

Annual report 2012 on children's rights

"CHILDREN AND SCREENS: GROWING UP IN A DIGITAL WORLD"

SUMMARY

Part I: **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 rapid growth of the internet in France: nearly 21 million homes were connected as of 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 place of work), but today $\frac{3}{4}$ of French people have an internet connection at home¹.

However, the studied behaviours are rapidly changing according to the changing techniques which develop new applications and new services. Connectivity tools are equally growing thanks to portability and miniaturisation, whereas more and more people can connect due to the falling prices of the products...

For instance, social networks, a reference activity for the youths on the 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 answers thereto. As applications become mobile, the screen used to access the internet and its functions become easily portable, even in pockets.

Some dates can be used to measure the rapidity of these changes. Apple launched 5 versions of iPhone between 2007 and 2012, two versions of iPad (84 million copies sold), and 4 versions of iPod (275 million copies sold). According to IHS isupply, Smartphones will represent 54% of the sale of handsets in 2013 and over 67% in 2016.

Windows has been upgraded from Windows XP in 2002/2003 to Vista and Windows 7, then up to Windows 8 in 2012. Five versions of Internet Explorer were developed within the same

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

period. The ever-growing interactivity of the web has changed the internet user to a creator and distributor of contents.

The need to protect children, teenagers and youths from such screens has gradually been taken into account by governments, NGOs, schools, families and users themselves. Thanks to changes in 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, access to cultural resources and the world in general.

Part II: A strong legal arsenal and complex systems to protect children

The digital convergence highlights the dissonances between regulations and protections, and make obsolete the differences in approaches, rules and institutions working in the field. The internet, especially 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.

The regulation of contents through signs has thus found its limits. Parental control on PCs, beyond 8 to 10 years, is barely used, cumbersome and vague. Browsing on the internet via tablets, Smartphones and Wi-Fi cannot be controlled.

The reaction to the issue and its stakes has been slow and difficult to organise. Today, there is no unified control and regulation authority. Actions were categorised by public sectors, and by missions (written, audiovisual, gaming, advertising media) thus favouring 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.

It seems urgent and necessary to:

- Find a balance between the different rights guaranteed by the laws applicable in France and which are also within the framework of European and international laws;
- Create a forum for joint reflection by the players concerned so as to work out a transversal and comprehensive policy on the protection of children and the media, based on the rapidly and ever changing techniques, tools and uses, with reference, among others, to the prospects offered by the connected television;
- Create awareness among children, parents and trainers.

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

An inexhaustible source of knowledge, the digital world plays a key role in education, be it in schools, 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 which correspond to the reality of a modern world, 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 Education ministry has, therefore, gradually integrated digital technology into its schools and programmes, and triggered "flagship actions" and numerous experiments. Regional authorities have also been working along this line for sometime 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 equip colleges with systems. Towns are also making efforts to equip primary schools and even kindergartens.

However, as of now 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 difficult to evaluate, promote and spread them nationally or to guarantee that all the children are given the same access to 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, nobody knows - and little studies have been conducted on this point - whether this actually changes the learning process and, thus, education.

Part IV: Infants are also screen consumers

The massification of audiovisual 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, mobile phones), the expected impacts thereof and the protective measures to be taken.

In fact, this media convergence has made obsolete the boundaries achieved between the media, the law and 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 happy consumer of an educational game, accessible on the internet via its parents' PC or pocket device: telephone, tablet. A still staggering 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. As early as the early months of infancy, integrating these media and their immense possibilities into the ordinary world of the baby makes it a user and, thus, an early and probably a long-term consumer of the devices and contents it was accustomed to in the pushchair. They will be so indispensable to it that with time it will consider it natural to always have them around.

On the other hand, what will be done later, when the marketing campaign will be aimed at the decision-making child to reach its parents, targeting these children implies first targeting the adults around them: parents, family, teachers - convincing them about the usefulness of the screens and the contents accessible with them for 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 at 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 and is 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 baby's development is ignored - which is regrettable.

Part V: Screens and teenagers' private life: each child is entitled to the protection of its 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. It is so much so that it seems barely realistic to dissociate the digital, "virtual" life from the "real" life of a teenager.

This imbrication of the digital life in the day-to-day activities of a teenager pushes him/her to place on line 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 emanating from the International Convention on the Rights of the Child are taken into consideration, especially the right to the respect of its private life (Article 16).

Why choose the prism of "private life" or "intimacy" to study the relations between teenagers and screens? Private life is alternately and/or concurrently 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. Pursuant to Article 12 of the Universal Declaration of Human Rights "*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 stake is to determine what is part of privacy in this digital era.

The right to privacy does not distinguish between 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 that of an adult. The people around a 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 that of 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 call for a "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 a necessary change in the right.

RECOMMENDATIONS

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| <p>> Proposal 1</p> <p>Putting in place a joint regulation of children-and-teenager-oriented digital policies thanks to a platform for reflection, proposals and actions involving all the public and private sector players in the digital field.</p> <p>Due to the diversity of structures, distribution modes, legal basis and practices, it is difficult to work out a consistent screen-related child protection policy.</p> <p>An organisation, made up of public and private-sector players in the digital field and in which the diversity of intervention fields and sensitivity is respected, would be entrusted with:</p> <ul style="list-style-type: none"> • Coordinating the activities of public and private-sector as well as national and international players • Coordinating laws, regulations and practices • Ethics • Research and prospects • Informing and creating awareness among professionals and the general public <p>> Proposal 2</p> <p>Making visible on all sites the modalities for reporting illegal contents and inappropriate contents or behaviours.</p> <p>The reporting modalities must respect a pre-defined format and position (the law has already made it mandatory for online gambling).</p> <p>Better informing the youths about their responsibilities in the use of the internet. Ensuring that internet users are better informed by site creators by inserting clearer</p> | <p>> Proposal 3</p> <p>Integrating a delisting right into the European regulation currently in preparation.</p> <p>Getting minors to recognise the right to a stricter protection of their privacy – right to oblivion, delisting right.</p> <p>In January 2012, the European Commission published a European regulation proposal reforming the protection of personal data, and which proposes some headway in terms of child protection. In fact, the existing data protection law is limited with regard to children.</p> <p>> Proposal 4</p> <p>Encouraging self-regulation, at the international level, among private sector players in the digital field in order to reinforce child protection.</p> <p>Several self-regulation initiatives taken by different players in the digital field (video games, social networks, industries) have already been adopted and have known wide growth on the international scene. They have shown their pertinence.</p> <p>Within this framework of international action, supporting the organisation of a resources group and providing assistance (expertise, counselling, finance, protection) to public or private organisations in countries wishing to create a hotline but do not have the means, such as the Inhope network, an international internet hotline association.</p> <p>> Proposal 5</p> <p>Developing a multi-disciplinary and independent research policy on the use, impact and consequences of generalising the</p> |
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| <p>and more visible messages.</p> | <p>use of digital technologies to children.</p> <p>Such knowledge is needed to define the short or long-term actions to take, the priorities to define, and the recommendations to make in terms of children's cognitive and social development, health, education, etc.</p> |
| <p>> Proposal 6</p> <p>Ensuring that the main people involved in children's education are given adequate training on ICT (teachers, educators, activity leaders, etc.), including creation of awareness on risks, information on the systems of protection, access to culture and to knowledge.</p> <p>Too many costly initiatives aimed at deploying digital resources at schools, in the cultural, healthcare, and recreational fields fail due to lack of adequate training actually given to the persons involved. This contributes to an image of confusion and improper use of these significant resources.</p> <p>> Proposal 7</p> <p>Offering the police more and systematic training on the specificity of the procedures (receiving complaints, searching for evidence) pertaining to cybercrime in which children may be involved as offenders or victims.</p> <p>> Proposal 8</p> <p>Modifying Law 2010-476 of 12 May 2010 (i) on the introduction of competition in and regulation of online gambling so as to integrate the obligation in all advertisements to indicate that gambling is forbidden to people below 18 years.</p> | <p>> Proposal 9</p> <p>Introducing a law to give a binding dimension to existing recommendations and, thus, protect children from adverts inserted into video games.</p> <p>Such adverts are rapidly growing but the recommendations made by several professional organisations are not binding on everyone.</p> <p>> Proposal 10</p> <p>Extending to the television channel Arte the stipulations of CSA (a French regulation authority) on the protection of children and teenagers against "audiovisual communication services programs that may hamper their physical, mental and moral development" (using the signs required by CSA, protecting minors participating in television programmes, protecting infants, offering protection against advert-induced pressure).</p> <p>The system currently used by Arte does not offer an equivalent protection, as was noticed by CSA in 2004.</p> <p>As an Economic Interest Group, Arte is not controlled by CSA, rather it is solely monitored and controlled by its shareholders "without any intervention from the public authority, including the independent authorities in charge of audiovisual regulation in the country where it is headquartered" (Article 1 of the inter-State Treaty).</p> |