



# V International Conference

UCEU – Universidad Fernando III - Seville – June 26, 2025

## Protecting minors on the Internet: A non-juridical approach

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## ◈ EU APPROACH – DIGITAL SERVICES ACT (DSA)

- Providers of very large online platforms (**VLOP**) should take measures to protect minors from content that may impair their physical, mental or **moral development** and provide tools that enable **conditional access** to such information. In selecting the appropriate mitigation measures, providers can consider, where appropriate, **industry best practices**, including as established through self-regulatory cooperation, such as **codes of conduct**, and should take into account the guidelines from the Commission (*Recital 89*).
- Providers of online platforms accessible to minors shall put in place appropriate and proportionate measures to ensure a high level of privacy, safety, and security of minors, on their service. (*Article 28*)

## ◈ EU APPROACH – DIGITAL SERVICES ACT (DSA)

- **VLOPs** shall carry out the risk assessments on the following systemic risks
  - (b) any actual or foreseeable negative effects for the exercise of fundamental rights, in particular the fundamental rights to **human dignity**;
  - (d) any actual or foreseeable negative effects in relation to **gender-based violence**, the protection of public health and minors and **serious negative consequences to the person's physical and mental well-being**. (*Article 34*)
- **VLOPs** shall put in place reasonable, proportionate and effective mitigation measures, taking targeted measures to protect the rights of the child, including **age verification and parental control tools** (*Article 35*)

## ◇ POSSIBLE CONFLICT WITH GDPR

- **Processing of special categories of personal data** Processing of personal data concerning concerning a natural person's **sex life** or **sexual orientation** shall be prohibited (*Article 9*)
- **Processing of children's data** The processing of the personal data of a child shall be lawful where the child is at least 16 years old. Where the child is below the age of 16 years, such processing shall be lawful only if and to the extent that consent is given or authorised by the holder of parental responsibility over the child (*Article 8*)

◆ **Many countries in the EU, in Europe and in other continents have introduced, or are introducing, legislation with the main aim of setting stringent age limits for access of minors to Internet, and age verification systems**

- Denmark
- France
- Greece
- Italy
- Spain

- Australia
- Indonesia
- Norway
- UK
- USA

◆ In May 2025 the EU has launched a public consultation on its  
*“Guidelines on measures to ensure a high level of privacy, safety and security for minors online”*

| Risks for children in the digital environment |                                                                                                                             |                                      |                              |                            |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------------------------|----------------------------|
| Risk categories                               | Content                                                                                                                     | Conduct                              | Contact                      | Consumer                   |
| Cross-cutting risks                           | Additional privacy, safety and security risks<br>Advanced technology risks<br>Risks on health and wellbeing<br>Misuse risks |                                      |                              |                            |
| Risk manifestation                            | Hateful content                                                                                                             | Hateful behaviour                    | Hateful encounters           | Marketing risks            |
|                                               | Harmful content                                                                                                             | Harmful behaviour                    | Harmful encounters           | Commercial profiling risks |
|                                               | Illegal content                                                                                                             | Illegal behaviour                    | Illegal encounters           | Financial risks            |
|                                               | Disinformation                                                                                                              | User-generated problematic behaviour | Other problematic encounters | Security risks             |

The main proposals are:

- ◆ Access to certain services can be granted **ONLY** after age verification (AV)
  - 18+ restricted content and goods, such as pornography and gambling platforms
  - Services designed for an adult audience only, such as adults dating platforms, posing risks to minors
  - Terms and conditions and/or any other contractual obligations requiring minimum age of 18
  - High risk services where only AV would protect minors

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- ◆ Use of third party trusted age verifiers
  - Individual registers on the portal of the trusted third-party providing documents certifying his/her age
  - Third-party issues a certificate which states that individual is +18
  - Individual uses certificate when his/her age is requested

◆ Consultation ended mid-June: Results will be known shortly

## CRITICAL COMMENTS

- ✿ New «Guidelines» simply add other hundreds of norms to the over 2500 already existing ones which aim at regulating online services and providers
- ✿ Extremely doubtful that provision can be effectively enforced and not by-passed (through fake IDs; proxies, etc.)
- ✿ But is age verification of any use? Is prohibition of access of minors to certain services of any use? Or does it create a sort of “black market”? The proposal exhumes a debate on the harmful nature of pornography abandoned decades ago
- ✿ Mostly declamatory function of “Guidelines” (like most part of EU legislation)

## ALTERNATIVE PATH

- ✿ Paedagogical approach: Children largely behave according to models received in their family and at school
- ✿ Children are exposed to digital devices (and use them) since their very first age (2/4 years)
- ✿ If parental education and control are absent, normative restrictions are quite useless
- ✿ Role of schools: Schools teach knowledge and skills
- ✿ Internet safety as Road safety
- ✿ Incentives for digital education: extra-pay for teachers, bonuses for students

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