

Children in Digital Age – Hungarian Perspective

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ABSTRACT

This chapter explores the legal framework for protecting children's rights in Hungary, with particular emphasis on the challenges posed by internet and social media use. It begins by outlining the Hungarian legal definitions of childhood and minority, demonstrating how these relate to capacity, education, and criminal responsibility. The analysis highlights the growing presence of children on digital platforms and examines the potential threats to their fundamental rights, including privacy, freedom of expression, and protection from harmful content. Particular attention is paid to inconsistencies between international platform policies (e.g., Facebook's age requirements) and Hungarian civil law. The chapter also investigates the phenomenon of "sharenting" and its impact on children's privacy and identity development. It addresses legal gaps regarding parental overexposure of children online and the lack of sector-specific regulation. Case law in this field remains limited, but empirical studies indicate widespread online harm among minors. Institutional mechanisms—such as the National Media and Infocommunications Authority and NGOs like the Hintalovon Foundation—play an active role in education and prevention. In conclusion, while Hungary's legal system provides a comprehensive basis for child protection, the rapid evolution of digital environments necessitates further regulatory adaptation and awareness-raising initiatives.

KEYWORDS

personality rights, children's rights, social media, right to privacy, fundamental rights

1. Definitions and Taxonomic Rationale

The starting point for the research on the Hungarian legal system is a conceptual and taxonomic framework, which includes an overview of the most important definitions and legal bases, as well as the latest available statistical data on children's Internet use.¹

In the Hungarian legal system – as in most of the legal systems examined in this textbook – the concept of the child is based on the United Nations Convention on the Rights of the Child (CRC). The document is also part of the Hungarian legal system, as

1 CRC, adopted in New York on 20 November 1989.

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it was ratified by Act LXIV of 1991.² According to this Convention, ‘a child is a person who has not attained the age of eighteen years, unless he or she has attained the age of majority earlier under the law applicable to him or her’.³ Domestic legislation, therefore, considers the age of 18 to mark the end of childhood, although some laws may impose different age limits.

The Hungarian Civil Code uses the term “minor”. It states that a minor is someone who has not reached the age of eighteen, but that a minor can become an adult by marriage.⁴ The marriage of a minor may take place after the age of 16 with the permission of the guardianship authorities. Current civil law imposes significant legal consequences for reaching the age of 14. The legislator applies an irrebuttable presumption that a minor under the age of 14 is incompetent.⁵ However, the Civil Code, *expressis verbis*, exempts children under the age of 14 from this requirement in the case of minor transactions of everyday life, allowing their legal representative to act on their behalf.⁶ Minors between the ages of fourteen and eighteen who are not incapacitated have limited capacity.⁷ As a general rule, the consent of their legal representative is required for the validity of their legal declarations, although the Civil Code provides for exceptions in certain cases.⁸ Hungarian civil law, therefore, differentiates between legal entities of child age, according to which legal declarations made by children under the age of fourteen are invalid as a general rule, while those made by children between the ages of fourteen and eighteen are valid with the consent of their legal representative.⁹

In the area of criminal law, the Hungarian Criminal Code lists childhood as one of the grounds for exclusion or limitation of criminal liability.¹⁰ Under the Criminal Code, a person under the age of 14 is not punishable.¹¹ An exception is made for certain offences if the offender was over the age of 12 and had the necessary discernment to understand the consequences of the offence at the time of committing it.¹²

The law on national public education also differentiates between persons of child age, stating that all children are obliged to attend institutional education, i.e., compulsory schooling. As regards the starting date, the law states that a child becomes of compulsory school age in the year in which he or she reaches the age of six by

2 Act LXIV of 1991 on the proclamation of the CRC, signed in New York on 20 November 1989.

3 Part I Art. 1 of Act LXIV of 1991.

4 Art. 2:10 of Act V of 2013 on the Civil Code (“Civil Code”).

5 Art. 2:13 of Civil Code.

6 Ibid., Art. 2:14 paras. 1–2.

7 Ibid., Art. 2:11.

8 See also: Ibid., Art. 2:12 para. 2.

9 Act C of 2012 on the Criminal Code (“Criminal Code”).

10 Art. 15 of Criminal Code.

11 According to Art. 16 of the Criminal Code, such offences include manslaughter, murder committed with violence, assault, violence against public officials and persons performing official duties, terrorist offences, robbery, and pillage.

12 Act CXC of 2011 on National Public Education (“Public Education Act”).

31 August.¹³ The obligation lasts until the end of the school year in which the child reaches the age of 16.¹⁴

An interesting regulatory methodology is followed by the law on the basic rules and certain restrictions on commercial advertising, which in its general provisions distinguishes between children and minors.¹⁵ According to the provisions of this law, a person who has not yet reached the age of 14 is considered to be a minor, while a juvenile is a person who has reached the age of 14 but not yet 18. Based on these examples, the concept of “children” can be considered uniform in Hungarian law, in line with the CRC. However, individual sectoral rules differentiate between persons of child age with regard to their level of maturity and capacity for discernment.

The protection of children’s rights and the primacy of their interests are ensured by a number of laws in the Hungarian legal system. Among these, Act LXIV of 1991 transposing the CRC into the domestic legal system has already been highlighted at the beginning of this chapter. In addition, the basis of the legislation is, of course, created by the Fundamental Law, which declares in Art. XVI that every child has the right to the protection and care necessary for healthy physical, mental, and moral development.¹⁶ This is the basis of both the Civil Code and the Family Code, which include the protection of the best interests of the child as a fundamental principle, as reflected in the relevant family law provisions.¹⁷ In relation to our topic, the section of the Civil Code dealing with the rights of the person is also worth highlighting, given that the rights of the person are the rights of all people, including children.

The Civil Code lays down a general rule for the protection of personality, then highlights certain specific rights, and finally sets out the system of sanctions for the protection of personality.¹⁸ Regarding the enforcement of personality rights, the Civil Code states that any person may enforce them personally. A minor with limited capacity to act may defend his or her rights as a person in his or her own right, while a minor who is incapacitated may be defended by his or her legal representative.¹⁹ An integral part of the national legislation on child protection is the Act on the Administration of Guardianship, which declares the rights of the child, sets out rules on childcare, and establishes the institutional system of child protection.²⁰ Without being exhaustive, in addition to the above-mentioned legislation, there are also provisions affecting children’s rights in other legislation, such as the Act on Economic Advertising, the

13 Art. 45 para. 2 of Public Education Act.

14 Ibid., Art. 45 para. 3.

15 Art. 2 points c) and e) of Act XLVIII of 2008 on the basic conditions and certain restrictions on commercial advertising (“Advertising Act”).

16 Art. XVI para. 1 of the Fundamental Law.

17 Art. 4:2 of Civil Code.

18 Arts. 2:42–2:54 of Civil Code.

19 Ibid., Art. 2:54 para. 2.

20 See for example: Chapter II, Chapter IV, Chapter V, Chapter V, Chapter V of Act XXXI of 1997 on the protection of children and the administration of guardianship (in brief: Gyvtv.)

Government Decree on Home Renovation Assistance for Children, and the Government Decree on Guardianship Authorities.²¹

The Hungarian legislation on the legal status and rights of children is both comprehensive and provides adequate legal protection for the age group concerned. However, one of the most important questions concerning our topic is: to what extent does the existing regulatory environment protect the rights of children using the Internet?

The issue is extremely topical in 2023, as confirmed by the statistics of the National Media and Infocommunications Authority (NMHH). According to a report published in 2022, 97.1% of the 15–50 age group use the Internet, and addiction starts at a very young age. Data from families surveyed show that 4% of two-year-old children and 9% of three-year-olds use the Internet.²² People under 18 are the most frequent users of social networking sites, with 65% of Internet users in the European Union spending more than half an hour a day on a social networking site. Facebook is considered the leader in the country (in line with global statistics), but the most popular social networking sites for 16–25-year-olds are Instagram, TikTok, and YouTube.²³ The use of these platforms can be considered highly addictive, with colourful and constantly changing content “spinning” as part of children’s daily routine. In practice, they spend a very large part of their social lives on these platforms, using the Internet to find information, share content, and receive targeted advertising – but, unfortunately, also with the risk of becoming both perpetrators and victims of infringements.

In the rest of the chapter, we will examine how the protection of the rights of children using the Internet is developing in the Hungarian legal system, which institutions help to protect the rights, and what case law decisions have been made. After drawing forward-looking conclusions, we will also make some regulatory proposals.

2. Children’s Rights on Internet Platforms

According to relevant statistics from the National Media and Communications Authority, the proportion of children using smartphones exceeds 85%, and at least three-quarters of children aged between 9 and 16 have a profile on a social media site.²⁴ Children can access virtually any online platform with a few clicks. On the one hand, this has positive consequences, as online platforms can facilitate access to information, enable interaction, and, where appropriate, broaden horizons and provide educational content. However, online platforms can also have negative effects on children’s rights. Research by the NMHH also found that almost a quarter of Hungarian children have come into contact with someone they did not know online, and

21 Government Decree 149/1997 (IX. 10.) on Guardianship Authorities and Child Protection and Guardianship Procedures.

22 NMHH, 2022a.

23 NMHH, 2023, p. 29.

24 NMHH, n.d.a

nearly a third have met someone they did not know in person.²⁵ In view of this, and in order to eliminate situations that put children at risk online, from 1 July 2014, Internet access providers have been obliged to make some form of child protection filtering software available on their websites for download and use.²⁶

Turning to the legal environment, it is first worth clarifying which of the specific rights of children are the most commonly infringed when using certain Internet platforms. In this respect, both children's rights and children's rights as individuals will be examined. The scope of children's rights is also declared in the CRC. For children who use social media, the implementation of these rights is examined in two sets of relationships: the first is the relationship between social networking sites and child users, while the second is the relationship between users themselves.²⁷

2.1. Children's Rights in the Relationship Between the Social Networking Site and the User

For an individual to become a user of a social networking site, they merely need to provide their personal data, accept the platform's general terms and conditions, and click on the registration button. However, the accuracy of the data provided is not verified.²⁸ This creates a risk that children who would otherwise not be able to register on a social networking site under the current legislation may do so.

Regarding the age limit for registration, the Facebook Terms of Use and the Hungarian Civil Code contain different rules. According to Facebook's Terms of Use, no person under the age of 13 may be a user of the platform.²⁹ As the detection of false data during registration is not guaranteed, Facebook provides an online platform called "Report a Minor User", which allows any user to report any profile believed to be operated by a person under the age of 13.³⁰

By contrast, as explained in the first part of this chapter, the Civil Code links the onset of legal capacity to the age of 14 and attaches the legal consequence of nullity to the independent declaration of legal capacity by an incapacitated minor. The legal relationship between the user and the social networking site can clearly be regarded as a contractual legal relationship, meaning that, under national legislation, a minor under the age of 14 is not entitled to make such a contractual declaration independently, without a legal representative.³¹ Thus, there is a contradiction between the

²⁵ Ibid.

²⁶ Ibid.

²⁷ On this issue, see the study below: Barzó and Fráter-Bihari, 2025.

²⁸ Note that the contract between the community portal provider and you is established during the registration process. The contract is concluded between absentees and can be considered as a consumer contract and a contract concluded under general terms and conditions between absentees.

²⁹ Legal terms of Facebook [Online]. Available at: <https://www.facebook.com/legal/terms/update.4.5> (Accessed: 12 August 2023).

³⁰ Facebook Help Center [Online]. Available at: <https://www.facebook.com/help/contact/209046679279097> (Accessed: 28 August 2023).

³¹ Art. 2:14 para. 1 of Civil Code.

general terms and conditions of Facebook and domestic legislation with regard to minors aged between 13 and 14. According to the Terms of Use, it is possible to register on the site at the age of 13, whereas, under the logic explained above, this is not possible under domestic law. The Hungarian Civil Code does not consider the declaration of a minor to be null and void if the contract concluded and performed by him/her is of minor importance, and the conclusion of which is a common occurrence in everyday life and does not require any special consideration.³² However, it is questionable whether the exception laid down by law can be applied in the case of Facebook registration of a minor. The act is undoubtedly a mass transaction in everyday life, but is it of minor importance? The answer will be developed in future case law; in our view, it is not possible to include the use of a social networking site in this scope with any certainty, given the dangers mentioned and described above.

In this context, the limited capacity of persons aged between 14 and 18 should also be mentioned, since, in view of their age, it is often persons in this age group who engage in infringements of their personality rights on social networking sites, and whose personality rights are also frequently infringed upon via these platforms. Here too, it is important to emphasise that the parents or guardians of minors have a special role to play in informing them of the rules of use and drawing their attention to potential dangers.³³

Once registered, the minor becomes a user of the social networking site, which essentially means he or she becomes part of the online community of that platform. In the following, we will examine the rights of children on these platforms, in relation to the functioning of social networking sites, which raises legislative and enforcement issues.

First among these is the right of children to express their views. Freedom of expression is a fundamental right declared in Art. IX of the Fundamental Law, which is a right of every human being. It can be considered a communication mother right, applying not only to oral and written communications but also to online communications.³⁴ This right extends to the right to information, under the protection of freedom of expression, but it is not unlimited.³⁵ Freedom of expression has traditionally been limited by child protection provisions. These norms are also regulated in the Hungarian Advertising Act, which states that advertising that may harm the physical, mental,

32 Ibid., Art. 2:14 para. 2.

33 For the sake of completeness, what happens when someone's privacy is violated by a minor user on Facebook? In this case, the concept of fault, otherwise used in tort law, could be a starting point. This could potentially make the Civil Code applicable. "Liability for damage caused to a person who is not at fault". In our opinion, future case law will have to interpret these rules in a specific way, since it is questionable to what extent a body of rules which essentially establishes the liability of the carer for the damage caused by the incapable person will fulfil its purpose.

34 Koltay, 2018.

35 Art. IX paras. 2–6 of the Fundamental Law.

moral, or emotional development of children and minors is prohibited.³⁶ At the outset, these requirements must also apply to social networking sites. Children using these platforms naturally have the same right to freedom of expression as adult users. This fundamental right of children is also confirmed in Art. 13 of the CRC and in Art. 8 of the Children's Act. Children exercise their communication rights on a very wide range of social media platforms, as they create virtually untraceable amounts of text entries and share photos, videos, and audio recordings on a global scale, conducting a significant part of their personal communication via these online platforms. However, the exercise of these rights by users under the age of majority must be accompanied by respect for the rights of others. A significant percentage of young users are unaware of the situations in which their online communications fall within the scope of freedom of expression and those likely to constitute an infringement. The right to information, which is also covered by the right to freedom of expression, is significantly affected by the rise of social media. This can be traced back to the statistics outlined above, according to which more than 97% of Internet users in Hungary, including children, spend at least half an hour a day browsing a social networking site. This means that a significant proportion of people use these platforms to find information. Social media also pose a risk of information leakage through the spread of fake news and the display of completely personalised content. The dissemination of disinformation on social networking sites means that it is also accessible to a wide range of child users. The Digital Services Act Regulation and the European Union have a strong objective to reduce disinformation on social networking sites, which also positively impacts children's right to information. Social networking sites are using algorithms to stop the spread of fake news, for which the European Union published a practical guide in 2022. The customisation of content used by social networking sites seems to be a very "convenient" setting, but it also risks limiting the individual user to the content defined by the algorithms, thus preventing them from encountering different preferences, content, and news. For child users, it is important to ensure that they are exposed to educational content appropriate to their interests and age, which could also help their development.

The algorithms used by social networking sites also have a significant impact on the privacy rights of individual users.³⁷ The protection of privacy is a fundamental right declared in the Fundamental Law, the right to privacy in the Civil Code, and provided for by Act LIII of 2018 as a separate piece of legislation.³⁸ The Privacy Protection Act already notes in its preamble that modern means of infocommunication have changed the norms of daily interaction, so the protection of the right to privacy extends to both physical and online harassment.³⁹ Children's right to privacy is also

36 Art. 8 of Advertising Act. In this section, the legislator also states that it is prohibited to make available to persons under 18 years of age advertisements that depict sexuality for its own sake or that depict a minor in a dangerous or sexual situation.

37 Art. VI para. 1 of the Fundamental Law.

38 Act LIII of 2018 on the Protection of Privacy (hereinafter: Privacy Protection Act).

39 Mvtv. Preambulum.

declared in the CRC under Art. 16. The legal framework is in place, but the so-called “zero-price” business model of social networking sites has a major impact on children’s right to privacy. At the heart of this model is the fact that the content shared and frequently updated on social platforms attracts a constant flow of consumers, whose activity is collected by the platform provider through the various methods outlined above.⁴⁰ With this information, social networking sites provide targeted advertising opportunities to their business clients. These clients, in turn, target their advertisements to users – who, based on the profile extracted from the personal data, can be considered as potential customers or users of the services they offer – on the users’ News Feed. Social networking sites keep the workings of their algorithms a trade secret, but it is certain that they monitor users’ preferences in detail to compile the content of their personal News Feed.⁴¹ To this end, social networking sites’ AI-powered algorithms monitor with whom frequent users of the platform’s chat service communicate, as well as which posts they like, share, or comment on. As a consequence of monitoring all these activities, the algorithm displays the content of the users with whom they interact closely in the online space.⁴² The same is true for the advertisements on the Message Board: the advertisements that users view for a longer period of time, or respond to in some way, will be seen more often on the Timeline (along with similar advertisements).

The creation of these targeted advertisements, the monitoring of users, the collection of their data, and the identification of their personal preferences clearly affect children using social networking sites. One need only think here of the TikTok app, which is used predominantly by this age group and whose data management practices give rise to numerous concerns. The operator of the platform constantly collects personal data and analyses the preferences of underage users, which allows users as young as 14 to be constantly exposed to personalised advertising. In our view, this practice is extremely worrying from the perspective of protecting the privacy rights of underage users, particularly their right to privacy, since this advertising method effectively commodifies the privacy of minors. It is also a problematic practice that, while the media law of some states, for example, imposes strict conditions on linear media providers regarding advertising to minors, the practice of social networking sites, as described above, is essentially free to continue.⁴³ Among other things, this is the aim of the Digital Services Act Regulation adopted under the auspices of the European Union, which, based on the results of impact assessments, has also set out in its explanatory memorandum the need for greater protection of the fundamental rights and privacy of users, particularly with regard to vulnerable groups such as minors.

40 Pásztélyi and Bordács, 2020, pp. 25–32.

41 Auer and Joó, 2019, p. 6.

42 Ibid.

43 Digital Services Act Regulation. Rationale. Results of ex post evaluations, stakeholder consultations and impact assessments. Fundamental rights.

In addition to the protection of freedom of expression and the right to privacy, Internet sites to which minors have access must also comply with the requirement in the CRC that they must not impair the mental and moral development of minors.⁴⁴ The enforcement and enforceability of this requirement pose a number of technical and legal challenges, but the protection of minors from harmful content on the Internet, which is very characteristic of social media platforms, is of social interest.

2.2. Children's Rights in the Legal Relationship Between Users

We have just outlined the rights that children have in their relationship with the portal. However, the rights of children using certain Internet platforms can also be violated by the behaviour of individual users. Trends in Hungarian judicial practice show that violations of individual personality rights frequently occur on social networking sites. Comments that are defamatory or damaging to reputation, the misuse of personal data, violations of privacy, and the unauthorised publication of images or audio recordings have become practically commonplace on certain online platforms. Children using social networking sites may be particularly vulnerable to these infringements, as they are often unaware of the unlawful nature of their conduct due to their age. For example, the photos they send and the content they post in “closed” chat groups may constitute an offence against their right to privacy.

In addition to conduct that violates children's privacy rights, humiliating messages and comments posted on social networking sites, unauthorised posting of images of the victim in embarrassing or vulnerable situations, and messages with sexual content can also lead to criminal prosecution. The Hungarian legislator has criminalised harassment in the Criminal Code, which increasingly uses the online space as a “place of offence”.⁴⁵ Such behaviour is referred to in the literature as cyberbullying and constitutes a specific group of online harms to children.⁴⁶ According to a study published in 2020 in Hungary, nearly 69% of primary school-age children and 73% of secondary school-age children have experienced online bullying.

Online bullying causes serious psychological, emotional, and social harm. Electronic communication emboldens perpetrators because they cannot see the emotional reactions of their victims, making it easier to commit the act without feeling guilty. Thus, in many cases, they do not realise the negative impact of their actions on the victim, as they may think they are simply participating in a relatively harmless “prank”. However, online harassment can have serious consequences for victims, such as loss of self-confidence, depression, later use of mind-altering drugs, or aggression. In extreme cases, persistent depression can even lead to suicide in the absence of appropriate support. Becoming a victim of online bullying can also lead to later deviance, including criminality, as the victim may themselves become an abuser. Reducing the number of children who become victims of online bullying

44 Art. 14 of the CRC.

45 Art. 222 of Criminal Code.

46 NMHH, 2022b.

is in the interest of society as a whole. One way to achieve this is by raising media awareness, involving not only children but also parents and teachers.

2.3. A Specific Issue: Impact of Sharenting on Children's Rights

In addition to the distinctions in the relational systems influencing children's rights in the online space, we must also consider parents' activities involving their children on social media. This is justified by the fact that parents often share their children's photos and personal data on social media platforms. This phenomenon is commonly referred to in research and academic articles as "sharenting", a portmanteau of "sharing" and "parent".⁴⁷ It is not possible to translate this term into English using a single word, so for the purposes of this chapter, we will use the general term "sharing" to refer to the frequent posting of photos, videos, and text about children on social media by parents (or other relatives, such as grandparents).⁴⁸ While it is difficult to make precise statements about the frequency of such sharing, regular posting within short intervals can be considered part of this category, provided that the information shared is intimate and private to the child.⁴⁹

The term "digital footprint" is also used to describe content published about children. Its importance is illustrated by a 2018 New York Post article, which estimated that by the time a child reaches the age of 13, around 1,300 posts about them will have been published online.⁵⁰ Recent research has also shown that 74% of social media users know parents who over-share photos and other personal information about their children on various social media platforms.⁵¹

In Hungary, the publication of photographs and records of children is a very common practice among parents. According to Art. 2:54 (2) of the Civil Code, the legal representative may take action to protect the personal rights of children who are incapacitated. Under this provision, the legal representative of the child (usually the parent) has the right to decide on the publication of photographs and communications about their child and to act in the child's best interests regarding media content published by others. However, parents cannot exercise this right without limitation. Art. XVI (1) of the Fundamental Law declares that every child has the right to such protection and care as is necessary for his or her proper physical, mental, and moral development. It follows from this provision that parents may only publish photographs and videos of their children if these do not endanger the child's physical, mental, or moral development. Therefore, when parents share content about their children on social media, they should exercise caution and consider the best interests of the child, refraining from posting any material that could jeopardise the child's healthy development. In our view, photographs or videos showing a child in a vulnerable situation, such as in inadequate clothing or a ridiculous scenario, can adversely affect

47 See for example: Verswijvel, et al., 2019; Gál, 2020, pp. 19–25.

48 For more on this see: Steinberg, 2017, pp. 16–41.

49 See for more in: Azucar, Marengo and Settanni, 2017.

50 Dellato, 2018.

51 Vinney, 2022.

the child's psychological development. This also includes posts containing intimate information about the child, as they may negatively impact the child's mental health in later life, in addition to clearly violating their privacy.⁵² Extensive sociological and psychological research is currently being conducted into the impact of parents' excessive presence on social media on their children's later psychological development. Some studies suggest that parents' oversharing of information about their children, combined with feedback from their social circles, may also have a negative impact on children's identity development.⁵³

The protection of children's rights is reinforced by Art. 8 of the Children's Act, which declares that children have the right to express their views, to be informed of their rights, and to be heard in all matters concerning them.⁵⁴ A similar right is enshrined in the 1989 New York Convention, Art. 12 of which states that the views of the child shall be considered in accordance with his or her age and maturity in all matters affecting him or her. Under these provisions, the consent of a child who is capable of expressing his or her views must be obtained by the parent before publishing photographs or communications about the child. Clearly, an infant or a very young child is not capable of such expression, making "baby photos" on social networking sites a controversial issue.

Two opposing views prevail in public opinion on this issue. One view is that children who are not yet capable of expressing their views should not be photographed or have private communications shared for the reasons outlined above.⁵⁵ The other view is that such a requirement would be excessive in today's world, given the pervasive nature of social media in people's lives, and that it would be unrealistic to expect parents not to share any content about the joys of raising children and their development.

In our view, the aforementioned legal requirements to refrain from publishing images of children in a vulnerable position should also apply to baby photos.⁵⁶ The publication of photos and videos of children in such situations is not justified and does not strike a balance between the interests of the parents as "private individuals" and the advertising activities of parents who may act as online opinion leaders (influencers). In light of this, it would be justified to restrict the advertising activities of opinion leaders in this area, although there is currently no legislative intent at the national level to do so.⁵⁷

Regarding the phenomenon of sharenting, violations of minors' privacy rights on social media frequently take the form of photos, videos, and text posts shared by parents. This often includes the exposure of private footage of children to thousands

52 For more see: Ranzini, Newlands and Lutz, 2020, pp. 1–13.

53 Vinney, 2022.

54 Art. 8 para. 1 of Act XXXI of 1997 on the Protection of Children and the Administration of Guardianship.

55 See also: Hintalovon Gyermekjogi Alapítvány, n.d.a.

56 Gazdasági Versenyhivatal, 2022.

57 See also: Archer, 2019; Jorge et al., 2022, p. 166.

of followers of a parent acting as an opinion leader to promote a product or service. In Hungary, Chapter I of the Media Services and Mass Communications Act also contains provisions on the protection of minors, and the Advertising Act reflects this protection for those under 14. However, these rules are rather general in nature. Consequently, it is essential to establish specific rules for social media in the future, which would balance the vulnerable position of minors on online platforms and facilitate the effective exercise of their rights as individuals.

3. Presentation of the Case Law in the Area Concerned

In Hungary, there is currently no known case law that specifically addresses the violation of children's rights in the online space. According to the Psyma research published by the NMHH in 2021, a significant percentage of Hungarian children using the Internet have experienced online bullying.⁵⁸ For example, in 2020, 36% of 15- and 16-year-old users experienced some form of online bullying.⁵⁹

In our view, a considerable amount of online conduct that violates children's rights does not reach the courts because, in many cases, neither the offender nor the victim realises that the conduct in question constitutes a violation of privacy rights. Even within school communities and groups of friends – key areas of children's social activity – there are incidents in which a photograph of a minor is posted on social media without his or her consent, often in an embarrassing situation, and various derogatory or disparaging comments are common in the online activities of this age group.

Raising media awareness plays a key role in discouraging such activities, and the institutions described in the next sub-chapter have a crucial part to play in this effort.

4. Institutions to Protect Children's Rights Online

The Hungarian child protection system is extensive and well-developed. At the regional level, Child Protection Centres and Regional Child Protection Specialist Services provide comprehensive child protection services.⁶⁰

Since 2022, the sectoral management of child protection has been the responsibility of the Ministry of the Interior, as well as the Ministry of Culture and Innovation, under which the Secretary of State for Families operates.⁶¹

⁵⁸ NMHH, 2021, p. 142.

⁵⁹ Ibid.

⁶⁰ Országos Gyermekvédelmi Szakszolgálat, n.d.

⁶¹ Ibid.

Regarding the protection of children's rights online, the activities of the NMHH are particularly noteworthy. One of its priority programmes is the promotion of the protection of minors' rights in the online space. To this end, the Internet Round Table for the Protection of Children was launched on 1 March 2014.⁶² The Round Table, composed of 21 members, develops recommendations and positions to support the work of the President of the NMHH. Its aim is to produce documents that promote child-friendly Internet use and encourage the conscious use of the Internet by children and their parents. In addition to public authority representatives, the 21-member body includes representatives of non-governmental organisations and media professionals.⁶³

The launch of the Bűvösvölgy Media Literacy Training Centre ("Centre") is also an NMHH initiative aimed at raising media awareness.⁶⁴ The Centre offers a wide range of programmes for school groups from across Hungary, free of charge. It welcomes groups of children aged 9–16 years in three locations: Budapest, Debrecen, and Sopron. Sessions last approximately 5–6 hours and are designed to enhance media literacy through interactive group activities. One session, "Net Risk", introduces participants to online privacy, harassment, and cyberbullying in a situational game and raises awareness of the potential legal consequences.⁶⁵ Another session, "Netchecker", introduces children to useful websites and applications.

The NMHH's media awareness activities also include numerous educational materials available on its website, providing excellent resources for children, parents, and teachers alike.⁶⁶

Regarding the protection of children's rights at the state level, the Digital Well-being Programme 2.0⁶⁷ was launched in 2017 as a government initiative, aiming to improve Internet use and digital awareness among the population. Although the programme ended on 31 March 2023, Hungary's Digital Child Protection Strategy, adopted in 2016 under its auspices, remains in force.⁶⁸ This Government Decision essentially expresses the Government's commitment to digital child protection, to be implemented through measures such as developing filtering software and providing extensive information to the public. As noted in a previous sub-chapter, since 2014, Internet service providers in Hungary have been required to make some form of child protection filtering system available on their websites.⁶⁹

62 The legal basis was created by the 2013 amendment to Act CVIII of 2001 on certain issues of information society services.

63 NMHH, n.d.c.

64 Bűvösvölgy Médiaértés-oktató Központ (Magic Valley Media Literacy Training Centre) [Online]. Available at: <https://buvosvolgy.hu> (Accessed: 4 November 2023).

65 Ibid.

66 See, as an example, the platform Information for consumers: NMHH, n.d.b.

67 See: Government of Hungary, 2017.

68 See also: Government Decision 1488/2016 (IX.2.)

69 NMHH, n.d.a.

Additionally, the Hintalovon Children's Rights Foundation, a non-governmental organisation operating since 2015, runs several programmes.⁷⁰ Two notable initiatives are the "Child-Friendly Media and Advertising Project" and the "Digital Parent" programme. The latter focuses on raising parents' media literacy to promote responsible and exemplary behaviour and to discourage sharenting.⁷¹

5. Summary

Overall, Hungary has a broad regulatory environment protecting children's rights. The legislator adapts the concept of the child to align with the CRC, while sectoral rules differentiate between children according to their age. Children's rights on the Internet, particularly on social media platforms, face a number of challenges. In this area, we have distinguished between the legal relationship between the social networking site provider and the child as a user, and the relationship between users themselves. Regarding the former contractual relationship, the European Union's Digital Services Act Regulation sets out stricter rules for online service providers, which will also help to protect children's rights in the long term. In addition to effective legislative and enforcement responses to infringements arising from users' interactions, raising awareness of the Internet can also help. The phenomenon of sharenting is also worthy of mention in this context, and its legal regulation is a matter for the legislator to consider. In our view, the introduction of such regulation in separate legislation would be a welcome development, although the prohibition of advertising by opinion leaders to children could also be included in Art. 8 of the Advertising Act.

After examining these relationships, it can be concluded that children's rights to healthy development, expression, privacy, images and sound recordings, personal data, and honour and reputation may be violated on various online platforms. A high level of protection of these rights is therefore a priority. In this regard, alongside legislation, the institutions described in this chapter will help to ensure that digital child protection in Hungary is implemented to a high standard and keeps pace with rapid technological developments.

70 See also: Hintalovon Gyermekjogi Alapítvány, n.d.c.

71 See also: Hintalovon Gyermekjogi Alapítvány, n.d.b.

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