and services digital companies offer.

2.6.29. Do your privacy policies include specific sections explaining your policy on data collection from children and how to contact the company in situations where data may have been inadvertently collected from children?

2.6.30. Are your privacy policies and Terms of Service easily accessible? Are these – or a version of them – written in a way that is easy to understand, both for children and their parents?

2.6.31. What are your default privacy settings? Do these take into account that children may play your games by ensuring that least amount of data is collected and shared as a default?

CONSIDERATIONS FOR ESPORTS TEAMS, EVENTS, STREAMING PLATFORMS AND SPONSOR OF ESPORTS AND STREAMERS

2.6.32. Do you have in place any restrictions on what type of advertising or sponsors are allowed for your esports teams or events or on your streaming platform? Do these take into account what may be appropriate for children (e.g. restrictions on type of companies that can sponsor of advertise such as alcohol, tobacco, gambling, unhealthy drinks or foods)? How are these communicated to advertisers?

2.6.33. As an esports team, do you have any specific policies when you have underage esports players to protect them from commercial exploitation by you, their sponsors or their parents?

2.6.34. As an esports team or event organizer, do you have any policies in place relating to betting and gambling in esports and how do you ensure robust age-verification mechanisms to prevent children from participating in any betting or gambling activity?

2.6.35. If you sponsor esports teams or events or individual streamers, do your sponsorship contracts include requirements to be transparent that recipients are sponsored and by whom, including when they are paid to endorse products and services?

3. Taking a more holistic and structured approach

The online gaming community at its best is a supportive and inclusive environment and many people working in the industry are aware of and keen to integrate these values into the services they work to provide. This positive and welcoming culture has also been evident in UNICEF's engagements with the sector. There are examples of online gaming companies that have taken proactive steps to make gaming a more positive and safer experience for children. However, these initiatives remain fragmented and few take a holistic approach to children and children's rights. Neither are good practices applied in a consistent manner across the industry.

As gaming companies grow from small start-ups to more mature businesses, more structured and formal approaches are needed to ensure everyone in the company applies the same standards.

This section highlights the elements that need to be put in place within a holistic and structured company approach to children's rights. More detailed guidance is available in the materials that are highlighted throughout this document.

3.1 POLICIES

Setting company-wide – or game or business activity specific – policies is an opportunity for companies to define and communicate their responsibilities, expectations and commitments to everyone inside and outside the company. Even for smaller companies, it is worthwhile taking time to discuss and agree key principles that everyone commits to. The questions outlined in this document are the building blocks of good policy based on the international human rights and children's rights standards and principles outlined in Annex 1. and aligning the company approach and principles to these standards makes them more credible, consistent and defendable.

A number of business policies have relevance to – and could make specific reference to - child rights. These include:

- Codes of Conduct
- Community standards
- Terms of Service
- Privacy policy
- Age limits
- Broadcasting policies

KEY CONSIDERATIONS:

3.1.1. Are your policies consistent across your games / services (if not, what varies and why)?

3.1.2. Do your policies make reference to issues relating to children including creating safe environments, educating parents and children, and collaborating with law enforcement?

3.1.3. Has your company made any public commitments on issues that are relevant to child rights, such as commitments to relevant international standards (See section 3)?

3.1.4. Once policies are in place, how do you ensure that employees are aware of and understand them? Are employees required to acknowledge / sign policies?

3.1.5. Do you evaluate or measure in any way what impact your policies may have on children and their rights?

3.1.6. Do you provide training to relevant employees on your policies?

3.1.7. Have you consulted children in the drafting of your policies to hear their views?

3.1.8. Are your policies (or a version of them) written in a way that children can understand?

3.2 GOVERNANCE

Governance is about defining and communicating where (by whom or by which teams) decisions are made on different policies and practices and who is ultimately accountable for their implementation. It is an important cornerstone of corporate responsibility.

KEY CONSIDERATIONS:

3.2.1. Where or by whom are policies and processes relating to child rights approved? Is this done at the Board or leadership team level?

3.2.2. Is there a senior executive and/or a function assigned with overall responsibility for issues relating to children?

3.2.3. Are you receiving any feedback or views of children to guide your approach (in form of a child advisory councils or dedicated workshops)?

3.3 DUE DILIGENCE AND REMEDIATION PROCESSES

Processes to implement policies related to children can range from carrying out detailed reviews to identify and address any gaps, risks and opportunities relating to child rights ('due diligence') to check lists to implement aspects of the policy into business decisions or processes. Remediation is about having in place ways to identify, report and address any failures to comply to the policies you have set.

3.3.1. Do due diligence processes which consider child rights exist, e.g. considering child rights issues before developing new products and services, establishing new business relationships, and in mergers and acquisitions?

3.3.2. Do you monitor how well your policies are implemented and respected?

3.3.3. Are there ways for employees (or others) to report any violations of your policies?

3.3.4. Do you have processes in place to carry out investigations into potential violations?

3.3.5. Do you have any mechanisms in place to ensure you also receive feedback from children on your policies and services?

3.4 REPORTING AND TRANSPARENCY

To show accountability and to demonstrate to your stakeholders that you are living up to your commitments, it is essential to communicate openly and honestly to external audiences on the progress and improvement you are making over time on implementing your policies. This creates trust among your stakeholders, from customers to investors.

3.4.1. How do you communicate to external stakeholders about your policies or issues relating to children (e.g. is there information on your website or in your social media channels)?

3.4.2. Do you publish an annual corporate responsibility report or include non-financial information in any annual reporting?

3.4.3. Have you set performance indicators relating to your child rights policies (such as % of employees acknowledging policies; % of employees trained; total number of children reached by your initiatives within a year; total number of situations flagged by users; % of incidents reported by users addressed within X timeframe, etc.)?

3.4.4. Do you participate in any industry or multi-stakeholder initiatives on corporate responsibility which deal with topics relevant to children?

3.4.5. What stakeholder groups do you discuss child rights related issues and progress with? Do you engage with any child rights groups?

Annex A - International frameworks relevant to child rights

There are a number of international human rights frameworks which form the basis upon which the business responsibility to respect human rights and child rights is founded, and which this document draws from.

The Universal Declaration of Human Rights was adopted in 1948 and is the basis for most human rights standards. The International Bill of Human Rights consists of the Universal Declaration of Human Rights, and the main instruments through which it has been codified: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

The Convention on the Rights of the Child, the most widely ratified human rights treaty in the world, builds on the Declaration of the Rights of the Child, which maintains that children merit specific protections, including legal protection, due to their physical and mental immaturity. Governments that have ratified the Convention are legally bound to uphold these rights, and the Convention outlines the rights and responsibilities of parents and caregivers. Expectations on the private sector are more fully developed in a general comment by the Committee on the Rights of the Child.

The International Labour Organization (ILO) brings together governments, employers and workers of 187 member States, to set labour standards, develop policies and devise programs promoting decent work for all. Among the eight fundamental conventions of the ILO

Declaration are Convention No. 138 on Minimum Age and Convention No. 182 on Worst Forms of Child Labour. These prohibit child labour and set restrictions of the types of work and working hours unsuitable for children.

In 2011, the United Nations Human Rights Council endorsed the business-specific Guiding Principles on Business and Human Rights. Based on extensive consultations with a wide set of stakeholders, including businesses, they are the recognized global standard for preventing and addressing business-related human rights harm. Following the recommendation of the Guiding Principles that 'business entities have a responsibility to respect human rights in their operations and supply chains', it is clear that this responsibility also applies to gaming companies.

Following the publication of the Guiding Principles of Business and Human Rights, in 2012, UNICEF, Save the Children and the UN Global Compact published the Children's Rights and Business Principles (CRBP), which outline ten requirements for businesses to respect and support the realisation of child rights. These range from the elimination of child labour to ensuring the safety of products and services and that marketing practices respect the rights of children. There are a wealth of tools available based on the CRBPs which businesses can use to test and manage their impact on children. A number of these are referenced throughout this document.

Annex B - Additional references

In addition to the references footnoted or included as pull-outs in this document, there were a number of sources that have given inspiration for these recommendations. These resources can also offer further input and guidance for companies looking to further work on their practices.

UNICEF MATERIALS:

'Access to the Internet, Education and Digital Literacy, Discussion Paper' (2017), available at <https://www.unicef.org/csr/css/UNICEF_CRB_Digital_World_Series_ACCESS.pdf>

Child Online Safety Assessment Tool and Guidelines, available at <https://www.unicef.org/csr/ict_tools.html>

'Children and Digital Marketing: Rights, risks and opportunities (2019)', available at <https://www.unicef.org/csr/css/discussion-paper-digital-marketing-v2.pdf>

Children Are Everyone's Business: Workbook 2.0 – A guide for integrating children's rights into policies, impact assessments and sustainability reporting (2014), available at <https://www.unicef.org/csr/css/Workbook_2.0_Second_Edition_29092014_LR.pdf>

Children's Rights and Business Principles, all documents available at <https://childrenandbusiness.org/>

Children's Rights in Sports Principles, available at <https://childinsport.jp/assets/downloads/Children's_Rights_in_Sport_Principles_English.pdf>

'Children's Online Privacy & Freedom of Expression: Industry Toolkit', available at <https://www.unicef.org/csr/files/UNICEF_Childrens_Online_Privacy_and_Freedom_of_Expression(1).pdf>

Child Rights and Security Check List, available at <https://www.unicef.org/csr/files/Child_rights_and_Security_Checklist_ENG.pdf>

'Freedom of Expression, Access to Information and Participation, Discussion Paper' (2017), available at <https://www.unicef.org/csr/css/UNICEF_CRB_Digital_World_Series_EXPRESSION.pdf>

Global Kids Online, Comparative Report (Nov 2019), available at <https://www.unicef-irc.org/publications/1059-global-kids-online-comparative-report.html>

Privacy, Protection of Personal Information and Reputation, Discussion Paper (2017), available at <https://www.unicef.org/csr/css/UNICEF_CRB_Digital_World_Series_PRIVACY.pdf>

State of the World's Children (2019), available at <https://www.unicef.org/reports/state-of-worlds-children-2019>

FROM INDUSTRY:

AnyKey - Gender in esports tournaments, available at <http://www.anykey.org/wp-content/uploads/Gender-best-practices.pdf>

AnyKey - Live streaming moderation best practices for event organisers, available at <https://www.anykey.org/wp-content/uploads/AnyKey-Moderator-Best-Practices-Sept-2018-1.pdf>

DNA Finland: Lapset ja pelaaminen (Children and Gaming) (2018), available at <https://www.sttinfo.fi/data/attachments/00809/614884fd-c040-4d13-ac16-211075dd264e.pdf>

Fair Play Alliance – FAQ, available at <https://fairplayalliance.org/faq/>

ISFE: GameTrack - In-Game Spending Study (November 2019), available at <https://www.isfe.eu/wp-content/uploads/2019/12/GameTrack-In-Game-Spending-2019.pdf>

Google: Change the Game – Driving inclusivity and belonging in gaming (2019), available at https://static.googleusercontent.com/media/play.google.com/en//about/changethegame/assets/static/pdf/white-paper-2019.pdf

PEGI Code of Conduct, available at <https://pegi.info/pegi-code-of-conduct>

Telia Company – What Adults Should Know About Gaming, Findings from the children's advisory panel (2019), report available at <https://www.teliacompany.com/globalassets/telia-company/documents/sustainability/children-online/cap-2019-final-report-gaming.pdf>

Twitch: How to Manage Harassment in Chat, available at <https://help.twitch.tv/s/article/how-to-manage-harassment-in-chat?language=en_US>

Twitch: Guide to Building a Moderation Team, available at <https://help.twitch.tv/s/article/guide-to-building-a-moderation-team?language=en_US>

UKIE: Ask About Games, available at <https://www.askaboutgames.com/>

FROM NGOS:

InternetMatters: Parenting Generation Game (research), available at <https://www.internetmatters.org/hub/research/parenting-generation-game-report/>

ParentZone: The Rip-Off Games: How the new business model of online gaming exploits children, available at <https://parentzone.org.uk/the-rip-off-games>

ParentZone: Skin gambling: teenage Britain's secret habit, available at <https://parentzone.org.uk/skingambling>

GOVERNMENT MATERIALS

Swedish Consumer Agency: Kartläggning av konsumentskyddet vid lotteri- eller kasinoliknande inslag i datorspel (Survey of consumer protection relating to lottery or casino-type features in computer games) (2019), available at < https://www.konsumentverket.se/contentassets/83509d8dffff48559d44de6546ecc362/kartlaggning-av-konsumentskyddet-vid-lotteri--eller-kasinoliknande-inslag-i-datorspel-fi-2019-01630-ko.pdf>

Swedish Media Council: Ungar & medier (Youth & Media) (2017), available at <https://statensmedierad.se/download/18.7b0391dc15c38ffbccd9a238/1496243409783/Ungar+och+medier+2017.pdf>

UK Digital, Culture, Media and Sport Committee - Immersive and addictive technologies inquiry (Sept 2019 report), available at <https://www.parliament.uk/business/committees/committees-a-z/commons-select/digital-culture-media-and-sport-committee/inquiries/parliament-2017/immersive-technologies/>

UK Government – Serious and Organised Crime Strategy (2018), available at <https://www.gov.uk/government/publications/serious-and-organised-crime-strategy-2018>

UK Information Commissioner's Office - Age appropriate design code (January 2020), available at <https://ico.org.uk/for-organisations/guide-to-data-protection/key-data-protection-themes/age-appropriate-design-a-code-of-practice-for-online-services/>

UK National Crime Agency, 'Asks for Industry', available at <https://nationalcrimeagency.gov.uk/images/News/IICSA_Internet_Investigation_Phase_2_NCA_Closing_Submissions.pdf>

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After publishing a Discussion Paper on Online Gaming and Child Rights and extensively engaging with the online gaming community, UNICEF is publishing a list of recommendations designed to help online gaming companies of all kinds – game developers, publishers, distributors, platforms, esports companies and streaming services – to assess their current practices and identify areas where they can improve or make a difference in relation to the rights of children.

The recommendations can be used to identify gaps in processes and policies overall or to focus on practices in specific issues, ranging from healthy game play to toxic behavior and commercial practices.