

CHILDREN'S RIGHTS AND FOOD MARKETING

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State Duties in Obesity Prevention

Katharina Ó CATHAOIR

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FOREWORD

This book brings together three crucial issues that directly impact the enjoyment of children's rights: obesity, unhealthy food marketing and state regulation. In outlining a child rights-based approach to marketing in an age in which advertising to children is ubiquitous, Ó Cathaoir addresses two key questions. First, what obligations under international human rights law do states parties to the UN Convention on the Rights of the Child (UNCRC) have with regard to addressing food marketing? Second, how should these obligations be enshrined in law and practice?

In providing strongly reasoned and convincing answers to both, she focuses on the prevalent – and growing – phenomenon of child obesity – a phenomenon that simultaneously results from a failure to secure children's rights and, in itself, constitutes a failure in terms of those rights. Ó Cathaoir focuses on the potential of the UNCRC as a universal, unifying and legally binding framework for EU Member States' marketing regulation efforts. In doing so, she pays particular attention to socioeconomic rights and the duties they impose. However, she also addresses elements of the Convention that are central to ensuring children's rights related to protection, privacy, information, cultural life, freedom from exploitation, autonomy and agency. She makes clear the ways in which these rights are all affected by, and have important implications for, the permissible parameters of potentially rights-harming unhealthy food marketing. As such, her argumentation is rooted in an excellent understanding of the theory and practice of children's rights.

But addressing unhealthy marketing through regulation is not just about children's rights. Indeed Ó Cathaoir makes clear the important role that the World Health Organization's Recommendations on marketing and other guidance have to play in supplementing the UNCRC and the work of international human rights law entities in this area.¹ A further, very valuable aspect of the book is the way in which Ó Cathaoir's analysis

¹ See, e.g., WORLD HEALTH ORGANIZATION, *Set of Recommendations on the Marketing of Foods and Non-Alcoholic Beverages to Children*, WHO, Geneva 2010.

also encompasses the (sometimes competing) obligations of states under international trade and economic law and EU law, as well as other human rights instruments that make provision for companies' rights to commercial speech or expression. Ó Cathaoir's decision to look at frameworks and enforcement bodies beyond those directly associated with child rights (and public health) means that her arguments are embedded in a robust, real world understanding of the numerous obstacles, both international and national, to putting children's rights at the heart of state marketing regulation. Child rights and public health arguments will not prevail where they fail to account for the perspectives that are likely to be deployed against them in the context of the prevailing pluralist international legal regime.

Ó Cathaoir's aim is not simply to make clear that the food is being marketed in the age of 'Big Food' and 'Big Tech' in a way that is contrary to children's rights (although she establishes this resoundingly); rather this work seeks to prevent this from happening. In doing so, it engages adeptly with key debates in child rights and public health, making a clear, significant original contribution to both of these areas of scholarship, as well as to broader legal and policy debates about unhealthy marketing and obesity

This book makes clear the long-standing challenges posed to children, their health and their rights by state inaction, indifference and inadequacy with regard to unhealthy food marketing – challenges that have been super-charged in the context of social media and the COVID-19 pandemic. Ó Cathaoir highlights the past failures that have brought us to where we are today and demonstrates how these must be overcome if we are to do justice to the children of today and tomorrow.

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I would never have thought of embarking on a PhD or writing a book were it not for the support of certain persons and institutions. I am grateful for the solid legal education I received at University College Cork where I took an elective in health law that captivated my attention.

The decision of move to Copenhagen was a leap into the unknown. I was lucky to be met with an empathetic, engaged PhD supervisor, Professor Mette Hartlev. Little did you know when we first spoke that you were also signing up to be a Danish tutor, mentor and confidant! I am grateful to call you a friend.

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The book is dedicated to the memory of my beloved father. One of his final acts of great kindness was to painstakingly edit my thesis in December 2016. When revising the text I smiled often, still hearing his voice in the words and phrases he had added. My father was an idealist, which I am sadly not, but I owe to him my sense of justice.

Copenhagen, December 2021

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LIST OF REPORTS

- ARTICLE 29 DATA PROTECTION WORKING PARTY, ‘Working Party 29 Opinion 2/2006 on privacy issues related to the provision of email screening services’, 00451/06/EN, 21 February 2006.
- ‘Opinion 2/2009 on the protection of children’s personal data’, 398/09/EN WP 160, 11 February 2009.
- ‘Guidelines on Automated individual decision-making and Profiling for the purposes of Regulation 2016/679’, 17/EN WP251rev.01, 6 February 2018.
- AUSTRIAN SAFER INTERNET CENTRE, *Living in an online stream: new study on young people’s lives on social networks*, Better Internet for Kids 2021 <<https://www.betterinternetforkids.eu/en-GB/practice/research/article?id=6837254>>.
- COMMITTEE OF MINISTERS, ‘Recommendation CM/Rec(2018)7 of the Committee of Ministers to Member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment’, 4 July 2018.
- COUNCIL OF EUROPE, Guidelines to respect, protect and fulfil the rights of the child in the digital environment, Recommendation CM/Rec(2018)7 of the Committee of Ministers.
- CRC COMMITTEE, ‘General Comment No. 1 (2001), Article 29 (1), the aims of education’, CRC/GC/2001/1, 17 April 2001.
- ‘General Comment No. 3: HIV/Aids and the Right of the Child’, CRC/GC/2003/3, 17 March 2003.
- ‘General Comment No. 4: Adolescent Health and Development in the Context of the Convention on the Rights of the Child’, CRC/GC/2003/4, 1 July 2003.
- ‘General Comment No. 5: General Measures of Implementation of the Convention on the Rights of the Child’, CRC/GC/2003/5, 27 November 2003.
- ‘General Comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin’, CRC/GC/2005/6, 1 September 2005.
- ‘General Comment No. 7: Implementing Child Rights in Early Childhood’, CRC/C/GC/7/Rev.1, 20 September 2006.
- ‘General Comment No. 8: The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment (Arts. 19; 28, Para. 2; and 37, inter alia)’, CRC/C/GC/8, 2 March 2007.
- ‘General comment No. 9 (2006): The rights of children with disabilities’, CRC/C/GC/9, 27 February 2007.
- ‘General comment No. 11 (2009): Indigenous children and their rights under the Convention’, CRC/C/GC/11, 12 February 2009.

- ‘General Comment No. 12: The Right of the Child to Be Heard’, CRC/C/GC/12, 20 July 2009.
- ‘General Comment No. 13: The Right of the Child to Freedom from All Forms of Violence’, CRC/C/GC/13, 18 April 2011.
- ‘General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)’, CRC/C/GC/14, 29 May 2013.
- ‘General comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24)’, CRC/C/GC/15, 17 April 2013.
- ‘General Comment No. 16, State Obligations Regarding the Impact of the Business Sector on Children’s Rights’, CRC/C/GC/16, 17 April 2013.
- ‘General comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31)’, CRC/C/GC/17, 17 April 2013.
- ‘General comment No. 20 (2016) on the implementation of the rights of the child during adolescence’, CRC/C/GC/20, 6 December 2016.
- ‘General comment No. 25 (2021) on children’s rights in relation to the digital environment’, CRC/C/GC/25, 2 March 2021.
- ‘Report of the 2014 Day of General Discussion “Digital Media and Children’s Rights”’, Geneva, 2014.
- CRC COMMITTEE and CEDAW, Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the Committee on the Rights of the Child on Harmful Practice’, CEDAW/C/GC/31/CRC/C/GC/18, 14 November 2014.
- COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, ‘General Comment No. 3: The Nature of States Parties’ Obligations (Art. 2, Para. 1, of the Covenant)’, E/1991/23, 14 December 1990.
- ‘General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12 of the Covenant)’, E/C.12/2000/4, 11 August 2000.
- DATA PROTECTION COMMISSION, Report by the Data Protection Commission on the use of cookies and other tracking technologies Following a sweep conducted between August 2019 and December 2019, 2020 <https://ec.europa.eu/health/sites/default/files/nutrition_physical_activity/docs/childhoodobesity_actionplan_2014_2020_en.pdf>.
- *Children Front and Centre: Fundamentals for a Child-Oriented Approach to Data Processing*, Dublin 2021.
- EUROPEAN DATA PROTECTION SUPERVISOR, Opinion 1/2021 on the Proposal for the Digital Services Act, February 2021 <www.edps.europa.eu/system/files/2021-02/21-02-10-opinion_on_digital_services_act_en.pdf>.
- FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO), ‘Rome Declaration on World Food Security and World Food Summit Plan of Action’, Rome, 13 November 1996.
- HIGH LEVEL GROUP ON NUTRITION AND PHYSICAL ACTIVITY, EU Action Plan on Childhood Obesity 2014–2020, 24 February 2014.

- HUMAN RIGHTS COMMITTEE, 'General Comment No. 34, Article 19, Freedoms of Opinion and Expression', CCPR/C/GC/34, 12 September 2011.
- HUMAN RIGHTS COUNCIL, 'Right of everyone to the enjoyment of the highest attainable standard of physical and mental health', A/HRC/RES/15/22, 6 October 2010.
- 'Report of the United Nations High Commissioner for Human Rights on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health', A/HRC/22/31, 4 December 2012.
- 'Resolution on the Right of the Child to Engage in Play and Recreational Activities', A/HRC/27/L.28, 22 September 2014.
- INTERNATIONAL LABOUR ORGANIZATION (ILO), 'Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy', 16 November 1977, 17 ILM 422 (1978).
- OECD, Recommendation of the Council on Children in the Digital Environment, OECD/LEGAL/0389, 2021.
- OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, 'Guiding Principles on Business and Human Rights', HR/PUB/11/04, United Nations, 2011.
- 'The Right to Privacy in the Digital Age', United Nations, Geneva, 30 June 2014.
- THE ETO CONSORTIUM, 'The Maastricht Principles on the Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights', 2011.
- 'The Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights', adopted 8 January 1987, U.N. ESCOR, Commission on Human Rights, 43rd Session, Agenda Item 8, U.N. Doc. E/CN.4/1987/17, Annex (1987).
- UN GENERAL ASSEMBLY, 'Optional Protocol to the International Covenant on Economic, Social and Cultural Rights: resolution, adopted by the General Assembly', A/RES/63/117, 5 March 2009.
- 'Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure: resolution adopted by the General Assembly', A/RES/66/138, 27 January 2012.
- 'Political Declaration of the High-Level Meeting of the General Assembly on the Prevention and Control of Non-Communicable Diseases', UN, New York 16 September 2011.
- 'Political Declaration of the Third High-Level Meeting of the General Assembly on the Prevention and Control of Non-Communicable Diseases', A/RES/73/2, UN, 2018.
- 'Resolution adopted by the General Assembly on 19 September 2011 66/2. Political Declaration of the High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases', A/RES/66/2, 24 January 2012.
- 'Resolution adopted by the General Assembly on 18 December 2013 68/127: The right to privacy in the digital age', A/RES/68/167, 18 December 2013.
- Special Rapporteur on the Right to Health, 'Report of the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health', A/HRC/26/31, 1 April 2014.

- Special Rapporteur in the Field of Cultural Rights, ‘The Impact of Advertising and Marketing Practices on the Enjoyment of Cultural Rights’, UN General Assembly, A/69/286, 8 August 2014.
- Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, ‘Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression’, A/69/335, 21 August 2014.
- Special Rapporteur on the Right to Adequate Food, ‘Interim Report of the Special Rapporteur on the Right to Food’, A/71/282, 3 August 2016.
- Special Rapporteur on the Right to Privacy, ‘Artificial intelligence and privacy, and children’s privacy: Report of the Special Rapporteur on the right to privacy, Joseph A. Cannataci’, A/HRC/46/37, 25 January 2021.
- UN GLOBAL COMPACT, ‘United Nations Global Compact’, 2000 <www.unglobalcompact.org/what-is-gc/mission/principles>.
- UNICEF, National human rights institutions (NHRIs) Series: Tools to support child-friendly practices. Child-Friendly Complaint Mechanisms, UNICEF, Geneva 2019.
- UNICEF, SAVE THE CHILDREN and UN GLOBAL COMPACT, ‘Children’s Rights and Business Principles’, 2012 <www.unicef.org/media/96136/file/Childrens-Rights-Business-Principles-2012.pdf>.
- UNITED NATIONS SYSTEM STANDING COMMITTEE ON NUTRITION, ‘Joint Statement by the Working Groups on Nutrition, Ethics and Human Rights/Nutrition Throughout the Life Cycle on the human right of children and adolescents to adequate food and to be free from obesity and related diseases: the responsibilities of food and beverage corporations and related media and marketing industries’, Geneva, March 2006.
- WORLD HEALTH ASSEMBLY, ‘Follow-up to the Political Declaration of the High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases’, WHA66.10, 27 May 2013.
- WORLD HEALTH ORGANIZATION, Set of Recommendations on the Marketing of Foods and Non-Alcoholic Beverages to Children, WHO, Geneva 2010.
- A Framework for Implementing the Set of Recommendations on the Marketing of Foods and Non-Alcoholic Beverages to Children, WHO, Geneva 2012.
- Global Action Plan for the Prevention and Control of Noncommunicable Diseases 2013–2020, WHO, Geneva 2013.
- Marketing of Foods High in Fat, Salt and Sugar to Children: Update 2012–2013, WHO, Geneva 2013.
- Policy Brief: Taking Measures to Implement the WHO Set of Recommendations to Reduce the Impact of the Marketing of Unhealthy Foods and Non-Alcoholic Beverages to Children, WHO, Geneva December 2014.
- Report of the Commission on Ending Childhood Obesity, WHO, Geneva 2016.
- Report of the Commission on Ending Childhood Obesity: Implementation plan: Executive summary, WHO/NMH/PND/ECHO/17.1, WHO, Geneva 2017.

- WORLD HEALTH ORGANIZATION (EUROPE), Vienna Declaration on Nutrition and Noncommunicable Diseases in the Context of Health 2020, WHO, Vienna 2013.
- European Food and Nutrition Action Plan 2015–2020, WHO, Copenhagen 2014.
- WHO Regional Office for Europe Nutrient Profile Model, WHO, Copenhagen 2015.
- Tackling food marketing to children in a digital world: trans-disciplinary perspectives. Children’s rights, evidence of impact, methodological challenges, regulatory options and policy implications for the WHO European Region, WHO, Copenhagen 2016.
- Evaluating implementation of the WHO Set of Recommendations on the marketing of foods and non-alcoholic beverages to children: Progress, challenges and guidance for next steps in the WHO European Union, WHO, Copenhagen 2018.
- Monitoring and Restricting Digital Marketing of Unhealthy Products to Children and Adolescents, WHO, Copenhagen 2018.
- WHO EUROPEAN ACTION NETWORK ON REDUCING MARKETING PRESSURE ON CHILDREN, 12th Meeting of the WHO European Action Network on Reducing Marketing Pressure on Children – Meeting Report, 2017.
- WORLD HEALTH ORGANIZATION REGIONAL OFFICE FOR THE WESTERN PACIFIC, Protecting children from the harmful impact of food marketing, WPR/RC68.R3, WHO, 2017.
- Regional action framework on protecting children from the harmful impact of food marketing in the Western Pacific, WHO, Manila 2020.
- WORLD OBESITY FEDERATION, NCD ALLIANCE and WORLD CANCER RESEARCH FUND INTERNATIONAL, Joint Response: WHO Draft Implementation Plan for the Recommendations to End Childhood Obesity, World Obesity, October 2016.
- WORLD OBESITY, Implementing the Report of the Commission on Ending Childhood Obesity: barriers, lessons and next steps: Executive Summary, World Obesity, 2020.

