Protecting Children Beyond Content: Rethinking Responsibility for Digital Design

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Balancing children's autonomy, parental responsibility and commercial interests

I. Introduction – Children in Digital Environments

Digital environments have become an integral part of children's everyday lives. They provide spaces for learning, creativity, entertainment and social interaction, including meeting peers in virtual spaces (Committee on the Rights of the Child, 2021). Yet these environments are also shaped by commercial interests. Persuasive design features, including rewards and notifications, may encourage continued engagement and make it harder for young users to disengage (Radesky et al., 2022). The European Commission

recognises that business models designed to maximise time spent online may exploit children's vulnerabilities (European Commission, 2026a, p. 1).

This raises the question of how their rights and interests can be effectively protected. Article 28 of the DSA provides a framework for protecting minors on online platforms, further developed by the Commission's 2025 Guidelines. The Commission nevertheless acknowledges remaining regulatory gaps (European Commission, 2026a, p. 2), which the proposed EU KIDS Act seeks to address. Against this background, this article considers how the existing and proposed framework balances effective protection, children's autonomy, parental responsibility and providers' legitimate commercial interests.

II. The Commercial Design of Children's Digital Experiences

While children's inhibitory control, which is crucial for self-regulation, continues to develop throughout childhood and adolescence, digital environments with persuasive design features can encourage continued engagement, making disengagement more difficult (Maeneja et al., 2025; Radesky et al., 2022).

This tension is particularly evident in reconciling children's rights and interests in safe digital access with providers' commercial interests. The latter control the architecture through which attention and engagement are encouraged and monetised. Parental oversight, although essential, has inherent limitations. The Commission thus considers guardian tools complementary to safety-by-design measures rather than a substitute for providers' responsibilities, as effective protection needs to address digital design too (European Commission, 2025, para. 80).

III. The European Regulatory Response: From the DSA to the EU KIDS Act

Article 28(1) of the DSA generally requires online platforms accessible to minors to ensure a high level of privacy, safety and security, whereas Article 28(2) prohibits profiling-based advertising using the recipient's personal data where the provider knows with reasonable certainty that the recipient is a minor. Comparable design-related risks may arise in other digital services, including online games, which are not necessarily covered by Article 28.

As Article 28(1) establishes a broad standard rather than specific design requirements, the Commission's non-binding 2025 Guidelines develop that standard by addressing recommender systems, addictive design, commercial practices and guardian tools, but they neither create independent obligations nor extend the scope of Article 28.

The Commission acknowledges that, despite existing DSA rules addressing design and systemic risks, the current framework does not yet provide sufficiently detailed and comprehensive harmonisation of problematic de-

sign features, addictive design and age assurance (European Commission, 2026a, p. 2). The proposed EU KIDS Act therefore seeks to respond to these gaps.

Taking the best interests of the child as a primary consideration, it extends harmonised safety requirements, thereby covering video-sharing platforms as well as services and systems including online games, AI companions and general conversational chatbots (European Commission, 2026b, Art. 2). Crucially, it seeks age-appropriate protection rather than exclusion. The proposal establishes a minimum age of 15 for autonomous social-media and video-sharing accounts with specific risk features, while allowing guardian-created and controlled accounts for children aged 13 and 14 and, under specific conditions, guardian-controlled access to child-friendly video-sharing services for younger children (Arts. 6–7).

The proposal also moves towards safety by design. Alongside protective defaults, it contains prohibitions and mandatory design constraints addressing addictive design and recommender-system risks rather than relying on children or parents to identify and disable harmful features themselves. Enhanced guardian tools complement these measures (European Commission, 2026b).

The Commission's broader approach also promotes a healthy balance between digital and offline lives. It encourages Member States to increase children's access to offline activities and spaces, including sports, arts, youth clubs and libraries (European Commission, 2026a, p. 8).

IV. Conclusion – Towards Effective Protection by Design

While the DSA established an important foundation, the proposed EU Kids Act goes further by translating child protection into more concrete, age-appropriate and safety-by-design requirements. It places greater responsibility on those who design and operate digital environments, even where protection may conflict with commercial interests.

At the same time, parental guidance remains important. The proposal enables parents to benefit from safe default settings, accessible guardian tools and graduated access according to age, supporting them in guiding their children's digital use. Their effectiveness, however, will depend on reliable age assurance and enforcement.

Its direction is convincing: children should be able to participate, learn, communicate and develop autonomy in digital environments without being left unprotected against design choices intended to maximise engagement. Effective child protection should neither exclude children from digital life nor place the burden primarily on parents. It should begin with the design of the digital environment itself.

References

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