



June 7, 2021

Christel Schaldemose, Member, European Parliament
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Dear Ms. Schaldemose,

We write as advocates for children and families in a rapidly changing digital world. Common Sense is an independent, not-for-profit organisation based in San Francisco, with offices across the United States and in the United Kingdom. As a leading organisation that parents, teachers, and policymakers consult for unbiased information, trusted advice, and innovative tools to harness the power of media and technology, Common Sense is a positive force in all children's lives. Dr. Jenny Radesky is a Developmental Behavioral Pediatrician and Assistant Professor of Pediatrics at the University of Michigan Medical School whose NIH-funded research examines digital media, child social-emotional development, and equity. She was a lead author of the American Academy of Pediatrics policy statement *Digital Advertising to Children* (2020). Together, we have conducted research on and educated policymakers about best practices with respect to youth and online design.

We are committed to improving platform practices with respect to kids and families across the globe. We have urged the U.S. Federal Trade Commission and Congress to address platform accountability, and we have watched with interest as the European Commission advances the Digital Services Act.¹ The digital environment is currently not a healthy one, especially for young people. All too often, platforms do not take into account the unique developmental needs of children when designing their products and features, instead using adult-centric design practices. In our research, we have commonly found manipulative design practices that exploit the vulnerabilities of children and other users. We believe it is critical that platforms, especially very large platforms, conduct systemic child risk assessments early in product development and regularly after product deployment. Article 26 of the Digital Services Act would require these platforms to consider "any negative effects for the exercise of the fundamental rights to respect for private and family life" as well as the rights of the child. This is necessary to ensure that platforms take into account how their design choices may impact children and children's rights. We also believe that platforms whose products are used by children should conduct an evidence-based child's rights impact assessment, ensuring compliance with the UN Convention on the Rights of the Child.²

Especially when dealing with children, it is important to remember that even design that may be inoffensive or benign for adults can be problematic for young people, given their unique vulnerabilities. As detailed in a presentation by Dr. Radesky at a recent Federal Trade Commission workshop on dark patterns, there are a number of ways in which children can be more susceptible to manipulative design:³

¹ See, e.g., [Comments of Common Sense Media on the European Commission Consultation on the Digital Services Act](#), (8 September 2020).

² See Digital Futures Commission, [Pros and cons of child rights impact assessments for digital decision makers](#), (15 February 2021).

³ Jenny Radesky, "How do dark patterns target kids and teens?" panel, [Bringing Dark Patterns to Light: An FTC Workshop](#), (29 April 2021).

- First, children have immature executive functions, as their brains (particularly the frontal lobes and networks with deep brain structures) are still developing, which means they have weaker impulse and emotional control and attention regulation than adults. In early childhood, children’s visual attention is strongly attracted to novelty – this is how they encode new things and build categories of concepts – but can be manipulated by interactive visual and sound effects in media. So although an adult might be able to resist clicking on something that has sparkles or a countdown clock, or candy or piles of gold, a child may not. Children cannot yet critically evaluate how their behavior is being persuaded or manipulated by advertising, and can’t resist those messages.
- Second, children form strong imaginative relationships with characters--known as parasocial relationships -- and this means these characters can take advantage of them more easily, such as encouraging more in-app purchases or extended game play.
- Third, children are very receptive to rewards. Again, this is quite helpful developmentally for parents and teachers; but it also means badges and other rewards for online engagement can have an outsized effect on behavior.
- Fourth, children are concrete, not abstract, thinkers. They cannot grasp complex data flows, digital profiling, and inferences companies may make about them, and cannot therefore appropriately act to protect themselves from surveillance.
- And fifth, children do not have an understanding of virtual currency and value exchanges. This can make them quite susceptible to inadvertently and unintentionally overspending online.

Given how much more easily children can fall prey to manipulation online--and how that manipulation can cause them to spend more time and money, and give up more information and ultimately autonomy, than they otherwise would have, it is critical that companies take a serious look at how their product design is affecting young people. While it can be hard for adults to resist products designed to increase engagement and spending, it is nearly impossible for young people. Children’s civil liberties include the freedom to explore online spaces without commercial pressure to purchase or view more ads; freedom to express themselves online without digital surveillance of this expression; freedom to play online without manipulation of their behavior; and freedom to autonomously choose to disengage from media without coercion to keep scrolling or clicking -- all of these are often at odds with design incentives in the current digital marketplace. Therefore, in order to adequately protect children’s rights and ensure they are not discriminated against or coerced in digital spaces, platforms must do thorough risk assessments of their products and product design, and such assessments should take place on an ongoing basis including whenever product changes are contemplated.

We thank you for making this requirement a part of the proposed Digital Services Act and urge you to maintain these strong protections going forward.

Common Sense
Dr. Jenny Radesky