

Title: Audiovisual media and online sexual contents during adolescence. Political issues in Europe

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Introduction

Audiovisual media expose adolescents to the vision of sexual contents on the Internet. Within public debate, online availability of material “likely to harm” or “seriously harming” children generates forms of moral panic. A major concern derives from sexual risks, such as pornography, sexting and child-pornography. At the European political-institutional level, the measures implemented were based on auto-regulatory, co-regulatory and regulatory solutions. Among these initiatives, the most important ones have been the Safer Internet programme and two directives respectively focused on children protection with regards to Audiovisual Media Services (2010/13/UE) and on combating the sexual abuse and sexual exploitation of children and child pornography (2011/92/UE).

Methodology

Methodologically, the paper analyzes 45 debates of the European Parliament, which dealt with these issues between 2001 and 2016. This corpus has been examined through an original quali-quantitative protocol, with a content analysis and the Alceste method applied via the softwares ATLAS.ti and IRaMuTeQ. This work wishes to contribute to research on audiovisual media, online sexual contents, adolescents and children, by proposing an original point of view on European policy. The main hypothesis has been that European parliamentary debates are limited in terms of representativeness of national cultures ; starting from this premise, several aspects have been surveyed, either juridical, scientific, ethical and political issues.

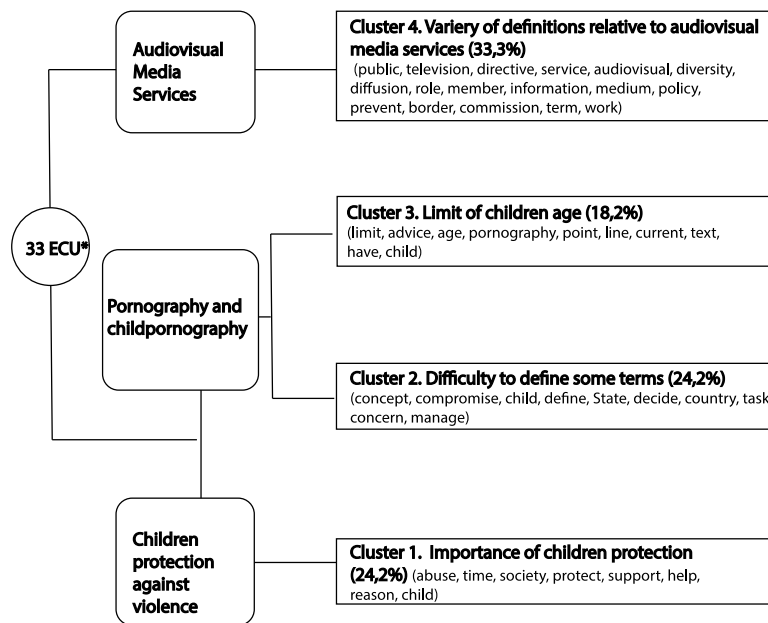
Results

The main results respectively refer to different elements : 1. the variety of political-juridical interpretations of some concepts and the definitions of a few terms, besides the study of some juridical principles involved ; 2. the difficulties of European policy retrieved within parliamentary debates with regards to online audiovisual sexual risks and ; 3. the limits of European scientific knowledge in terms of representativeness of national culture, through the analysis of mentioned statistical data and studies; 4. the multiplicity of ethical considerations, even based on different national cultures ; 5. the choice to favor self-regulatory measures. In the following paragraphs, these major results of this research are presented.

1. **The variety of political-juridical interpretations** was determined by cultural diversity and technological developments. In this regard, speakers expressed a demand to make some definitions more flexible so that they could be adapted to any innovation while still guaranteeing legal protection. The political discourses reflect upon the constantly evolving nature of the technical object. In addition, policies related to online technologies could be inspired by both protectionist and libertarian ideological systems. These opposite positions were determined by a different perception of the impact of technology on society. Nevertheless, the difficulties highlighted in the search for common definitions were seen as a factor which had remarkably slowed down the decision-making processes. This variety of interpretations

manifested the importance of the protection of cultural diversity within the European media policy.

Alceste analysis of « terms definitions »



*ECU: Elementary Contextual Unit

Number of texts: 55
Number of texts segments: 192
Number of forms: 943
Number of occurrences: 3824
Number of lemmas: 851
Number de active forms: 491
Number de supplementary forms: 216
Number of active forms with a frequency >= 3: 126
Average of forms per segment: 19.916667
Number of cluster: 4
33 texts classified over 55 (60.00%)

Figure 1. Alceste analysis of terms definitions

opportunities; 2. the slowness of the decision-making process; 3. the international dimension of digital technology; 4. child pornography and sexual exploitation.

In relation to the first element, namely the dual nature of the Internet, the advantages associated with using the Web were largely outweighed by its dangers. The benefits included cognitive, information and communication opportunities, transformations in the job market and in industries, cultural promotion, freedom of expression, political action and association. These positive effects were contrasted with the risks of facilitating the dissemination of violent content, including pornographic and child pornography, and the remarkable availability of these illegal materials. Most of the interventions on the dual nature of the Net compared a multiplicity of positive functions with a restricted definition of risks. These latter were limited to violent content, especially of a sexual nature, and illegal materials. Opposing voices were raised to highlight the possible effects and counterparts of the same characteristics. In this regard, the spread of the Internet, especially through mobile devices, and their computer skills increased children's exposure to online dangers.

The second element focused on the slowness of the decision-making process, as opposed to the speed of technological change. An example of this difficult balance could be observed in

The definitions of main terms mentioned within the parliamentary debates were analyzed through the Alceste method. They resulted in four groups of most recurring words, respectively titled as follows: 1. the importance of children protection (cluster 1, 24.24%); 2. the difficulty to define some terms (cluster 2, 24.24%); 3. child age limit (cluster 3, 18.18%); 4. the variety of definitions on audiovisual media services (cluster 4, 33.33%).

2. **The complexity of the issues implied in the decision-making process related to online risks.** A detailed content analysis revealed how online risks were characterized by four typical elements, highlighting the challenges associated with the European decision-making process: 1. the dual nature of the online dangers and

the name change of the Television without Frontiers Directive to Audiovisual Media Service Directive, where Audiovisual Media Services were meant to include other audiovisual devices connected to the Internet. The slow pace of the decision-making process was also a limit for the immediate need to remove illegal content, the implementation of political measures and the launch of risk communication initiatives. The problem of the rapidity of technological development was raised with regards to child pornography, which spread even more rapidly through online areas such as the Dark Web, the Deep Web, and the online black market.

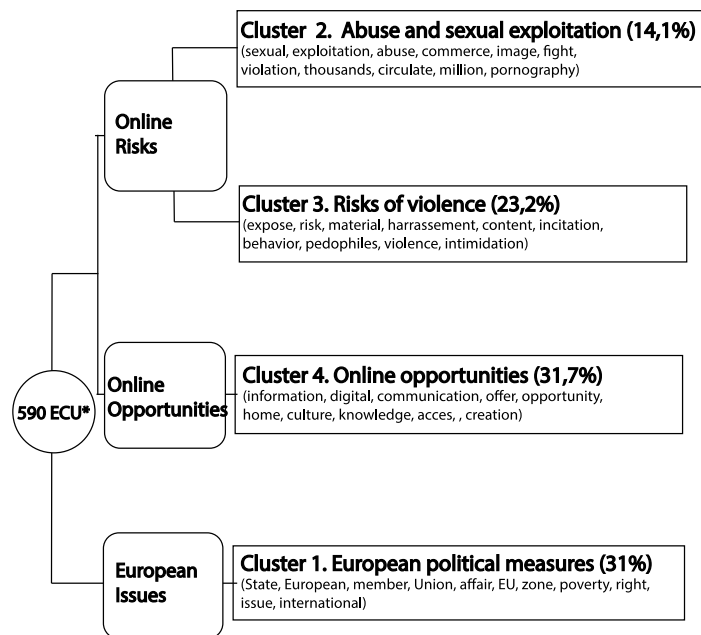
As part of the third element, the analysis focused on the limits of the international digital dimension. The transnational environment of the Internet made it difficult to remove illegal material, identify criminals and enforce sanctions. In addition, the anonymity of users of pornography and child pornography, the networks of paedophiles and the location of illicit image servers outside European borders were critical components of internationality. Among the solutions to online crimes, some interventions mentioned the harmonization of European regulations, the rapid implementation of supranational measures and the control of crimes through cooperation. One of the international cooperation initiatives mentioned was the Global Alliance Against Online Child Pornography. Another problem associated with the transnational dimension of the Internet was the delays in the ratification of some treaties and the application of Directives.

The densest subsection, related to the fourth element, focused on the most urgent issues: child pornography and sexual exploitation. These two phenomena occupied a large part of the analysis of risky situations. They were described as violations of fundamental rights under the United Nations Convention on the Rights of the Child of 1989 and the Charter of Fundamental Rights of the European Union (2000). In this regard, the European Union also guaranteed the rights of the child in relation to these issues, according to the European Agenda for the Rights of the Child (2011) and the Directive on combating sexual abuse and sexual exploitation of children, as well as child pornography (92/2011/EU). Among the causes of the increased availability of online child pornography, the sexual exploitation of children and the spread of pornography were also cited. It was particularly controversial the position of a speaker who reminded sexual freedom promoted by left-wing parties in the Sixties; he highlighted that this permissiveness allowed the distribution of pornography and the production of child pornography, the birth of paedophile political parties, and even the increase in divorces and single-parent families.

Additionally, for several reasons, the Internet facilitated the distribution of such a content: it protected the anonymity of consumers and suppliers; it made it possible to speed up technical innovations to avoid State control; it facilitated the reproduction and distribution of videos and images; it promoted new forms of commercial distribution and payment. The increase in this type of crime and the difficulty of controlling them were denounced. The Internet was also seen as having transformed the modalities of sexual abuse and facilitated contact with paedophiles and the production and dissemination of violent images. Commercially, new forms of distribution and payment methods appeared on the Deep Web and the Dark Web, which made it harder to detect online crime. Moreover, the child pornography market offered easy gains for broadcasters and producers; demand was concentrated in rich countries whereas the supply of sexual exploitation was present in poor countries. When it came to child abuse, sexual abuse was considered not always easy to prove and the appropriate penalties were not imposed all times. Law enforcement was still too limited against international paedophile networks and the sex industry. Most victims suffered lifelong damage due to the online presence of their images. Children reappeared in the world of prostitution or were guilty of the same abuses suffered. Regulation on these aspects of post-traumatic victimization was still lacking. Moreover, the data on these phenomena was currently too poor to be able to reconstruct a correct framework, for example on the extent of the network of paedophile criminals. The

problem extended to other social phenomena against children, such as sex tourism and human trafficking. Among these, the increase in paedophilia was reported. The contact of paedophiles with children could be facilitated through social networks, also with false identities. Judicial and police agencies should have strengthened their capacity to analyse child sexual abuse images and to investigate related crimes. The limits of law enforcement authorities allowed a strengthening of the international network of paedophiles and the sex industry. Forms of cooperation between these bodies and the industry might have improved the level of effectiveness of measures. The Alceste analysis of the descriptions of audiovisual online risks gave as a result four word clusters. Clusters 3 and 2 were respectively associated with several risks of violence, such as harassment, violence, intimidation, paedophilia (cluster 3, 23.2%) and sexual abuse and exploitation (cluster 2, 14.1%). On the other hand, the risks descriptions were balanced by the discourses on the opportunities offered by online technologies in cluster 4 (31.7%). Finally, considering the context (the European Parliament) and the speakers (the different members of the European institutions involved in the debates), a set of terms referred to European political measures (cluster 1, 31%).

Alceste analysis of « problem description »



*ECU: Elementary Contextual Unit

Number of texts: 339
Number of texts segments: 724
Number of forms: 3177
Number of occurrences: 24207
Number of lemmas: 2529
Number de active forms: 2112
Number de supplementary forms: 417
Number of active forms with a frequency >= 3: 827
Average of forms per segment: 33.435083
Number of cluster: 4
590 texts classified over 724 (81.49%)

Figure 2. Alceste analysis of “problem description”

3. **The limits of European scientific knowledge in terms of representativeness of national cultures** were observed in the influence of statistics and studies related to the construction of scientific knowledge on harmful sexual contents. The goal was to verify the type of scientific knowledge mentioned in parliamentary debates, to examine its limits in terms of intercultural comparison and to understand its impact in the debates. First, most of the mentioned data were produced by international organizations linked to European institutions, such as Eurobarometer, Europol, Interpol. The insufficiency of knowledge was often pointed out during the debates on the fight against online child pornography. This discussion series featured a greater variety of cited sources, but the data differed in the choice of topics that refer to distinct issues associated with the main theme. Statistics on child pornography were linked to the phenomenon of sexual exploitation and abuse of children. In the related debates, the multiplicity of sources showed the difficulty and the need to understand this complex issue.

Often studies and reports related to the European Audiovisual production market were cited in the debates on audiovisual media services. Finally, minimal reference was made to the studies on self-regulation and media literacy. Risks described through national data mentioned by speakers differed according to their nationalities. This diversification reflected the variety of political priorities. Most often, national examples were made either to suggest an international comparison based on the case presented, or to mobilize precise political positions.

The content analysis conducted on the statistics and studies highlighted the following five thematic areas: 1. risky use of the Internet; 2. pornography and other online risks; 3. child pornography and sexual exploitation; 4. audiovisual media services; 5. self-regulation and media education. This classification could be interpreted as based on the different degrees of risk for children. They therefore varied from a simple abusive use of the Internet (1st degree), to sharing harmful images and information (2nd degree), to illegal activities against children, as victims of sexual assault (3rd degree). In addition, these three different degrees of gravity corresponded to various levels of international political and regulatory involvement.

Therefore, ideological positions and political goals influenced statistical results and decision-making. Some data were preceded or followed by ethical considerations or political reflections, which underlined their cultural and political connotation. However, a cross-cultural comparison of statistics from different Member States was missing. In fact, even though the data listed included several countries, the intention was to highlight the priorities of one or more national contexts. Thematically, knowledge on audiovisual sexual risks was built from statistical data and studies related to various relevant phenomena, such as frequency of use, online activities, cultural context, risk typologies and child pornography. Frequency of use was measured on a daily or weekly basis or was simply noted as being excessive and associated with risk exposure. Regarding the use of the Web, several facets were highlighted: the early age, the type of device used and the medium. Among online risks, pornography and violence were of major concern, followed by paedophilia, religious sects, websites to learn how to commit crimes or produce drugs, content that incited violence, abuse, self-harm, suicide, anorexia, or bulimia. In addition, online sexual risks descriptions included more violent activities, such as sexual abuse, slave trade, forced labour, and child pornography.

Attempts were made to identify groups of victims, according to their age and type of risk. Several age groups were considered and linked to various risk categories: online paedophilia, slavery, sexual abuse, and exploitation. Thus, the increase in sexual abuse was associated with the growth in Internet use. Parents were involved, for example, due to their concern regarding risk exposure or lack of communication with their children. Some data measured the use of filtering applications and the implementation of media education programs. According to cultural contexts, the priorities highlighted by parliamentarians varied. The diversity of cultural identities was then expressed in the choice of social phenomena which were pointed out through references to national knowledge or to personal experiences. This multiplicity generated different visions resulting in a varied classification of political priorities. These various national perspectives denoted one of the main difficulties in designing an international policy related to online sexual audiovisual risks.

Another element of interpretation was the personal experiences, either political, professional, or family ones, of the speakers. Some examples were the roles played in the respective governments on related issues, or participation in events, meetings, and consultations. A reference to their own experiences legitimized their competences in the matters tackled.

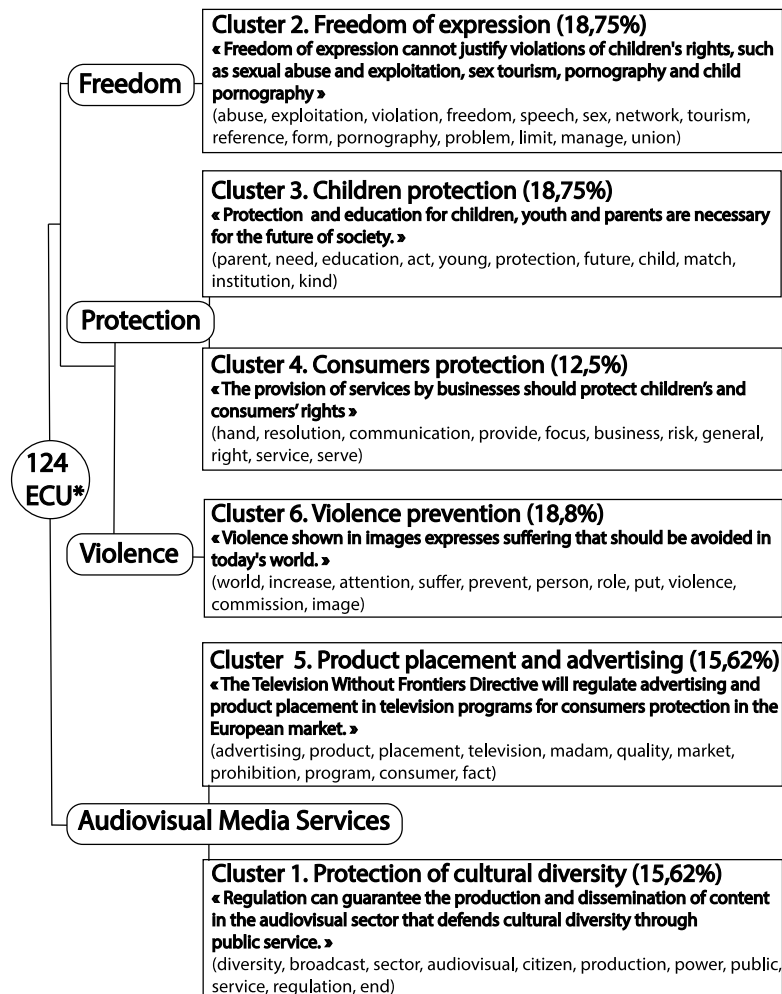
4. The analysis of the **multiplicity of ethical considerations** resulted in the following main ethical challenges highlighted within European Parliamentary debates. Firstly, the search for an audiovisual media system focused either on the public service or on the market; secondly,

the risks of child pornography and sexual exploitation were a major issue; thirdly, freedom of expression and censorship needed to be balanced; finally, children protection and freedom of expression were related. The first point underlined the need to find a balance between the commercial offer and the public service to defend democratic values. Although the dual system could express the idea of European democratic liberalism, the media landscapes were differentiated according to sociocultural contexts and political and economic priorities. More specifically, public service controversies were raised by representatives of ex-totalitarian systems, where public information had been controlled by political parties for several years. Therefore, these positions highlighted a risk of excessive regulation, State control, or political interference in the media environment. The influence of cultural diversity then emerged differently in the ethical considerations. For example, speakers from post-totalitarian countries focused on the distinction between public service and commercial audiovisual media system. Conversely, stakeholders in neoliberal democracies prioritized product placement in advertising intended for children. The choice of these arguments was explicitly justified by the historical events that characterized the evolution of the media systems; for example, in post-totalitarian countries, the value of pluralism remained an ideal for which people struggled. Political ideals were therefore not justified by the respective party membership, but rather by the historical-cultural experience of different populations. In addition, the defence of economic interests was contradicted by a controversy that American-style television dominated by advertising should be avoided. The political ideologies of European parties also influenced views on the balance between advertising and information.

The second point, child pornography, raised ethical considerations within debates on audiovisual policy and regulation and on child pornography. In this case, the different ideological positions were motivated by the respective belonging to political parties or national cultures. Although limited, very controversial positions were expressed about this subject which even engendered an extremist attitude in some interventions. For example, a speaker considered the dissemination of child pornography as the consequence of a certain permissiveness encouraged by the left, connected with other phenomena such as the legalization of abortion and the acceptance of homosexuality. He strengthened his position by emphasizing other social issues, such as loneliness, broken families, drug addiction, promiscuous sex, sects, and alcoholism. This intervention was very controversial within the European Parliament, and provoked strong reactions. To contrast the crimes against humanity associated with child pornography, some speakers even propose the reintroduction of the death penalty.

The third point confronted free speech versus censorship in debates about freedom of expression held in 2006 and 2009. The defence of free speech opposed undue regulatory restrictions and other forms of censorship accepted by Western companies, including European ones, in some non-European countries. As a result, the need for Web governance against human rights violations was highlighted. Limits to freedom of expression were discussed to avoid the spread of anti-democratic and immoral information.

Finally, the fourth point underlined the difficult balance between freedom of expression and children protection in debates on free speech in 2006 and child pornography in 2015, within references to violent content and especially to child pornography. In debates about free speech, child pornography was seen as a right-wing extremist pretext to restrict fundamental freedoms. Additionally, some stakeholders considered that even child protection had been used as a “pretext” or a “Trojan horse” to control the Web. According to a speaker, the aim was to defend real freedoms that did not derive from forms of anarchy. Thus, the cases presented in the debates gave rise to controversies regarding the limits of freedom of expression in human rights matters, while creating a hegemonic description of the Internet as a liberal space. The latter was designated as a medium whose freedom should be defended, while the criminal activities should be limited. Some examples referred to those political systems authorizing censorship for political reasons, such as China, Cuba, Burma, Belarus; the only exceptions were the United States, where control was seen to be justified on legal and ethical grounds to defend civil society against criminals. With regards to the multiplicity of ethical considerations, the Alceste analysis resulted in six clusters related to parts of speech coded as “ethical reflections”. They respectively focused on the following values: protection of cultural diversity (cluster 1, 15.62%), freedom of expression (cluster 2, 18.75%), children protection (cluster 3, 18.75%), consumer protection (cluster 4, 12.5%), product placement and advertising (cluster 5, 15.62%), violence prevention (cluster 6, 18.8%). These values were distinguished between libertarian ones, such as freedom of expression, and protectionist ones, such as children and consumers protection. Protectionist ideas were mainly justified by the prevention of violence (cluster 6). On the other hand, debates regarding audiovisual media services raised different ethical issues, linked to product placement (cluster 5) and the protection of cultural diversity (cluster 1).

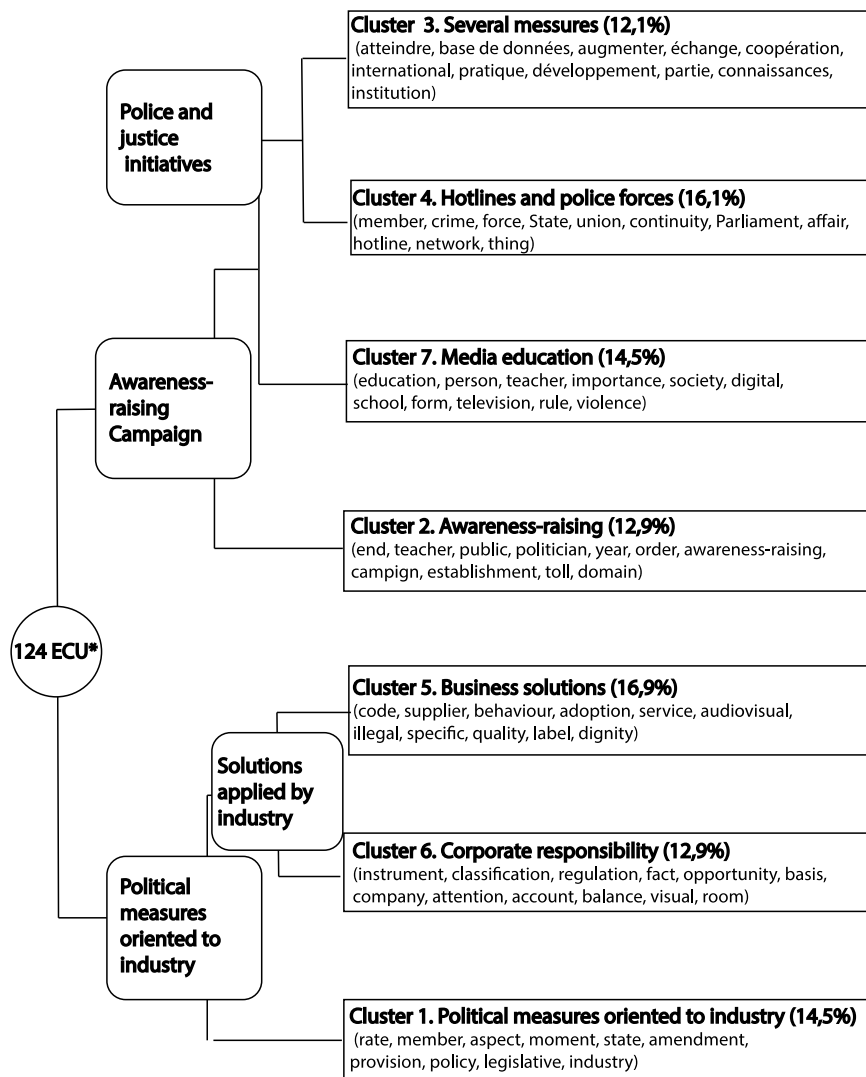


*ECU: Elementary Contextual Unit

Figure 3. Alceste analysis of “ethical considerations”

5. **The choice to give priority to self-regulatory activities on the Internet** was broadened to reflect on an intercultural comparison. Self-regulatory solutions addressed the difficulty of establishing international regulations. They were expressed in initiatives among

Alceste analysis of « self-regulation »



*ECU: Elementary Contextual Unit

Figure 4. Alceste analysis of “self-regulation”

Internet program and the Audiovisual Media Services Directive. Among the main reasons for favouring self-regulatory measures, the importance of empowering actors involved in these initiatives was mentioned on several occasions. Some stakeholders were aware of the ineffectiveness of these measures, for which a definition of the contours for a correct implementation was required and a risk of deregulation envisaged. In this regard, it was recommended to implement a “multi-level approach” involving all stakeholders, including families and children. Major State involvement was proposed, for example, with the inclusion of codes in the legislative structure. On the other hand, State intervention could take the form of totalitarian repression, as in some non-European countries, where companies had even made agreements with governments.

First, the awareness-raising actions organized by the Safer Internet program were observed. The content analysis confirmed the variety of solutions identified with regards to self-regulation, which may be simplified into four thematic groups: 1. Media education; 2. Corporate self-regulation; 3. Helplines; 4. Parental control filters and other technological

various stakeholders involved in the definition and approval of codes of conduct and technological protection tools; on the other hand, they took the form of media awareness and education measures, financed, and organized by specific programs. The three key aspects related to self-regulation were highlighted as follows: first, the reasons put forward for the defence of these solutions; second, the variety of self-regulatory initiatives put in place; third, the self-regulatory measures in the Safer

solutions. With regards to media education, we stress the importance of programs and funding. The groups benefiting from these initiatives are young people, but also adults in charge of their education. A parallelism is drawn with educational measures applied to real-life dangers, and we highlight the need to make the Web a safe space. The role of industries is crucial in the implementation of self-regulatory initiatives. An important example of multi-stakeholders initiative is the CEO Coalition. However, stakeholders stress the need to put pressure on industries for the effectiveness of their protective actions. The priority of the Safer Internet program was the implementation of hotlines in member countries, which was the result of a long process. Moreover, knowledge of these hotlines and assistance was still limited. The application of parental control filters was one of the measures whose effectiveness was evaluated by the Safer Internet program; in this regard, the problem of its correct implementation was raised. The results from the Alceste method had been broken down into seven clusters, demonstrating the variety and breadth of the subject. The groups of words identified were distinguished according to the initiatives and actors involved: political measures addressed to industry (cluster 1, 14.52%); awareness-raising initiatives (cluster 2, 12.9%); several measures aimed at the safety of children (cluster 3, 12.1%); the network of hotlines and police forces (cluster 4, 16.13%); the variety of solutions applied by suppliers to illegal content, such as codes of conduct, quality labels, age verification, filters (cluster 5, 16.94%); corporate responsibility (cluster 6, 12.9%); media education (cluster 7, 14.52%). The incorporation of these self-regulatory measures into the text of the Audiovisual Media Services Directive was a new element in the European panorama. This was part of a possible “controlled self-regulation” in front of a multitude of technical solutions.

Acknowledgements

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