RÉPUBLIQUE FRANÇAISE

LE DÉFENSEUR
DES DROITS

# COMMITTEE ON THE RIGHTS OF THE CHILD

Day of General Discussion
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"Digital media and children's rights"

Written contribution of the French Defender of Rights

The written contribution of the French Defender of Rights is based on the observations and recommendations formulated in the 2012 annual report of the French Defender of Rights on "*Children and screens: growing up in a digital world*".

## ➢ Children and screens: a widely explored topic

Children's relationship with screens has been widely studied in the past few years, especially due to the growing development of Internet in France: nearly 21 million homes were connected in September 2012. In the early 2000s barely one out of two French people, aged over 15, had an internet access (at home or at their workplace), but today ¾ of French people have an internet connection at home[1].

The studied behaviours are promptly changing according to the changing techniques which develop new applications and new services. Portability and miniaturization multiply the connection means,, whereas more and more people can be connected due to the falling prices of the products.

For instance, social networks which are a reference activity for the youths on Internet were still relatively marginal in the early 2000s while blogs were particularly popular, especially among teenagers. These changes have had a significant impact on the questions raised and the given answers. Uses have now become nomads: the screen allowing Internet access and its

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[1] The spread of information and communication technologies in France, Research Centre for the Study of the Conditions of Life (CREDOC), 2011.

functions are easily removable and can easily fit into a pocket. The ever-growing interactivity of the web has changed the internet user to a creator and distributor of contents.

The nomadic uses promoted by the overlap of content and media, the dramatic lowering of the age of first contact with the internet (4-5 years) and the extension of the digital school field, called for rethinking deeply the overall protection of children in the media. Indeed, these needs to protect children, teenagers and youths users of internet has gradually been taken into account by governments, NGOs, schools, families and users themselves. Changing practices and reflections, information and awareness-creation among adults and youths alike have been enhanced, and emphasis placed on their positive impacts on socialisation, development of skills, and access to cultural resources and the world in general.

> **A strong legal arsenal and complex systems to protect children**

The digital convergence highlights the dissonances between regulations and protections, and makes obsolete the differences in approaches, rules and institutions working in this area. Internet, particularly because of its international dimension has reversed the situation.

Various regulatory and control tools have been created according to content delivery channels (television, internet, cinema, video games, etc.). New applications give rise to some challenges which show the current limit of existing protection tools.

Content regulation via signage has its limitations. Parental control on computers beyond the age of 8-10 years is slightly used, heavy, and imprecise. Browsing on the internet via tablets, Smartphones and Wi-Fi cannot be controlled.

The consideration of the subject and its issues was slow and difficult to organize. Today, there is no unified control and regulation authority. Actions were categorised by public sectors, and by missions (written, audio-visual, gaming, advertising media) thus promoting disorganised interventions, barely evaluated by an external authority. Some Community hesitations have compounded this vagueness in terms of the attitude to adopt between the protection of sensitive users and the development of these industries. The diversity of laws and international regulation methods calls for a joint action which is taking shape slowly.

> **Growing up in a digital world: learning, playing, creating, taking care of and educating oneself**

As an inexhaustible source of knowledge, the digital world plays a key role in education, whether in education, training and leisure facilities and more generally, in all education centres. Learning and mastering these techniques are now part of the basic training under the responsibility of the Education ministry. Developing the use of digital technology at schools must enable pupils to acquire new skills in order to better understand the world which surrounds them, and guarantee their chances of a better integration. Moreover, the European Commission has recognised digital technology since 2006 as one of the eight "key skills for education".

The Ministry of National Education has therefore, gradually integrated digital technology into its schools and programmes and triggered "flagship actions" and numerous experiments. In this field, regional authorities have also been working along this line for sometimes now: almost all the regions are involved in the development and improvement of digital access. A good number of departments are making sometimes huge efforts to furnish colleges with systems. Communes are also making efforts to furnish primary schools and even kindergartens.

However, in the current state it is still difficult to identify a control point, to understand the articulation of the authorities and to identify overwhelming trends. Without identifying good practices, it is tough to evaluate, promote and spread them nationally or to guarantee to all the children the same access to Information and Communication Technologies (ICT) in education.

Digital technology is an irreplaceable gateway to the world. Yet it cannot be entrusted with all educational responsibilities. Although getting connected changes the method of obtaining information, no information is available - and fewstudies have been conducted on this point - whether this actually amended the learning process and, thus, education.

**Very young children are also screens consumers**
The standardization of audio-visual then digital devices, their technological evolution and diversification, combined with the multiplication of contents, have facilitated access to these contents and opened them to new users, including young children and even babies. These users are considered to be particularly vulnerable, and serious reflections must be made on the use of these media (television, video games, computers, digital tablets, and mobile phones), the expected impacts and the protective measures to be taken.

In fact, this media convergence has made obsolete the boundaries achieved between the media, the law and the regulations; it has created a global audience and, for the children, ushered in a radical change in their use for education, training and entertainment, and imbricated them with the risk of a certain confusion. A 2-to-3-year-old child has become a consumer of an educational game, accessible on internet via its parents' PC or pocket device: telephone, tablet. A 14 months baby discovers and has fun placing its finger on the screen of a smartphone screen and seeing the impact of this gesture on the screen.

Teenagers may be the preferred target of hardware manufacturers, content creators and advertisers, but children aged below six and, even more, those aged below three, as well as their parents, are now a category to be nurtured carefully because they are powerful consumers. The early months of infancy, integrating these media and their immense possibilities in the ordinary world of the young child and makes him a user and therefore an early consumer and probably sustainable, materials and content which he took a liking from the stroller. They quickly become indispensable to him or her to the point of wanting it naturally and permanently.

In contrast to what will happen later, when marketing will approach the prescriber child to reach his parents, targeting these children implies first targeting the adults around them: parents, family, teachers - convincing them about the usefulness of the screens and some of which they give access to the intellectual and social development of their child, and about giving their child all the chances to succeed at school. Some initiatives, which claimed to

stimulate the development of little children, such as television channels directly aimed for babies as from the age of six months, go downhill after being severely criticised by parents and professionals and after being subjected to some restrictions by public authorities. The sales arguments for other products continue to use a simple and effective register.

The adults around the child play a key role in decisions on what to buy, the choice of devices and media as well as usage. The young child needs to be fully dependent on the adult. The image of the parent, who places these tools very early (which in the minds of adults means "as early as possible") in the hands of his child is enhanced. He/she is seen as a parent capable of not giving up on technological innovation (tablets are particularly popular), capable of identifying what is best for his/her child and providing it for it; a parent who strives for his/her child's intellectual and social development by offering it all it takes to succeed, especially, at school and better face the competitions of life. However, the impact of this premature use on the young child's development is ignored - which is regrettable.

> **Screens and teenagers' private life: each child deserves a protection of his/her private life**

The internet, with the almost-unlimited communication and interconnection possibilities it offers, has significantly changed social relations, but also the boundaries and exposure of private life, especially for youths. Accessible from a lot of devices, the internet is now an integral part of the daily life of children and teenagers. To such an extent that it seems barely realistic to dissociate the digital "virtual" life from the "real" life of a teenager.

This interlinkage of the digital life in the day-to-day activities of a teenager pushes him/her to put online a huge amount of personal information, accessible to a vast number of users. This poses both in a positive and negative manner the question of the consequences of an intensive use of digital technology, and the manner in which "the child's superior interest" and the rights from the Convention on the Rights of the Child are taken into consideration, especially the right to the respect of its private life (Article 16).

Why choosing the prism of "private life" or "intimacy" to study the relations between teenagers and screens? Private life is alternatively and / or cumulatively envisaged as a sociological and legal concept. Private life corresponds to a certain space for privacy necessary for personal development and balance; from a legal viewpoint, private life is more defined than public life. The Article 12 of the Universal Declaration of Human Rights stipulates: "*No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks*". Therefore, the issues are to determine what is the part of privacy in this digital era.

The right to privacy does not distinguish adults and children in the broad sense of it. Still, it can be assumed that the privacy of a child and a teenager is more extensive and more permeable than an adult. The environment of the child, its family and friends are part of its privacy. Therefore, it seems important to specially protect the child's privacy due to its vulnerability. In fact, teenagers are barely aware of the personal information (traces) they leave on the internet and which may be used for commercial or malicious purposes. They are the choice target of advertising companies striving to make the most comprehensive lucrative

"profits" possible. The protection of a teenager's privacy may also be extended to those around him/her about whom he/she may provide some personal information.

The main legal texts meant to guarantee this protection are Convention 108 of the Council of Europe, two European Parliament and Council directives, and the amended Data Protection Act of 6 January 1978. However, this measure is limited; its application is sometimes impeded by problems of interpretation and territorial application.

As for the "right to digital oblivion", it is recent but its implementation is still implicit. However, this right to digital oblivion is essential and, if implemented, would enable every child and later every adult to get his or her personal online data deleted. The European Commission is working towards it. Indeed, the European regulation on the protection of personal data should be adopted in 2015 with the goal to strengthen the legal framework insuring a better protection of these data and their flow.