[FR] Respect for children's image rights on the Internet: provisions of the law of 19 February 2024

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Designed to improve the protection of the image rights of children whose parents publish photographs and videos of them on social media, the law "guaranteeing respect for children's image rights" was published in the Official Journal on 19 February. This practice, known as 'sharenting', carries various risks, including online identity fraud, blackmail, cyberstalking, child prostitution and child pornography.

The Child Influencers Act of 19 October 2020 was a first step in protecting the image rights of children who appear in videos posted on social networks. However, the dangers created by sharing images of children go far beyond the world of influencers. Under the new law, a parent has the legal right to challenge the other parent's use of their child's image. To this end, the law amends several articles of the Civil Code concerning parental authority, clarifying the conditions for the joint exercise of children's image rights and offering guidance on how to deal with conflicts of interest in the exercise of such rights.

The new law adds the notion of privacy to the definition of parental authority (amending Article 371-1 of the Civil Code). It states that "parents shall jointly protect their children's image rights" and that "parents shall involve the child in the exercise of their image rights in accordance with their age and degree of maturity", as required by the 1989 UN Convention on the Rights of the Child. If a child's parents disagree, the family law judge may prohibit either of them from "publishing or disseminating any content concerning the child without the other parent's permission" (Article 373-2-6 of the Civil Code). In cases of serious breaches of a child's dignity or moral integrity, the law even provides for the possibility of forced delegation of parental authority.

Finally, the law stipulates that the *Commission Nationale de l'Informatique et des Libertés* (the French data protection authority – CNIL) can launch summary proceedings to request any measure to protect a child's rights if a request to delete personal data is not carried out or responded to (amendment of Article 21 of the French Data Protection Act of 6 January 1978).

Loi n° 2024-120 du 19 février 2024 visant à garantir le respect du droit à l'image des enfants, Journal officiel du 20 février 2024

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https://www.legifrance.gouv.fr/download/pdf?id=wSCtx11Gzpq9uWOcYXc7s1sDFihSq-tW46KWa2ISZzs=

Law No. 2024-120 of 19 February 2024 guaranteeing respect for children's image rights, Official Journal of 20 February 2024

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