

**CHILDREN'S RIGHTS IN THE DIGITAL ERA: TAKE-AWAY POLICY
RECOMMENDATIONS FOR THE FILM INDUSTRY**

Introduction

According to the United Nations Convention on the Rights of the Child, in fact, the so-called principle of the best interest of the child shall be considered as a priority in all activities engaging minors (Bianca, 2021; Lamarque, 2016; Zermatten, 2020; Breen, 2002). In this regard, we took the challenge to verify the extent of existing provisions aiming to govern the digital dimension of the film services and products offer, in order to promote children's rights by addressing tailored interpretations of mechanisms, where children might be considered either as potential users or as actual ones (Nurhaqiqi - Kalaloi, 2025).

In the investigated film industry, indeed, children are both consumers and users of new (mainly digitalised) tools to enjoy products, offered through (or accompanied by) digital services, possibly including the support of systems based on artificial intelligence for several purposes: from the contents creation and delivery, to the marketing strategy (Fortuna, Patti, 2025). In this regard, the role of the comparative legal analysis focuses on addressing the principles stated within the EU Regulation 2016/679 on General Data Protection Regulation (GDPR), the EU Regulation 2022/2065 on Digital Services Act (DSA) (Chander, 2023; Husovec, 2023), and the EU Regulation 2024/1689 on Artificial Intelligence (AIA) (Rebrean, Malgieri, 2024) with the lenses of Children's Rights, in order to contribute to define appropriate safeguards and set child-friendly boundaries to an everyday more digitalised audiovisual market.

The regulatory frameworks

The EU data strategy, indeed, is characterised by the allocation of roles and responsibilities towards institutional and private stakeholders aiming to define effective risk management and monitoring obligations that economic operators shall minimise to protect individuals or groups of individuals (Husovec, 2024; Thomaidou - Limniotis, 2025). As far as children are concerned, despite the mechanism of parental representation – that is the formal tool to protect minors within the contractual relationships - the digitalisation of services and products arises a series of risks of exposure to harms that shall be prevented by design and by default (Livingstone, Stoilova, 2021). In particular, within the marketing strategies, the profiling and targeted advertising, the collection of behavioural data, the generation of psychometric profiles, and the use of predictive techniques are daily attempting consumers' autonomy and privacy (Leijten, Van der Hof, 2024). They can therefore undermine also cognitive, emotional, and moral development, especially in a child, whose capacity of discernment is strongly limited, and a distortive perception could have implications not only on the given service and product provision, but also in their growth and education (Clemente-Suárez *et al.*, 2024). The same risks might emerge in case of exposure to harmful or inappropriate contents: they may strongly affect the child's opinions and values

(OECD, 2025). Another ground of analysis concerns the role of cultural industries to foster unprecedented opportunities of capacity building, that current young users shall (and must) take through the acquisition of unprecedented skills and competence offered by the access and variety of contents in film industry (Sanjuán, 2025). To this end, a child-friendly film industry shall be the one whose strategies are suitable to combine the challenge to properly balance the need to prevent and mitigate risks for children and, at the same time, to boost the opportunities of growth by ensuring equal access to resources that are considered safe, inclusive, and appropriate to the maturity of the given user, considered not as a merely consumer, but as a rights-holder and cultural participant, as well¹.

The recalled EU regulatory framework has progressively introduced obligations for economic operators to assess, prevent, and mitigate the mentioned risks for general users. However, only few provisions are specifically addressed to protect children as a group of vulnerable users (Malgieri, 2022) of the current data economy. As a consequence, economic operators are called to directly and case-by-case introduce tailored safeguards for children. In this regard, a systematic collection of the technical standards, organisational safeguards, and best practices adopted by private and public stakeholders for each mentioned normative framework could be interpreted in the context of the European film industry to contribute to design the legal premises for a child-friendly one.

For instance, the GDPR sets clear boundaries on data processing activities, despite the economic sector where the data controller operates. In particular, it prohibits automated decision-making producing legal or similarly significant effects (Art. 22) and it calls for heightened protections when processing the data of children (Recital 38), considering that, according to article 8 GDPR, the threshold to express a valid consent to process personal data in the digital dimension is reduced at 16 years old, even allowing Member States to set a lower age. Within the national enforcement experiences, a good practice is represented by the UK's Children's Code, strongly attentive to children's rights and compatible with the EU data protection laws also after Brexit, requiring that profiling activities shall be avoided by default unless demonstrably adopted in the child's best interest. The reversal of the burden of proof is aligned with the technical safeguards aiming to introduce age-appropriate transparency features, including data minimisation, and responsible interface design both for parents and children (S. Rigazio, 2024; J. Mootz, K. Blocker, et al., 2024; N. Patti, V. Punzo,

¹ See Sanjuán (2025), who conceptualises cultural and creative industries as key enablers of individual and collective wellbeing when access to cultural resources is framed in terms of participation, capability development and inclusion rather than mere consumption. The author stresses that the positive impact of cultural industries—especially for young people—depends on the availability of safe, age-appropriate and inclusive cultural environments, as well as on policy and industry strategies capable of balancing risk mitigation with the promotion of cultural participation and personal development.

R. Romano, 2025). The DSA expressly strengthens the protection for children (Fortuna, 2025), by explicitly requiring a tailored assessment of risks for this category of users and by banning targeted advertising based on profiling when it concerns minors (Article 28). However, this prohibition applies only to services that qualify as online platforms under the DSA, including social platforms, which allow content sharing and interactions also of film contents. Conversely, video-on-demand services that do not host user-generated content or facilitate user interaction are not subjected to these due diligence obligations by the economic operators. In this regard, the EU Directive n. 2010/13 on Audiovisual Media Services Directive (hereinafter “AVMSD”), that introduced the principle of digital and media literacy as a key element to empower citizens’ rights to make informed decisions, detect disinformation, and actively participate in contemporary society also within the audio-visual and media economic sectors (Ranaivoson, Broughton Micova, Raats, 2023) is currently under assessment on the premises that *“there is uneven protection of viewers, in particular minors, across different distribution platforms”*². AIA indeed is looking at children’s rights protection in order to avoid that *“powerful tools for manipulative, exploitative and social control practices”* could be developed, placed into the market and generate a manipulative effect or “an adverse impact” on children as vulnerable users (Recital 28, Article 9).

Despite these regulatory advances, profiling practices prevail in practice. Children are often unknowingly subject to behavioural tracking, algorithmic personalisation, and cross-platform data aggregation—techniques that are largely invisible and incomprehensible to adults and, therefore, even less by younger users. These systems exploit minors’ developmental vulnerabilities, exposing them to commercial pressures and conditioning their digital behaviour (Hilbert *et al.*, 2025). In this regard, technical standards and compliance requirements for economic operators do not appear sufficient to protect children’s rights.

Enhancing Children’s rights: barriers and enablers.

A systemic approach that goes beyond the traditional dichotomy between parental responsibility and platform autonomy is therefore required. A coordinated effort is needed between the regulators, the media, the technology industries, the civil society, and the educational institutions to establish shared standards, promote digital-media literacy, and encourage design models that could respect children not only as users, but as rights holders and participants in cultural life. Only by combining these layers children could be respected

² DG-CNET, Audiovisual Media Services Directive – evaluation and review, Ref. Ares(2025)10181999 - 23/11/2025, considering the report by K. Attström, V. Ludden, A. Iliescu, *Survey and data gathering to support the impact assessment of a possible new legislative proposal concerning directive 2010/13/eu (avmsd) and in particular the provisions on the protection of minors*, 2015, https://ec.europa.eu/newsroom/dae/document.cfm?action=display&doc_id=15876 and the technological development faced in the last years.

not merely as consumers, but as persons within a community of users of – for instance - platforms that are playing a pivotal contribution in shaping society's news, information, and entertainment agenda. One suggested strategy for addressing the impacts of platformization (Helmond, 2015) on children is to promote their cultural rights by ensuring access to a wide range of cultural content, protecting them from harmful materials, enhancing media and digital literacy, and fostering their participation in cultural activities.

In this regard, we need to explore the role of adults, like parents, relatives and educators, as it remains essential to avoid the exposure of minors to harmful contents (Senigaglia, 2021b). In addition, the approach shall be oriented not only to protect the vulnerable users, but also allow them to be enriched by the film experience in terms of cultural growth and opportunities to develop own opinions and tastes, to better understand current society, and to develop the proper skills to actively participate to the current societal challenges. If children are allowed to be active parties in the decision-making process, bringing their perspectives and participation as valuable contribution to that cultural industry, then it would be easier to address their needs and attitudes as users. Integrating high-quality audiovisual content can therefore improve children's educational experiences by encouraging creativity and critical thinking (Fortuna, Patti, 2025).

From a technical viewpoint, the most common solution adopted as a result of the balance to protect and promote children's rights as users of digital services and products, including those related to film industry is to introduced parental controls as a firewall to get access or select contents available to the given user. This is widely recognised as a first-line safeguard for children's access to digital audiovisual content as well. Yet, its effectiveness is often constrained by two structural factors, like the opaque design choices on the part of platforms — from persuasive interfaces to data-driven recommendation systems that may manipulate users' behaviours — and uneven digital literacy at home, which can limit parents' ability to configure and supervise the available tools as well as to address the challenge to develop a critical thinking on the proposed contents (Mauk, 2021)³.

Indeed, parents are often left without sufficient resources to make informed decisions or effectively guide their children's digital experiences. It is therefore essential to support parents not only through technological tools, but also through education and awareness campaigns on the implications emerging from the datafication of services and products (Battelli, 2021). Parental controls, in fact, should not be seen as a substitute for parental

³ A baseline set of parental control features, such as age rating filters, profile PINs, title blocking, watch time limits, and dedicated "Kids" interfaces are offered by the most common platforms, however, these controls are rarely enabled by default, differ markedly from service to service, and seldom explain how recommendation algorithms and content classifications actually work.

engagement, but as an enabler of more extended exercise of parental responsibilities. Children benefit most when technical protections are coupled with active co-viewing, critical discussion, and clear household norms. Promoting a critical approach to digital media, from shared viewing practices to open discussions about online content, can improve children's ability to navigate the digital landscape with autonomy and awareness⁴ shall go beyond passive content decoding and encourage autonomous and conscious production, critical thinking, and subjectivity. These goals can only be met through multilevel governance and co-design with schools, public authorities, the media industry, and the civil society (Fortuna, Patti, 2025).

Towards a child-friendly competitive film industry: take-away policies.

A child-friendly and competitive film industry therefore requires not only protection mechanisms but also the active promotion of children's cultural rights, in line with Article 31 of the UNCRC and Article 12 of the EU Charter of Fundamental Rights. To achieve this goal, regulation and policy must move beyond prohibitive measures and embrace a positive agenda, fostering access, awareness, and meaningful participation. Under these premises, the following take-away policy and recommendations can be addressed either to policy makers, or to the economic operators of the film industry, or to families to better promote a child-friendly, inclusive, safer digital environment to enjoy the given cultural experience in the current ages.

First of all, in order to mitigate these risks and ensure meaningful protection for children, the following regulatory and design strategies are recommended to be implemented either in possible legal instruments aiming to align the audiovisual market to the application of new technologies or to soft law instruments that could be developed as guidelines to undertake the obligations of risks assessments.

- **High-privacy settings by default:** Platforms should deactivate profiling and behavioural tracking for underage users by default, requiring explicit parental consent for any activation.
- **Age-appropriate transparency measures:** This technical recommendation aims both to introduce layered limits to the content access and to raise awareness on the consequences of data processing activities enabled in the use of digital services and products. Therefore, privacy information must be also tailored to the cognitive maturity of the end-users even though represented by their parents. In a progressive way, then, in case of children suitable to directly express own consent for data

⁴ The European Parliament recommendations on key competences for lifelong learning define digital competence as the ability to use technologies in a critical, confident, and creative manner, integrating it with civic and social competence, see EU Parliament recommendations n. 2006/962/EC and n. 2018/C 189/01.

processing activities and use of AI-based systems, understandable and plain language, icons, and layered explanations shall be provided.

- **Non-personalised recommendation options:** Platforms should offer content-access modes that do not rely on behavioural profiling, allowing minors to explore cultural content free from commercial targeting. This is also aligned with the ban on dark patterns. In fact, any interface design that nudges, pressures, or misleads children into sharing data or accepting personalised advertising must be prohibited under article 25 DSA. This applies especially to exploitative tactics like autoplay, fake countdowns, and ambiguous consent buttons.

These recommendations shall be supported by a mechanism of monitoring, auditing that could oversight the process in light of children's rights. In this regard, we would suggest to:

- **Tailor monitoring and auditing mechanisms to children's needs, attitudes, and rights.** In this regard, to scrutinise how algorithms work, to identify harmful practices, considering the principle of the best interest of the child in the given scenario, specific competence and expertise shall be required for auditors, competent officers, etc. in order to provide proper advices and enforce the compliance of economic operators and address it towards the needs of that specific category of vulnerable users. To protect children from profiling and targeted advertising requires, indeed, a shift from solely consent to prevention by design and by default. Children's rights must be embedded at the structural level, through fairness-by-design and privacy-by-default approaches, that shall limit data exploitation and promote child autonomy as a priority. Advertising —particularly in hybrid entertainment environments— must be regulated not only as commerce, but as a powerful vector of influence, warranting clear, proportionate, and enforceable safeguards whenever children are involved.
- **Make parental controls substantively child centred.** From a technical viewpoint, this means that child accounts shall: i) embed an opt-in rather than an opt-out model; ii) include clear, accessible, and age-appropriate interfaces, with visual cues and plain-language prompts; age-classification criteria shall be transparent and offer insights into the factors that drive personalised recommendations; granular filtering —age brackets, thematic categories, explicit-content flags— shall be enabled and parents shall be able to allow to lock or disable autoplay; monitoring dashboards (usage time, viewing history, flagging of sensitive content) and easy-to-use reporting tools shall be embedded; co-viewing and dialogue, e.g. shared watch-lists, content

summaries, and parental guidance notes that prompt discussion shall be encouraged also through alerts and warnings.

- **Reinforce the cooperation between the film industry and education.** Ensuring and facilitating minors' access to an educational and high-quality audiovisual panorama is critical for revitalising modern education and acting as a bridge between training practices and new communication languages. Educational institutions play a crucial role in introducing young people to diverse cinematic languages, promoting critical viewing, and bridging the gap between entertainment and cultural literacy. Partnerships with streaming platforms and film industry stakeholders can facilitate curated access to high-quality content, including European and independent productions, and promote educational initiatives such as school-based film clubs, platform-integrated didactic materials, and thematic film festivals. The cultural industry can help by developing educational content that is both informative and entertaining while also educating, especially to the challenges launched by the digital environment. Documentaries, films, animated series, and interactive programmes can all be used to teach complex concepts in a simple and engaging manner, stimulating children's curiosity and imagination. This content can be distributed via digital platforms and used in schools to supplement the educational curriculum. To be guided by educators in the access to digital services and products may build specific capabilities and raise awareness also in terms of digital literacy. Effective collaborations between schools, platforms, and the cultural industry can create and nurture a genuine educational ecosystem in which children (*rectius* students) can interact with high-quality content, engage in creative activities, and develop social and cognitive abilities.

The policy and recommendations addressed in this short contribution are converging on the need to promote awareness, literacy for children in the digital age, including the audiovisual and media environment. Inclusive, cultural and educational contexts may in fact guarantee that children could be protected in their access to resources but also that they can play an active role as users and consumers of the given film industry in EU⁵. At the same time, it is critical to ensure that educational and digital environments are accessible and usable to everyone, regardless of physical or cognitive abilities, language, or cultural background. Initiatives such as the European Parliament's resolution on media literacy in a digital world (2008/2129(INI)) advocate for a fair and supportive model in which access to technology and

⁵ Media education and media literacy, as a result of this educational process, have been described and defined in an international context by UNESCO, in an initiative that began in 1982 with the conference in Grunwald (1982), and continued with conferences in Toulouse (1990), Vienna (1999), and Seville (2002), documents that highlight how media education must be an integral part of formal and informal education and represents a critical element for democratic participation.

digital culture is recognised as a collective right. Overcoming the digital divide, both infrastructural and cultural, requires the implementation of local strategies tailored to the needs of communities, with a focus on disadvantaged groups. In this framework, children's active participation has both pedagogical and political implications.

As stated, Article 12 and Article 31 of the UNCRC provide the foundation a virtuous model, which integrates access, participation, and expression as core educational principles. Embedding children's rights into the design and delivery of cultural policies and educational programmes fosters both agency and equity. Empowering children and adolescents to critically navigate audiovisual content, recognise manipulative techniques (such as dark patterns or algorithmic biases), and understand the economic and narrative structures behind digital platforms is essential. Media literacy must be therefore integrated into national education systems with age-appropriate curricula, in cooperation with civil society organisations and the media sector.

References

Amram, D. (2022). *Children (in the Digital Environment)*. In G. Comandé (eds.), *Elgar Encyclopedia of Law and Data Science*, 2022, p. 64 ff.

Amram, D. (2024). *Standards to Face Children and Patients Digital Vulnerabilities*. In C. Crea - A. De Franceschi (eds.), *The New Shapes of Digital Vulnerability in European Private Law*, 2024, p. 439 ff.

Battelli, E. (2021). *Minori e social network: Cyberbullismo e limiti della parental responsibility*, *Il Corriere Giuridico*, 38(9), 1269-1277.

Bianca, M. (2021) (ed), *The best interest of the child*, Roma.

Breen, C. (2002). *The standard of the best interests of the child: A Western tradition*, *International and Comparative Law*, The Hague.

Chander, A. (2023), *When the Digital Services Act Goes Global*, *Berkeley Technology Law Journal*, 38, p. 1067 ff.

Clemente-Suárez, V. J., Beltrán-Velasco, A. I., Herrero-Roldán, S., Rodríguez-Besteiro, S., Martínez-Guardado, I., Martín-Rodríguez, A., & Tornero-Aguilera, J. F. (2024). Digital device usage and childhood cognitive development: Exploring effects on cognitive abilities. *Children*, 11(11), 1299.

Fortuna, J. (2025). *Minors' Digital Vulnerability in the EU and the US: A Comparison Between The Digital Services Act and The Kids Online Safety and Privacy Act*, *Comparative Law Review*, 16, 2025, p.115 ff.

Fortuna, J., Patti, N. (2025). Children's rights and the cinematic experience in the digital age: Addressing regulatory challenges. *Opinio Juris in Comparatione*, 2.

Helmond, A. (2015). The platformization of the web: Making web data platform ready. *Social Media + Society*, 1(2), 2056305115603080.

Hilbert, M., Cingel, D. P., Zhang, J., Vigil, S. L., Shawcroft, J., Xue, H., ... & Shafiq, Z. (2025). # BigTech@ Minors: social media algorithms have actionable knowledge about child users and at-risk teens. *Telematics and Informatics*, 102341.

Husovec, M. (2024). *Principles of the Digital Services Act*, Oxford.

Husovec, M. (2024). The Digital Services Act's red line: What the Commission can and cannot do about disinformation. *Journal of Media Law*, 16(1), 1-20.

J. Zermatten, *The Best Interests of the Child Principle: Literal Analysis and Function*, *The International Journal of Children's Rights*, 18(4), 2020, pp. 483–499.

Jänträ-Jareborg, Maarit (2016), *The Child's Interests in Conflict*, Larcier.

Lamarque, E. (2016). *Prima i bambini. Il principio dei best interests of the child nella prospettiva costituzionale*. FrancoAngeli.

Lamarque, E. (2023). Pesare le parole. Il principio dei best interests of the child come principio del miglior interesse del minore, *Famiglia e dir.*, 4, p. 365 ff.

Leijten, E., van der Hof, S. (2024). Dissecting the commercial profiling of children: A proposed taxonomy and assessment of the GDPR, DSA and AI Act in light of the precautionary principle. SSRN. <https://doi.org/10.2139/ssrn.5055046>.

Livingstone, S. Stoilova, M., *The 4Cs: Classifying Online Risk to Children*, CO:RE Short Report Series on Key Topics, Hamburg: Leibniz-Institut für Medienforschung | Hans-Bredow-Institut (HBI), CO:RE - Children Online: Research and Evidence, 2021.

Malgieri, G. (2022). *Vulnerability*, in G. Comandé (eds.), *Elgar Encyclopedia of Law and Data Science*, 2022, p. 363 ff.

Mauk, M. (2021), *Think of the Parents: Parental Controls in Digital TV and Family Implications*, in Holloway, D., Willson, M., Murcia, K., Archer, C., Stocco, F. (eds) *Young Children's Rights in a Digital World. Children's Well-Being: Indicators and Research*, vol 23, pp. 81 – 92, 2021.

Mootz, J., Blocker, K., et al. (2024). *UK age-appropriate design code: Impact assessment*. Institute for Digital Media and Child Development / Children & Screens.

<https://www.childrenandscreens.org/wp-content/uploads/2024/03/Children-and-Screens-UK-AADC-Impact-Assessment.pdf>.

Nurhaqiqi, H., & Kalaloi, A. F. (2025). Concern on media regulation and children's rights: A bibliometric study. *SAGE Open*, 15(3).

OECD. (2025). *How's life for children in the digital age?* OECD Publishing.

Patti, N., Punzo, V., & Romano, R. (2025). *Child vulnerabilities in the digital environment: Comparative insights and operational guidelines*, *Opinio Juris in Comparatione*, 2.

Ranaivoson, H., Broughton Micova, S., Raats, T. (Eds.). (2023). *European audiovisual policy in transition*. Routledge.

Rebrean, M.-L., & Malgieri, G. (2025). *Vulnerability in the EU AI Act: Building an interpretation*, in *Proceedings of the 2025 ACM Conference on Fairness, Accountability, and Transparency (FAccT '25)* (pp. 1985–1997). <https://doi.org/10.2139/ssrn.5058591>.

Rigazio, S. (2024). *L'empowerment del minore nella dimensione digitale*, Mucchi Editore.

Sanjuán, J. (2025). *How do cultural and creative industries shape wellbeing? A multidisciplinary review*. *European Journal of Cultural Management and Policy*, 15, 14774.

Scarano L. A. (2021). The best interest of the child nella giurisprudenza della Corte suprema di Cassazione. In M. Bianca (a cura di), *The best interest of the child*, Roma, p. 101 ff.

Senigaglia R. (2021). The best interest of the child tra persona e contratto. In M. Bianca (a cura di), *The best interest of the child*, Roma, p. 491 ff.

Senigaglia, R. (2021). Il dovere di educare i figli nell'era digitale. *Persona e Mercato*, 3(3), 511-525.

Thomaidou, A., & Limniotis, K. (2025). Navigating through human rights in AI: Exploring the interplay between GDPR and fundamental rights impact assessment. *Journal of Cybersecurity and Privacy*, 5(1), 7.

Disclaimer

This document is part of the outputs of the *Reviving, Boosting, Optimising and Transforming European Film Competitiveness - REBOOT* project, which received funding from the Horizon Europe programme of the European Union under the Grant Agreement No. 101094769.

© 2026, REBOOT Consortium. All rights reserved. Licensed to the Horizon Europe under conditions.

Licence



This document is authorised under the terms of the Creative Commons Attribution 4.0 International (CC-BY 4.0) unless otherwise noted. Reproduction and distribution of the material for research, educational or other non-/ commercial purposes is permitted without the authorisation of the rights holders, provided the source is properly acknowledged.

Please see: <https://creativecommons.org/licenses/by/4.0/>

Citation

Amram, D., Fortuna, J., Patti, N., Punzo, V., Romano, R. (2026). Children's rights in the digital era: take-away policy recommendations for the film industry. In K. Sarikakis & S. Haslauer (Eds.), *Policy briefings deriving from WP2-5 M36* (pp. 15–25). The REBOOT Project (Reviving, Boosting, Optimising and Transforming European Film Competitiveness – REBOOT), funded by the European Union's Horizon Europe Research and Innovation programme under Grant Agreement No.101094769. <https://doi.org/10.5281/zenodo.18258831>

Contact

Website: www.thereboot-project.eu

Email: reboot.2023@univie.ac.at

REBOOT Contributors

