

Towards a meaningful implementation of the DSA: addressing the gaps in VLOPs assessment and mitigation of risk for children's rights

Dear Vice-president Virkkunen,

We are a group of organisations and individuals working to uphold children's rights in the digital world across the European Union. With this letter, we call on the European Commission to ensure Very Large Online Platforms duly fulfil their obligations to assess and mitigate risks to children in their platforms under the Digital Services Act (DSA).

This **first round of DSA risk assessment reports** is a significant milestone in the implementation of the **DSA**. In the context of ongoing proceedings and investigations, it should stand as an exercise of crucial accountability for understanding the risks posed by services and their commitment to their mitigation. However, the risk assessment reports published in November 2024 show several shortcomings that significantly limit their effectiveness in shaping an age appropriate environment for children online.

Firstly, the scattered structures, methods and definitions adopted in each report hinder rigorous analysis and comparability. The **reports do not provide a detailed assessment of the risks identified**, nor do they offer much additional information beyond what is already publicly available through terms and conditions, policies and guidelines. Moreover, the **reports lack the adequate data to assess the relevance or persistence of the assessed risks and the effectiveness of mitigation efforts**. Research by the Center for Countering Digital Hate has shown that key mitigation measures (i.e., content removal following user reports, consistent application of protections across EU countries, and safeguards in recommender systems) were either inconsistently applied, ineffective, or misleadingly presented.

Secondly, there is a **general lack of ambition in the mitigation measures presented by companies** that deviates from the spirit of the Digital Services Act. In some cases, crucial risks to children are left unidentified or unaddressed with no specific mitigation measures in place. The measures listed are often limited to well-established minimum practices such as terms and conditions, content moderation, age-restricted content, reporting mechanisms, and parental control tools, among others. These are minimum safeguards and are far from delivering a 'high level of privacy, safety, and security for minors' as per Article 28.

Thirdly, despite the requirements of Article 34 of the DSA, **little emphasis has been placed on key aspects such as children's privacy or design choices** – particularly addictive features or dark patterns. As a result, the assessments are superficial and risk overestimating the efficacy of these measures in mitigating the identified risks. The assessments **often fail to identify specific gaps or emerging trends that pose risks to children's rights online**, such as artificial intelligence.

All in all, the assessments rarely refer to the full spectrum of children's rights, nor account for cross-cutting risks. More worryingly, **they also fail to address the specific risks encountered by vulnerable children, such as children with disabilities or children from disadvantaged backgrounds**. Lastly, the assessment of the risks for children tends to focus on the characteristics of each service, rather than being grounded in children's rights or their lived experiences, potentially leading to overlooking certain risks beyond those linked to the intended use of the services.

When carried out thoroughly, transparently and through a child-rights lens, the risk assessment, mitigation and audit exercises could provide useful information to enable regulators, researchers, and civil society to hold online platforms accountable for their duty of care towards children. But this is only possible when these exercises are **scrutinised by external auditors and monitored by civil society**.

Following on the European Commission's Political Guidelines 2024 - 2029 commitment to implement and enforce the DSA, **we call on the Commission to provide concrete guidance on the detail level and structure of risk assessments, including:**

- Establishing a minimum time frame - recommend online platforms to submit risk assessment and mitigation reports that cover a period of at least one year and include a reasonably recent assessment and data, to ensure comparability and up-to-date information;
- Providing a common framework for the risk assessment and mitigation - recommend online platforms to anchor the risk assessments regarding children on the UN Convention on the Rights of the Child, UN General comment No.25 and on existing tools that provide the basis for a comprehensive analysis of the effects of online services on children's rights, namely a Child Rights Impact Assessment;
- Clarifying requirements under Article 34 on assessing risk and the associated risk factors - including specific recommendations to
 - cover the full spectrum of risks children face in digital environments, most notably following the 5C Framework and paying special attention to emerging risks;
 - cover a wider variety of risk factors linked to digital design choices, most notably recommender systems, nudging techniques and engagement-driven features, privacy settings and visibility of child accounts, among others;
 - include specific considerations in the risk assessment and suitability of mitigation measures for vulnerable children;
- Establishing benchmarks for indicators of risk and effectiveness of risk mitigation measures - ensure minimum data disclosure and that essential information is not redacted unnecessarily, except when disclosure poses a legitimate risk;
- Encouraging the meaningful participation of civil society, researchers and children in the preparation of the risk assessment reports, to ensure risk assessments truly reflect children's lived experiences and are based on the best available information and scientific insights;
- Including minimum accessibility requirements, including that they are published in a machine-readable (HTML, JSON) or easily accessible format.

With this letter, we therefore formally request that the Commission strengthen the enforcement of the DSA to ensure that platforms fulfill their legal responsibilities in a comprehensive manner that genuinely protects and respects children's rights across all the European Union. Children cannot wait any longer.

Signatories

Members of the European Parliament:

1. Laura Ballarín Cereza, MEP, Socialists and Democrats
2. Maria Guzenina, MEP, Socialists and Democrats
3. Veronika Cifrová Ostrihoňová, MEP, Renew Europe

4. Saskia Bricmont, MEP, Greens/EFA
5. Alexandra Geese, MEP, Greens/EFA

Civil Society Organisations:

1. 5Rights Foundation
2. Børns Vilkår
3. Bris
4. Center for Countering Digital Hate
5. Center for Missing and Exploited Children, Croatia
6. Child Focus
7. Children and Youth Support Organisation
8. COFACE Families Europe
9. Defence for Children - ECPAT Netherlands
10. ECPAT International
11. Eurochild
12. FICE Croatia
13. German Children's Fund
14. Hintalovon Foundation-ECPAT Hungary
15. Internet Watch Foundation
16. Kinderrechtencollectief | Dutch NGO Coalition for children's rights
17. Missing Children Europe
18. Novi Put
19. Pancyprian Coordinating Committee for the Protection and Welfare of Children
20. Pomoc Deci
21. Save the Children
22. Prof. Simone van der Hof (Center for Law and Digital Technologies (eLaw), Leiden University)
23. The Smile of the Child, Greece
24. Society "Our children" Opatija, Croatia
25. Terre des Hommes Netherlands