



Coleraine House

Coleraine Street

Dublin

D07 E8XF

Ireland

admin@alcoholactionireland.ie

Tel +353 1 8780610

United Nations Human Rights

Office of the High Commissioner

Committee on the Rights of the Child

Email crc@ohchr.org

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Alcohol Action Ireland submission to the draft General Comment on children's rights in relation to the digital environment as developed by the Committee on the Rights of the Child.

Background

Alcohol Action Ireland was established in 2003 and is the national independent advocate for reducing alcohol harm. We campaign for the burden of alcohol harm to be lifted from the individual, community and State, and have a strong track record in advocacy, research and information provision.

Our work involves providing information on alcohol-related issues, creating awareness of alcohol-related harm and offering policy solutions with the potential to reduce that harm, with a particular emphasis on the implementation of the Public Health (Alcohol) Act 2018. Our overarching objective is to achieve a reduction in consumption of alcohol and the consequent health and social harms which alcohol causes in society.

Alcohol Action Ireland Directors Carol Fawsitt (Chair), Solicitor, Prof Joe Barry MSc, MD, FRCPI, FFPHM, Public Health Specialist, Dr Declan Bedford, Specialist in Public Health Medicine and former Acting Director of Public Health, HSE, Catherine Brogan, Mental Health Ireland, Pat Cahill, former President ASTI, James Doorley, Deputy Director, National Youth Council of Ireland, Michael Foy, Head of Finance, Commission for Communications Regulation, Prof Frank Murray. Consultant in Hepatology & Gastroenterology. M.B., B.Ch. B.A.O., M.D., F.R.C.P.I., F.R.C.P. (Ed), Dr Mary O'Mahony, Specialist in Public Health Medicine and Medical Officer of Health, HSE South, Dr Colin O'Driscoll – Clinical Lead, HSE Mid-West Addiction Services, Dr Bobby Smyth, Consultant Child & Adolescent Psychiatrist

Tadhg Young, Senior Vice President, Chief Operations Officer, State Street Global Services

Patron Prof. Geoffrey Shannon

Registered Charity Number 20052713; **Company Number** 378738

Introduction

AAI welcomes the draft general comment on children's rights in relation to the digital environment as developed by the United Nations Committee on the Rights of the Child.¹

The draft general comment is comprehensive and covers a broad and complex area of social policy and law and sets out how states can and should uphold children's rights in relation to digital environments.

Given that AAI is an organisation that focuses on reducing alcohol harm across the population, our submission is directed towards the issue of digital advertising² of harmful commodities to children and the gathering of children's data for the purposes of profiling or targeted marketing, as covered in the general comment.

Digital Marketing of Alcohol

Alcohol is one of the most heavily marketed products on our shelves and young people are an important market for the alcohol industry.

Comprehensive research now clearly tells us that alcohol marketing including advertising, sponsorship and other forms of promotion, increases the likelihood that adolescents will start to use alcohol, and to drink more if they are already using alcohol.³ In short, children, and younger people, navigate a tsunami of alcohol promotion every day that ensures messages about drinking are increasingly normalised.

A 2020 World Health Organisation report found that alcohol marketing is adapting to new realities faster than current legal regulations across the Region, with industry using opportunities offered by digital platforms to sell their products in a largely unregulated market.⁴

It is very welcome, then, that the proposed general comment seeks to address these issues through a number of recommendations to state parties.

The general comment takes a robust stance against the exposure of children to digital marketing of unhealthy products, including alcohol, and also seeks to tackle the issue of data protection in respect of children's rights online.

The recommendations set out in sections IV: I & J; V: J; VI: A, B, C, E; XI: A & B place obligations on state parties that would go a long way to protecting young people from insidious online marketing practices.

¹<https://www.ohchr.org/EN/HRBodies/CRC/Pages/GCChildrensRightsRelationDigitalEnvironment.aspx>

² AAI has previously carried out research in relation to this issue and has made submissions to consultations carried out by the Irish government: <https://alcoholireland.ie/wpfb-file/aai-submission-to-regulation-harmful-online-content-consultation-final-pdf/>; https://alcoholireland.ie/wpfb-file/digital_aai-www-pdf/.

³ Scientific Opinion of the Science Group of the European Alcohol and Health Forum (2009) Does marketing communication impact on the volume and patterns of consumption of alcoholic beverages, especially by young people? – a review of the longitudinal studies Anderson; P. et al (2009) Impact of Alcohol Advertising and Media Exposure on Adolescent Alcohol Use: A Systematic Review of Longitudinal Studies. Alcohol and Alcoholism, pp.1-15, 2009; Impact of alcohol advertising and media exposure on adolescent alcohol use: a systematic review of longitudinal studies, <https://www.ncbi.nlm.nih.gov/pubmed/19144976>; The effect of alcohol advertising, marketing and portrayal on drinking behaviour in young people: systematic review of prospective cohort studies, <https://bmcpublichealth.biomedcentral.com/articles/10.1186/1471-2458-9-51>.

⁴ <https://www.euro.who.int/en/health-topics/disease-prevention/alcohol-use/publications/2020/alcohol-marketing-in-the-who-european-region-update-report-on-the-evidence-and-recommended-policy-actions-july-2020>

As set out in section V: F, AAI strongly welcomes that state parties appropriate independent institutions monitor children’s rights in the digital environment. AAI believes that this recommendation could be strengthened by recommending any new, or already established, watchdog body should have legislative powers and the backing of government to take action where required. Such a body could be responsible for implementation and monitoring of the general comment.

AAI strongly believes that cooperation is required across jurisdictions in order to regulate this area, and as the WHO has stated, “increased awareness of the extensive challenges posed by online marketing, and political commitment to deal with them, are needed more than ever.”⁵

The UN’s general comment lays out a robust and comprehensive roadmap to ensure children’s rights in the digital age are protected and upheld.

Another novel suggestion as set out in comprehensive WHO/UNICEF paper⁶ on the future of the world’s children, in order to protect children from commercial marketing and targeting of children by unhealthy products such as alcohol, tobacco, e-cigarettes, gambling products, an Optional Protocol should be added to the CRC to prohibit or regulate marketing to young people.

As the paper states: “Given the cross-border effects of commercial marketing, including through the internet and social media, and the multisectoral nature of the threat and needed response, an Optional Protocol to the CRC adopted by the UN General Assembly could address the transnational elements of the problem and simultaneously drive national action for legal protection.”⁷

⁵ <https://www.euro.who.int/en/health-topics/disease-prevention/alcohol-use/news/news/2020/07/lack-of-regulation-leaves-door-open-to-harmful-digital-marketing-of-alcohol>

⁶ <https://www.thelancet.com/action/showPdf?pii=S0140-6736%2819%2932540-1>

⁷ <https://www.thelancet.com/action/showPdf?pii=S0140-6736%2819%2932540-1>