Sharenting Within Online Education In The Context Of The Pandemic And Children's Right To Their Own Image And Education

Engl. transl.: Sharenting Within Online Education In The Context Of The Pandemic And Children's Right To Their Own Image And Education

# Keywords

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* sharenting
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Creating a safe environment for children online

# Abstract

"This article examines the legal issues that have forced the transition to an online school learning process for children, caused by the SARS-CoV-2 coronavirus and the pandemic. Although we believe that from a legal point of view, children's access to education must be respected, the article highlights the problems regarding the amplification of the sharenting phenomenon (already at worrying levels), determined by the transition to online learning. The article shows that the development of the educational process in the online environment determines the amplification of the sharenting phenomenon: this happens because teachers and parents have no legal knowledge and have not been trained on the risks of the online environment and the limits to children's rights (posting videos and audio of children in the online educational process); the school educational process takes place through social media platforms that are not designed for online learning and are not prepared to respect the child's right to his own image and his privacy and dignity. The article also analyzes the legal implications in the European context related to children's rights." (Dobrilă, 2021, p.431)

# Outcome

"“Considering the aspects related to the negative evolution of
sharenting highlighted in the literature, as observations that we totally agree, that „children have little to no recourse against parental oversharing”, and „they might lack opportunity to express their feelings, such as embarrassment, anger, or might lack an understanding of the implications of their parents’ online conduct”
(Steinberg, 2017, pp. 842-868), we notice a tendency of exacerbation of negative behaviors of parent s associated with
the phenomenon of sharenting, apparently and falsely encouraged by the permissiveness given by the pandemic context and the way the authorities managed (insufficiently clear in terms of protecting children's rights, beyond the right to education) moving to an online learning process for children. As for „the legal argument that the state, in acting as parens patriae, should step in and enjoin parents from posting anything potentially revealing about children ”, it is considered it would „fail as unreasonable restraint
against speech”; „parent’s online disclosure could be limited only in the extreme cases that put a child’s at risk” (Steinberg, 2017, p. 873).
The European Union’s recognition of an individual’s „right to be forgotten recognizes that as time passes, the value of the disclosure is minimized” and allows parents to talk about their children on social media, but parents should be mindful that their intended audience might not always act with good intention (Steinberg, 2017, pp.876, 880).
„Parents must consider the negative effect sharing has on a child’s psychological development” because the child will believe that sharing personal details about their lives is appropriate, even if (over)sharing might affect child’s reputation later in life
(Steinberg, 2017, p. 882).
In this direction, we notice a tendency to accentuate, in a negative sense, some behaviors of parents who, involuntarily, without a proper legal education and without being aware of
the implications , expose their children to social media without precedent.
What is worse is that this exposure receives, in a misinterpreted way, the apparent support from the institutions responsible for the learning process, which manages the forced transition to an online learning process. The lack of a clear direction from the authorities for the online learning process, in accordance with children's rights, contributes, as a close link, to parents' perception that children's exposure on social media is a natural component
of life today, in a pandemic context.
Specialists consider that by bringing children and their interests into
the privacy discourse, we are protecting children (Blecher -Prigat, 2020, p.380).
The amplification of the sharenting phenomenon in a pandemic
context and in the context of online education overlaps and is determined by the lack of a proper legal education for teachers, parents and children, the lack of guidelines on how the online education process should take place, for the protection of children's rights to privacy, intimacy, children's own image, the simple formal involvement of state institutions that should have concerns for respecting children's rights, lack of education for parents on the limits of their right to expression, lack of awareness of the risks to which children are exposed in social media.
Although they have the right to free expression, parents must be responsible and informed and act in the best interests of the child, as this initiates a digital life of the child who will be part of his digital identity. The child's right to privacy online must be respected; the right of children to address the courts in case of violation by parents, respectively teachers, of the right to privacy and to their own image is admitted. There are problems with the fact that there is no control over the information and images of children transmitted on the Internet by parents after their sharing, and the transmission online can negatively affect the child's further development, having a negative emotional impact on him.
The education of children must be carried out in the spirit of
democratic values and the measures taken for the protection of minors must focus on the physical, mental and moral development of minors. There is a link between sharenting and the development of the online learning process during the suspension of the face-to-face education process due to the pandemic: sharenting could be amplified by the fact that parents could understand using teachers' requirements to share pictures and videos of children doing homework / learning activities as a justification for sharing
even more information and pictures of children.” (Dobrilă, 2021, pp. 440-441)