

PRESS RELEASE

The National Assembly approves the bill to ensure the respect of children’s privacy

On March 6, the French National Assembly unanimously adopted on first reading the draft legislation aimed at ensuring the respect of children’s “image rights”.¹ This bill, which amends the civil code, upgrades the status of children’s privacy within the framework of parental authority. It also reaffirms children’s place as autonomous subjects of law.

“As a new visual age emerges from the digital revolution, it seems necessary to reassert a simple principle: parents are the guardians and protectors of their children’s privacy. They exercise this right jointly within the framework of parental authority”, sums up Bruno STUDER, the author and rapporteur of the draft legislation, which was co-signed by Aurore BERGÉ, and the members of the Renaissance group.

This bill extends and deepens the work undertaken to reinforce the protection of children on the Internet, in particular through the law aimed at regulating the [commercial exploitation of the image of children](#) under the age of sixteen on online platforms (2020)² and the law aimed at strengthening [parental control](#) over means of Internet access (2022).³

On average, a child appears on 1,300 photographs published online before the age of thirteen, on their own accounts, those of their parents or relatives. Meanwhile, 50% of the photographs exchanged on child pornography forums were initially published by parents on their social networks.

At the crossroads between parents’ freedom of expression and the best interests of the child, children’s privacy on the Internet emerges as a source of conflicts of interest, exacerbated by social media, which reward virality and promote narcissistic behaviour.

¹ In French law “image rights” refers the right of any individual to manage their own image, defined as all the visible characteristics of an individual that allow them to be identified, by authorizing or forbidding its capture and publication. In other jurisdiction, it may be subsumed in the larger notion of privacy.

² [Loi n° 2020-1266 du 19 octobre 2020](#) visant à encadrer l’exploitation commerciale de l’image d’enfants de moins de seize ans sur les plateformes en ligne

³ [Loi n° 2022-300 du 2 mars 2022](#) visant à renforcer le contrôle parental sur les moyens d’accès à internet.

The posting of family photographs on social media, a growing trend known as “sharenting”, also comes with increased risks: online identity theft, extortion, cyber harassment, digital kidnapping, child pornography, child abduction, etc.

“The posting of inappropriate photographs or “prank” videos, the sharing of embarrassing content as a form of punishment, the unrelenting broadcasting of a child’s daily life without respect for his or her privacy have no place in the education of our children”, explains Bruno STUDER.

Even if, in most cases, parents’ intentions are not bad, it is essential that they be better informed about these risks and be made aware of their responsibility for this new aspect of parental authority. Beyond awareness programs such as [Je protège mon enfant](#), the legislator must step in to draw red lines and develop binding legal measures when parents infringe their child’s rights.

“Just like the “ban on spanking” in 2019,⁴ this law states what should be self-evident. In this sense, it is also aimed at minors, who are too often unaware of their rights and sometimes think that their parents have an absolute right on their image”, adds Bruno STUDER.

The amendments introduced at the standing committee stage and in plenary sitting resulted in a better anchoring of the notion of privacy in the definition of parental authority by elevating it as a goal of its exercise. In the event of serious harm to the dignity or moral integrity of the child, the forced delegation of parental authority, provided for in Article 4, is now limited to a partial delegation.

“The unanimous vote on this bill attests to the legislator’s desire to address this issue swiftly. I can only invite the Senate to take it up as soon as possible”, concludes Bruno STUDER.

*
* *

⁴ The “ban on spanking” was voted as part of the Prohibition of ordinary educational violence Act (*Loi n° 2019-721 du 10 juillet 2019 relative à l'interdiction des violences éducatives ordinaires*).