Children as social network actors: A European legal perspective on challenges concerning membership, rights, conduct and liability

# Details

## Year

2015

## DOI

10.1016/j.clsr.2015.03.004

## Issued

2015

## Language

English

## Volume

31

## Issue

3

## Start Page

## End Page

## Authors

Wauters E.;Lievens E.;Valcke P.

## Type

Journal article

## Journal

Computer Law Security Review

## Publisher

Elsevier BV

## Topics

* Online safety and policy regulation
* Content-related issues
* Risks and harms

## Sample

A desk-research analysis of the rights and obligations of minors and the challenges related to the legal impact in legislation, case-law, policy documents and existing Terms of Use of SNS

## Implications For Policy Makers About

Creating a safe environment for children online

# Abstract

Recent social science research shows that children from as young as 7 are avid users of
Social Networking Sites (SNS) such as Facebook, Twitter, Instagram and Tumblr. The
involvement of minor users on SNS platforms raises significant legal challenges, for
instance regarding their capacity to enter into a membership agreement, consenting to
share or be tagged in photographs and liability for certain actions. This contribution aims
to identify relevant legal issues related to SNS use by (young) children and to assess the
applicability of existing legal frameworks at European and national level with regard to
the capacity to contract, transfer of intellectual property rights, right to image, and the
liability of children and parents for certain breaches of legislative provisions or acts that
cause damage. The second part contains an exploration of user empowerment mechanisms such as the use of innovative information provision tools or awareness-raising to
achieve better informed decision-making by children (and parents) with regard to their
SNS use.

# Outcome

"A multi-stakeholder approach must be adopted in order to ensure that social network sites are spaces in which children can benefit from opportunities related to communicating, creating, sharing, discovering and connecting.
- Children must be considered as active subjects of rights, who must be allowed to fully participate in the SNS environment and act responsibly. Social media literacy must be promoted and encouraged.
- Many parents lack the skills and knowledge to help their children. Restricting access is one of the most obvious solutions since it leads to fewer risks and also to less harm. However, it entails that minors will be exposed fewer online opportunities. This implies that the current legal framework with regard to parental responsibility should be reconsidered.
- SNS providers should incorporate visual techniques and making these legal texts (more) meaningful to minors. Giving them a better insight into their rights and obligations and by guiding them in making truly informed decisions regarding their online choices and behaviour.
- Governments should reconsider the age limit of 13. Ignoring that under 13-year olds are active on SNS platforms is not sustainable in the long term. The task of the European Commission should be to increase their focus on children's (fundamental) rights and obligations within SNS and create incentives for online service providers, as part of Corporate Social Responsibility obligations." (Wauters et al., 2015, pp. 363-364)