

Children in Digital Age

Introduction

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“Instead of the unlimited freedom promised by the internet, are our children (...) really threatened with total control at the price of virtual presence and a fully digital world? Are they the victims of a huge, greedy marketing machine that is invading the world from all directions? They are only in danger if they do not understand this brave new media world. That is why we must explain it to them so that they can see it clearly. Every single time.”

/Melissa Müller/

1. Children Online – Statistics and Recommendations

The use of various digital tools, which can be seen as *the “key”* to accessing certain online platforms, is nowadays a clear feature of people’s lives. The various *“smart devices”* are practically integrated into everyday, routine activities. This term refers to various devices and appliances that have an IP address and are able to send and receive data over the Internet network. To give just a few examples, a smart device could be a mobile phone or a computer, but also a television or a clock, or even a dishwasher, if they are uniquely identifiable and capable of transmitting data over the Internet.¹

Obviously, the various smartphones and PCs play a prominent role in accessing certain Internet interfaces. Thanks to their small size and their extremely fast data

1 Online Encyclopedia of Public Services, n.d.

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reception and transmission capabilities, smartphones have become practically an almost obligatory “*accessory*” for individuals. The primary function of these devices is beginning to lose its importance, given that they are used primarily to connect to the World Wide Web. According to statistics, in 2014, around 1 billion people globally used smartphones, by 2024 this will exceed 5 billion and by 2027 it could reach 6 billion.²

According to research also published in 2024, more than 90% of children use some kind of smart device, and nine out of ten children under the age of eleven regularly use internet-connected devices.³ Similarly instructive data was published in late 2023, based on a sample of ninety children.⁴ One of the key findings of the research is that the number of children using smart devices increases steadily with age. Another significant finding is that by the time children reach the age of eighteen months, the majority of them have already been exposed to screen-based media, which in most cases means using mobile phones rather than television.

Also worth mentioning is a study from 2022, which includes age-specific findings on children’s screen time, with children under two spending an average of forty-nine minutes a day in front of a screen, and children aged between five and eight spending more than three hours. Children aged between eight and twelve spend an average of five hours a day using smart devices, while for teenagers the figure is close to eight hours a day.⁵

These statistics show that the time spent in front of a screen by people under the age of eighteen has increased dramatically over the past few years, due to a number of social phenomena. One of these is the COVID-19 epidemic, during which smart devices have become the main means of entertainment and communication. In response to this phenomenon, the World Health Organisation (WHO) has issued a recommendation specifically targeting children’s screen time. According to this recommendation, excessive screen time can clearly have negative health effects, and banning children from using smart devices is not a fully adequate solution, given that an important part of their development involves learning to use different digital devices.⁶ It is recommended that it is crucial that children learn at an early age to strike a healthy balance between the use of digital devices, adequate physical activity and quality sleep. Parents of children naturally have a key role to play in ensuring this and in establishing regularity. In terms of screen time, the WHO’s principles suggest that no minimum level of smart device use is recommended for children under two years of age, and that children between two and five years of age should be allowed a minimum level of one hour per day.⁷ For children over the age of six, the maximum amount of screen time should be set on an individual basis, in order to allow the

2 Backlinko, 2024.

3 Woodhouse and Lalic, 2024.

4 Shah and Phadke, 2023.

5 Johnson, 2023.

6 WHO, 2019.

7 Ibid.

child time for adequate physical activity and to ensure that he or she has a quiet and adequate period of rest, which is essential for healthy development.

In our view, the recommendations made by the WHO are certainly necessary and adequately reflect the excessive screen use by children, as highlighted by the various statistics outlined above. From the data we have analysed, it can be concluded that children spend several times the daily screen time recommended by the World Health Organisation using various digital devices.

Another important question is what children use the various Internet access devices for. Younger children typically use their smartphones to play games, watch cartoons or other online programmes. As they grow older, this is replaced by social media use, as shown by the fact that, according to statistics published by the European Union in 2023, 84% of young people will use a social media platform, and 16 year olds will typically have a profile on at least three social media platforms.⁸

2. Specific Phenomena in the World of Social Media

*A public space of ideas, a “brave new world”, a global network, a digital agora.*⁹ These are just a few of the terms used to describe some of the global internet platforms that currently have more than 5.4 billion users worldwide.¹⁰ As part of the global social experience, users of a given portal can access information, share text and audiovisual content and interact with each other, spending several hours a day on each online platform, given that they are considered to be highly addictive platforms. However, social media sites cannot be grouped under a single umbrella, and there are several sub-types of social media sites. At global level, the Facebook platform¹¹, operated by Meta, is the market leader, but the most popular platforms for users under 18 are TikTok, Instagram and YouTube.¹²

Global online platforms typically link registration to the age of thirteen¹³, but it is common for children much younger to have a profile on a social networking site. Efforts are being made by social networking site operators to filter this out, for example Facebook has created a form that allows any user to report a profile that they suspect is used by a child under the age of thirteen, but the effectiveness of these methods is questionable as children can re-register on social networking sites by providing false information.¹⁴

8 Eurostat, n.d.

9 See also: Barzó, Csák and Czékmann (eds.), 2021.

10 Petrosyan, 2025.

11 Buffer, 2025.

12 Anderson, Faverio and Gottfried, 2023.

13 See for example the terms of use of Facebook and YouTube.

14 See: How can I report a child under 13 on Facebook? [Online]. Available at: <https://www.facebook.com/help/157793540954833> (Accessed: 3 August 2024).

The moment a person, even a child, registers on a social networking platform, a contractual relationship is established between him/her and the operator of the social networking site, which can be classified as a contract between a consumer and a third party, concluded between the parties at a distance, under general contractual conditions, for the provision of an electronic service. The transaction therefore involves the immanent contractual conditions and the various rules and regulations set by the service provider, which are known to a very small number of users. The children and young people who register on social networking sites are therefore part of an online community space that is unilaterally shaped by a set of rules, and are therefore vulnerable to certain specific phenomena that are typical of the online space.

The first of these is *cyberbullying*¹⁵, the phenomenon of cyberbullying, which typically affects teenagers. According to a UNICEF survey, one in three teenagers has been bullied on a social media platform.¹⁶ According to research conducted by the Pew Research Center, 46% of teenagers regularly experience some form of harassment online, mostly in the form of abusive language, unsolicited messages and untruthful rumours.¹⁷

In response to this phenomenon, the European Union has published a series of information materials and draft regulations¹⁸, and UNICEF launched a campaign on TikTok 2021 to raise awareness of the dangers of this phenomenon with the help of young opinion leaders.¹⁹

Another *issue* worth highlighting in relation to social platforms, including children, is the *zero-price business model*, which is essentially the idea that social networking sites display targeted ads in the news feed of individual users, thereby increasing the revenue of the companies that post the ads.²⁰ The algorithms used by the various social media sites display content to individual users that is likely to trigger some kind of interaction from each user, such as liking, sharing or commenting on the content. As a consequence, underage users are highly exposed to different types of advertising, which may not even be appropriate to their age and maturity level, but also to the proliferation of different *trends* and *challenges* on the Internet.

In recent years, a number of viral online “*challenges*” have begun to spread, which have also been associated with a number of health risks. One example, to name but a few, was the Cinnamon Challenge, which involved participants trying to swallow a teaspoonful of cinnamon on camera, which was extremely irritating to the mucous membranes, leading to severe sneezing, coughing and choking.²¹ A similar principle

15 It is worth highlighting here that there is a very broad literature on the phenomenon of cyberbullying, mainly from the perspective of criminal law. UNICEF, n.d.a.; Pongó, 2021; Marinkás, 2023.

16 UNICEF, n.d.a.

17 Strandell, 2024.

18 See for example: Murphy, 2024.

19 UNICEF, n.d.b.

20 GVH, 2020.

21 Cronan, 2013.

was followed in the so-called washing-up capsule challenge, which involved swallowing washing-up capsules, resulting in poisoning symptoms in many young people.²² More recently, a number of media outlets have covered the so-called blackout challenge, which involved the video maker holding his breath for so long that he eventually passed out. The challenge has sadly caused seven deaths worldwide.²³ There are several *differential characteristics* of these social media ‘trends’.

On the one hand, our reach is clearly linked to the TikTok platform, so we are clearly targeting a young age group, and the participants in the challenges were almost entirely young people aged between twelve and twenty-one. On the other hand, one explanation for the global spread of these fashionable and highly dangerous tasks is the FOMO “*fear of missing out*”, which is a manifestation of young people’s aspiration to be part of the community, which includes them.²⁴

Children who use social media are also very strongly affected by the problem of *fake news*, which is very similar to the challenges just mentioned in terms of spreading, and the formation of *opinion bubbles*. These two phenomena have a strong impact on children’s right to freedom of expression. The opinion bubble essentially means that a platform’s algorithms, after monitoring the user’s activity (e.g. the number of likes, comments, the number of pages visited), produce the content presented to it, creating a ‘*personalised public sphere*’ that can strongly shape the person’s opinion and influence his or her worldview. On the one hand, this is extremely convenient, as a child using social media is almost only exposed to content that is of interest to him or her, and on the other hand, much important news is not even delivered to him or her if the algorithms do not expect it to trigger the right amount of interaction.

The spread of fake news²⁵ is also being vigorously self-regulated by the various platforms, but from time to time, untrue information is being spread with incredible speed and reaches many children through social networking sites. In many cases, some of this untruthful information can cause distress to younger users whose intellectual development is not yet able to filter out information that is not true.

Another noteworthy problem is the phenomenon of *sharenting*, which has a very strong impact on children’s privacy rights. The term ‘*over-sharing*’ was first used in 2012 to refer to the excessive sharing of photographs and personal data of children,

22 Beyer, 2018.

23 Clark, 2022.

24 According to Lexiq: „*FOMO is short for fear of missing out, which literally translates as fear of missing out. FOMO refers to the phenomenon of wanting to keep track of events and opportunities so as not to miss out on an entertainment, investment or other opportunity because you didn’t know about it in time or didn’t go when you had the chance.*” [Online] Available at: <https://lexiq.hu/fomo> (Accessed: 23 June 2024). There is a very extensive literature on this phenomenon, see for example: Alutaybi et al., 2020; Tanhan, Özök and Tayız, 2022.

25 A hoax is a piece of created information that is based on deliberate deception, disinformation or a hoax. Fake news producers consciously rely on people’s gullibility, naivety, digital illiteracy and those who face serious challenges in basic literacy. For an example of how fake news can be legally relevant, see: Funke and Flamini, n.d.

by combining the words ‘*over-sharing*’ and ‘*parenting*’.²⁶ The term, in a general sense, refers to behaviour where a parent posts large amounts of content about their child on social media. *Maja Sonne Damkjaer*, in a relevant study, identifies sharenting as a popular practice whereby parents share photos and news about their children.²⁷ *Stacey Steinberg*, a prominent expert on the topic,²⁸ identifies sharenting as an activity whereby parents post information about their children outside the so-called “*family circle*”. This could be a blog post on social media, or posting photos, videos or forwarding them via a messaging app.²⁹ In a study published in 2017 by the authors *Alicia Blum-Ross and Sonia Livingstone*, they identified sharenting as a form of self-representation by parents, which aims to share information about their children on social media.³⁰ According to *Charlotte Kay*, sharenting is when a parent or other relative of a child shares news, pictures or videos or other potentially sensitive information about their child on a social platform, typically Facebook or Instagram.³¹

For our part, we see sharenting as a phenomenon whereby parents or relatives post large amounts of detailed information about the child concerned in the form of photos, videos or text posts on social media, in violation of the child’s right to privacy.

The sharing of large amounts of detailed information is an essential element of the sharenting phenomenon, as illustrated by the fact that the term was originally coined to refer to over-posting by parents. In our view, sharenting can be achieved through the public sharing of both textual posts and photo and video recordings on social media platforms, which allow the child concerned to be identified. This problem, which is considered to be very common, requires a complex legal interpretation, which we will attempt to provide in this volume.

3. Aim of the Research and Structure of the Volume

Above, we have provided a thought-provoking overview of the statistics and emerging challenges that have a very strong impact on the rights of children who use the internet. The impact of the proliferation of global internet platforms as a social phenomenon, and the many positive and negative influencing factors that go hand in hand with it, are therefore a given, and the most important question is what legal instruments can be used to ensure that the rights of children who use the internet are protected.

26 The phrase was first used by Wall Street Journal journalist Steven Leckart in his op-ed „The Facebook-Free Baby” [Online]. Available at: <https://www.wsj.com/articles/SB10001424052702304451104577392041180138910> (Accessed: 22 July 2024).

27 Damkjaer, 2018, pp. 209–2018.

28 See also: Steinberg, 2017; Steinberg, 2024, pp. 148–190.

29 UNICEF, n.d.c.

30 Blum-Ross and Livingstone, 2017, pp. 110–125.

31 Kay, 2024.

In this volume, therefore, we aim to examine how the rights of children, a group that is highly vulnerable in terms of social media use and enforcement, are protected on different internet platforms, in relation to the ICCR LL.M. *“Children in digital age”*. *The research was interdisciplinary and comparative, examining the legal systems of Central and Eastern European countries.*

In order to establish the basis for the research, first the international legal background of the field will be explored, followed by a detailed analysis of the relevant European Union legislation. It is worth noting at the outset that a number of laudable initiatives have been taken recently at supranational level, both from a regulatory and a practical point of view, to ensure effective protection of the rights of children using the Internet. To take just one example, the European Union’s BIK+ (Better Internet for Kids) initiative³² celebrated its second birthday in May 2024. The initiative has also produced a number of easy-to-understand information materials, which have raised awareness of the dangers of the above-mentioned phenomena in a very graphic way.³³ But also worth highlighting are the publications for parents and teachers, which can help to promote good behaviour among those concerned.³⁴

After the presentation of supranational regulatory models, the country reports will be presented, including the relevant legislation and jurisprudence of Hungary, Romania, Serbia, Croatia, Poland, Czech Republic, Slovenia, Slovakia.

The chapters on each country are structured in a very similar way, in order to present each regulatory model in a logical and comparable way. The chapters begin with a discussion of the statistical data and legal definitions relevant to the country concerned. The rights of children that are typically and most frequently violated on the Internet are then discussed. These include the right to privacy and the right to be forgotten, the right to access information and education, the right to protection from abuse and the right to freedom of expression. The examination of these rights is not limited to a general description of the legal framework in a given country, but each chapter will focus on the typical Internet-specific rules affecting children as individuals. Following the discussion of the different rights, each chapter includes a discussion of cases that have arisen in connection with the exercise of children’s rights on the Internet. While not all the countries examined have relevant case law, valuable

32 European Commission, 2022.

33 E.g: European Commission, 2022; #SaferInternet4EU campaign [Online]. Available at: <https://www.betterinternetforkids.eu/saferinternet4eu> (Accessed: 23 June 2024), BIK #DigitalSun-Screen summer campaign: 10 tips to protect your family online during summer travels [Online]. Available at: <https://www.betterinternetforkids.eu/practice/awareness/article?id=7294297> (Accessed: 23 June 2024); Together for a better internet. [Online]. Available at: <https://www.saferinternetday.org/> (Accessed: 23 June 2024); Positive Online Content Awareness Month. [Online] Available at: <https://www.positiveonlinecontentforkids.eu/> (Accessed: 23 June 2024).

34 See: Creating a safer connected world: parents and carers [Online]. Available at: <https://www.betterinternetforkids.eu/hu/discover/parents-and-carers> (Accessed: 2 August 2024); Creating a safer connected world: teachers, educators and professionals [Online]. Available at: <https://www.betterinternetforkids.eu/hu/discover/teachers-and-educators> (Accessed: 2 August 2024).

lessons can be drawn from the case law presented in the volume. An intrinsic part of each country report is the presentation of the relevant state institutional system, i.e. whether a specific institution exists in a given state to ensure children's rights in the online world, and whether individual state institutions have adopted action plans or guidelines on this issue. Finally, each chapter contains a summary and conclusion on the legal system in the country concerned.

In view of the multidisciplinary nature of the subject "*Children in digital age*", this textbook includes a chapter on psychology, which uses the results of recent research to present in great detail the psychological effects of different internet platforms on children, with a special focus on social media sites. The author of the chapter distinguishes between positive and negative effects on children, highlighting the complexity of the field.

The volume concludes with a summary chapter and a glossary of terms, in order to provide a synthesis of the research results.

It is hoped that this volume, as well as helping to meet the requirements of the Children in digital age subject, will serve as a book of complex research for the law-seeking public. The subject is extremely topical and wide-ranging, and its importance is also for the protection of future generations, given that the broad rights of children on the Internet should not be eroded, and the protection of children who are also exposed to harmful influences is a very important task of the state, as well as of society and the family environment, defined as the smallest unit of society. The present volume reflects on this problem from a Central European perspective, for which special thanks are due to the authors András Koltay, Katalin Baracsi, Sanja Savčić, Zsolt Kokoly, Lenka Westphalová, Agnieszka Gryszczyńska, Dominik Gołuch, Hrvoje Lisičar, Benjamin Lesjak, Peter Koromház.

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