

## **“Media, Social Networks and Children’s Rights<sup>1</sup>”**

UMBRASIL (União Marista do Brasil), as representative of the three Marista Provinces in Brazil (Brazil Center Northern Province, Brazil Center Southern Marista Province, and Rio Grande do Sul Marista Province), which operate in defense and promotion of children and adolescent’s rights and contribute to the General Debate Day, which subject is “Media, Social Networks and Children’s Rights”, with hearing and voice transmission of children, adolescents and youths, in addition to studies around the theme and its reflexes in Brazil.

Brazil’s Marista Union hereby presents: contributions of children and adolescents who participated in the activities of the three Marista Provinces, in 27 projects. We show statements about the children’s relation with media, social networks and their impact on their lives; suggestions regarding access and Rights guarantee and comparative analysis concerning legal provisions between the International Convention of Children’s Rights and Brazilian Legislation, Children and Adolescent’s Statute by the General Attorney and non-government counselor of the State Board of Children and Adolescent’s Rights of Paraná/Brazil, Dr. Édina Maria Silva de Paula.

### **Scenario of media, social networks and Children’s rights**

The International Convention of Children’s<sup>2</sup> Rights in its article 12 assures to childhood and youth the right to formulate and express their opinions about their concerned subjects. The Convention also acknowledges the importance of the means of communication’s role and assures children and adolescent’s Right to have access to information and materials coming from several sources both national and international,

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<sup>1</sup> According to the Convention about Children’s rights, a child is any human being under eighteen years old. However we are using the terminology adopted by Brazilian legislation (Children and Adolescent’s Statute – ECA), to refer to the rights protection policies: children and adolescents.

specially information and material which aim the promotion of their social, spiritual and moral well-being, as well as, physical and mental health.

Being the children and adolescents developing human persons, the media may be seen as an important tool in the socialization process of this topic in the schedule of the agents responsible for its debate and regulation.

The recent Tic Kids Online Brazil research, carried out by the Management Committee of Internet in Brazil, with children and adolescents between 6 and 16 years old in 2012, pointed out that 47% use the internet every day, 38% once or twice a week and 15% once or twice a month. The numbers have shown that digital inclusion and its access disparities to all population are different throughout different regions in the country and social classes. Brazilian regions also differ regarding the access level being around 50% of access in the South and Southeast against around 22% in the North and Northeast. A and B classes are close to European levels with 96% domiciles against 5% in classes D and E.

The research also identified the main activities performed by kids and teenagers: use the Internet for School work (82%), check social network profile/page (68%), watch videos on YouTube type channels (66%), play on line games with other people (54%), exchange instant messages with friends/contacts (54%), send and receive e-mails (49%), download songs or movies (44%), read/watch news (42%), post photos, videos or songs (40%), post messages on websites (24%), stay in the virtual world for a while (17%), create a character or avatar (16%), use webcam (14%), log into chat rooms (12%), write on blog or on line diary (10%) and use file sharing websites (6%).

The concern regarding the impact of content accessible to children and adolescents in media and social networks supports the debate regarding how the means may influence children and adolescent's decisions.

In Brazil, in an attempt to reduce children and adolescent's exposure to inappropriate content, the Federal Constitution and the Children and Adolescent's Statute oblige the communication programs broadcasting at times compatible to each age range and indicative



classification by means of the Law 10.359/01 and by Decree 6.061/07. The Indicative Classification Manual derived from the legislation is published by the Ministry of Justice which brings the guidelines for the indicative classification of cultural pieces, including audio-visual works for cinema, DVD, video, electronic games and similar. In such scenario, we may see a difference from other rules in other countries as the classification indicates either the broadcasting period or the time without limiting the proposed contents. However, the discussion about media, adolescents and children involves two supplementary concepts: protecting rights and fostering content quality.

## Legal Analysis

Édina Maria Silva de Paula<sup>3</sup>

There are two possibilities to approach the subject regarding Media, Social Networks, Children and Adolescents, which is beyond frontiers, cultures and several areas of knowledge: one is about media and social networks produced for this population segment and the other is about direct participation of children and adolescents as artists and subjects with rights to use these sources, by virtue of the constitutional law of freedom of expression.

For that purpose, it is necessary to acknowledge the growing influence of media on contemporaneous societies has especially the strong reflex on socialization conditions and development of children and adolescents – which demands continuous perfecting of legal landmarks in the sector.

While visiting Brazil, UN rapporteur, Frank La Rue<sup>4</sup>, said that freedom of speech is a human right and that building a true democracy requires

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<sup>4</sup> <http://www.direitocomunicacao.org.br>

guaranteeing everybody's access to information and to plural and diverse communication means, and in such context the State must protect children against any harms<sup>5</sup>.

This is a recent discussion in Brazil, as the legislative elaboration process started from the bill n. 2126/2011 which establishes the user rights, service providers' duties and responsibilities for problems arisen in the online environment. Such project establishes, among other aspects, that access to internet may be understood as a development of fundamental speech and communication rights, regarding access to information and free expression of thoughts.

Difficulties regarding the defense of children and youth's Rights in this legal landmark context rise as, for the open non-discriminatory nature of media and social networks, the information flow and accesses become compatible, while family, society and State protect children and adolescents still in development process.

There is an apparent stalemate and in order to reach a converging point it is necessary to observe the establishment in the International Convention of Children (UN, 1989). In article 3, the first provision states that all actions regarding children must primarily consider their higher interest; and the second point, in article 13.1, is the Right to free speech, which establishes the freedom to look, receive and disclose information and ideas of all kinds, regardless the frontiers, both orally, written or printed, through arts or any other chosen mean. Likewise, article 13.2 establishes that the exercise and the Right should be subject to certain restrictions that shall be solely provided by Law and deemed necessary.

Brazilian legislation has made advances in the criminal regulation landmark. Nonetheless, the bill n. 2126/2011 being handled in the Congress presents a proposal of civil regulation that proposes the affirmation of rights regardless restriction to freedom. The objective of the civil landmark is to limit the State action to defense of the citizen's

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<sup>5</sup> <http://blog.justica.gov.br/inicio/tag/frank-de-la-rue/>

fundamental rights under penalty of compromising the social development, the consolidation of democracy and implementation of social justice.

### **Hearing the children and adolescents**

The “Hearing children and adolescents about Media, Social Networks and Children” project has been developed in 27 (twenty seven) Marista units in the Federal District, Espírito Santo, Maranhão, Minas Gerais, Pernambuco, Rio de Janeiro, Rio Grande do Norte, Rio Grande do Sul, Santa Catarina, São Paulo and Paraná states, representing four of the five Brazil regions. Here are some of the children and adolescents’ statements on the theme:

“Propaganda has only one normal white young man, probably medium class”. JTC (feminine, 13)

“The events in the newspaper haven’t always happened as stated.” DMS (feminine, 13)

“Many people like to show off on the social networks, but others just want to share good moments. The networks are good, depending on how we use them...”IHH (masculine, 17)

“If we knew our rights in the media, we would be more careful accessing social networks, here, at school; we need projects and classes focusing safety in the web”. ACS (feminine, 13)

“Sometimes, the media denounces money destined to health and education being diverged. By doing so, it is defending children’s rights”. NAS (feminine, 13).

“...communication networks may be prejudicial to children and adolescents as they use it a lot to sell more products, food, clothes, shoes, etc., and, well, as I am an adolescent, I’ll



watch out that issue more, I won't fall into temptation for my own good." D (feminine, 15)

"My mother only watched soap operas and I watch cartoons" JC (masculine, 3)

"...through propaganda in order to convince children and teenagers that, in order to be accepted and loved, they need to get the product advertised anyway, so, what are the effects of precocious exposure to uncontrolled consumerism?" V (feminine, 16)

"TV programs just show young drug addicts and thieves. They don't show who we really are, that is, good and hardworking, happy and lots of other stuff. All they show is that youths just take drugs. They show it because they want, but it's not true. Youths just take drugs because adults and society criticize them for wearing loose clothes and piercings. Television just judges youths by appearance not by character. MMC (feminine, 12)

"Nowadays women are used by the media to call men's attention, as a propaganda object". "We want space to show who we really are". CF (masculine, 14)

"The media could show our right on TV, on YouTube, there is an add before the video, they could show instead of the add, there are a lot of adds on Facebook's right bar. ES (feminine, 13)

"If I watch a television commercial reproducing violence at every minute, I will certainly be influenced to reproduce violence." COF (feminine, 14)



### **Recommendations**

Brazilian Parliament's appreciation and approval in short term of the Internet's Civil Regulatory Landmark, Law 2126/2011, which establishes user's rights, service providers' duties and responsibilities for problems arisen in the online environment.

Public authority's incentive for projects and programs that guarantee visibility and educative analysis of the relation between the media, consumption, childhoods and youths and self-protection.

Implementation in UN's member countries of the **WORLD'S DECLARATION OF EDUCATION FOR ALL: MEETING BASIC LEARNING NEEDS** (UNESCO), approved by the World Conference about Education for All, Jomien, Thailand – March 5<sup>th</sup> to 9<sup>th</sup> 1990.

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