

Children in Digital Age – Summary

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The main task of the final chapter of this volume is to summarise the results of the research. To this end, the main conclusions of international and EU legislation are reviewed, followed by a summary of the children’s rights that are very often violated on some online platforms.

Before doing so, however, it is worth starting the chapter with an overview of the internal regulatory models and different techniques that each global platform uses to better protect children’s rights. The aim of this summary is to demonstrate that, in addition to effective regulation, the functioning of social networking sites needs to move towards the protection of children’s rights in order to make a meaningful difference. The legal framework for the liability of digital service providers is beginning to emerge strongly, thanks also to European Union legislation, for example, but at the same time different platforms can make technological and internal regulatory changes that can greatly improve the framework for children’s rights.

Having reviewed all these issues, the chapter concludes by outlining some of the regulatory and practical issues that may arise in the future. To assist students in their preparation, a glossary of definitions of relevant terms is included at the end of the volume.

1. Social Media Sites on the Road to Self-Regulation

The objective of the final chapter of this volume is to synthesise the valuable information contained in each chapter and draw conclusions. Before doing so, however, it is worth mentioning the recent trends that have been reflected in the strong self-regulation of each platform. Today, more and more online platforms are recognising the importance of protecting children’s rights. The world’s largest video-sharing platform, YouTube, for example, offers the possibility of using the so-called “*Restricted Mode*”.

This effectively removes adult content from the user’s channel.¹ This is also facilitated by the creation of the YouTube Kids interface, which also includes content specifically for children.² And for the slightly older age group, there is the option to set up “*supervised use*”, which essentially means that parents can determine the content their children can access.³ The largest video-sharing platform has come under criticism for the comments shared under each piece of audiovisual content. Under certain videos, negative comments can appear virtually every second, which can cause psychological problems for teenagers at a vulnerable age. In view of this, YouTube does not allow comments to be posted under videos in which children are involved.⁴ Reflecting the other side of the phenomenon, where it is often the youngest age group that is the most critical, from 2021 onwards, users of the video-sharing platform will not be able to comment on videos with children.⁵ Also welcome is the creation in 2018 of the Youth and Family Advisory Committee, which will regularly update the platform’s family products and guidelines in consultation with experts on children’s media content, child development, digital learning and digital citizenship. The Advisory Committee is composed of independent experts who provide sound advice to help ensure that the video-sharing portal protects children’s rights as effectively as possible.⁶

From 2021 onwards, the global market leader Facebook has also made a number of changes to its interface and terms of use to help children’s rights to be more effective. In particular, in addition to public content, messages sent in Messenger that depict or discuss child abuse or sexual exploitation can now be easily reported to the portal.⁷ The portal has also created a “*Parents’ Conversations*” page aimed at educating parents to better understand some of the phenomena of the online world that has a very powerful impact on their children.⁸ The site also provides information material on preventing suicide among minors⁹, on sending and receiving intimate photos¹⁰, and contact details for law enforcement agencies.¹¹ However, the fact that these sites

1 See: <https://support.google.com/youtube/answer/174084?hl=hu&co=GENIE.Platform%3DDesktop> (Accessed: 23 June 2024).

2 See: <https://www.youtube.com/kids/> (Accessed: 25 June 2024).

3 See: <https://support.google.com/youtube/answer/10314940> (Accessed: 23 June 2024).

4 Orphanide, 2019.

5 See: <https://support.google.com/families/answer/10495678?hl=hu> (Accessed: 22 June 2024).

6 See: https://www.youtube.com/intl/ALL_hu/howyoutubeworks/our-commitments/fostering-child-safety/advisory-committee/ (Accessed: 23 June 2024).

7 See: <https://www.facebook.com/help/messenger-app/860170157674735> (Accessed: 23 June 2024).

8 For more on this see: https://www.facebook.com/safety/parents/conversations/what-parents-need-to-know-about-facebook-messenger-kids?locale=hu_HU (Accessed: 23 June 2024).

9 See: <https://about.meta.com/actions/safety/topics/wellbeing/suicideprevention> (Accessed: 23 June 2024).

10 See: <https://about.meta.com/actions/safety/topics/bullying-harassment/ncii> (Accessed: 23 June 2024).

11 See: <https://about.meta.com/actions/safety/audiences/law> (Accessed: 23 June 2024).

are only available in English is a shortcoming. Another new feature is the creation of an application called *MessengerKids*, which allows parents to create a chat account for their children, linked to their Facebook account, to interact with people of their choice, family members or friends.¹²

Another popular app among young people is Instagram, also owned by Meta, which has a key feature of focusing on images rather than text content, allowing users to essentially create their own personalised, yet publicly shared, photo album. Instagram is governed by the same guidelines and developments as Facebook, given that it is also run by the giant Meta. In addition, and for the sake of completeness, it should be noted that the European Union launched proceedings against the two social platforms in May 2024 under the mandate of the DSA Regulation, specifically to investigate the rights of children, who are considered a sensitive and vulnerable group.¹³ In this procedure, the EU Commission is examining the so-called “*rabbit hole*” effect, which is essentially the fact that social networking sites are highly addictive and considered to be high-risk platforms for the healthy development of children. The age detection mechanism of Meta and the adequacy of privacy settings for children will also be investigated.¹⁴

Among the actions taken by platforms to protect children’s rights, the most used and most addictive portal by young people is TikTok, which attracts users from all over the world with its short videos that can be scrolled continuously. Privacy and privacy concerns about the Chinese-developed portal date back practically to its birth, and its opaque data management and transmission practices, the proliferation of challenges that are spreading at an extraordinary speed and are very dangerous, have led to calls for stronger regulation and even a ban on the platform.¹⁵ To cite just one example, the governor of the US state of Utah has taken the initiative to ban the use of the app throughout the state, specifically on the grounds of protecting children’s rights. The state’s Attorney General has also supported the initiative, pointing out in a statement that the portal contains a number of misleading and untrue contents that adversely affect the healthy physical and psychological development of children and have a very harmful effect on the exercise of their individual rights. In her view, the constantly changing content, which reflects personal preferences, can create a strong addiction, even for the youngest age group.¹⁶ TikTok is not considered a leading social networking site in terms of self-regulation, but its Terms of Use contain provisions on minors.¹⁷ Accordingly, the platform does not allow any content that puts minors

12 See: <https://www.facebook.com/help/messenger-app/144677686167964> (Accessed: 18 July 2024).

13 European Commission, 2024b.

14 Ibid.

15 The United States and Canada have banned the use of the app on government devices, and European Commission staff are not allowed to use the TikTok platforms on their devices. See: Treasury Board of Canada Secretariat, 2023.

16 Gruyer, 2023.

17 See: <https://www.tiktok.com/community-guidelines/hu/youth-safety> (Accessed: 23 June 2024).

at risk of psychological, physical or developmental harm. If a user account violates these requirements, the TikTok platform will block that account and all accounts of the user concerned. Under the Terms of Use, TikTok will report cases of sexual abuse and exploitation of minors to the National Centre for Missing and Exploited Children. The portal also reports to the competent authorities when there is a concrete, credible and imminent threat to human life or a risk of serious bodily harm.¹⁸

The Terms of Use set by TikTok define the subject areas to which users under the age of eighteen have limited access. Examples include content related to eating disorders and body image disturbances, anabolic steroids promising drastic weight loss, and diets with alarmingly low calorie intake. Also restricted are videos showing dangerous challenges and activities that can be easily imitated and lead to physical injury. Videos with nudity, sexually suggestive or shocking and violent content are also covered by this restriction. A significant improvement is that videos showing gambling, alcohol and tobacco products are also restricted to users under the age of eighteen.¹⁹

To inform children and parents, TikTok has created a “*Minors’ Portal*”²⁰ and a “*Carers’ Guide*”.²¹ These platforms provide various information materials, with the aim of promoting children’s compliance with the law and providing parents and guardians with information on how the portal works and the risks that children may face when using the portal. In addition, as with the Meta innovation, TikTok also offers the possibility to create a family account, which means that parents can assign their child’s TikTok account to their own profile.²² In this way, the parent or guardian can make use of a number of settings that can have a positive impact on the protection of children’s rights and mitigate the harmful effects of the portal. In a significant step forward, the TikTok portal sets a default limit of one hour of screen time per day for teenagers aged between thirteen and seventeen, which a parent or guardian with a family account can change or monitor their child’s time on the app.²³ A similar regulatory approach will apply to notifications sent to the phones of young people aged between thirteen and eighteen. TikTok will automatically set time slots in the account of underage children where they will not receive notifications of newly shared content. For teens between the ages of thirteen and fifteen, the scheduled period is from 21:00 to 8:00. For teenagers aged 16 to 17, the scheduled period is from 22:00 to 8:00. Parents with a family account, however, have the option to set their child’s smartphone to “*silent mode*” within these factory-set periods.²⁴ Parents or guardians

18 Ibid.

19 Ibid.

20 See: <https://www.tiktok.com/safety/youth-portal?lang=hu> (Accessed: 4 August 2024).

21 See: <https://www.tiktok.com/safety/hu-hu/guardians-guide> (Accessed: 4 August 2024).

22 See also: <https://support.tiktok.com/hu/safety-hc/account-and-user-safety/user-safety#7> (Accessed: 4 August 2024).

23 See: <https://support.tiktok.com/hu/safety-hc/account-and-user-safety/user-safety#7> (Accessed: 4 August 2024).

24 Ibid.

also have the option to specify which users their child can receive direct messages from, or even turn off direct messaging on their child’s account. By default, TikTok only allows users over the age of sixteen to send or receive direct messages through the application interface.²⁵

TikTok therefore tries to protect children’s privacy rights through its internal rules and its various settings, but it is worth noting that TikTok, like Meta, was also the subject of a child protection procedure initiated by the Commission of the European Union in February 2024. The Commission is investigating whether TikTok has breached the DSA Regulation in the areas of protection of minors, transparency of advertising, access to data by researchers, and management of risks related to addictive design and harmful content.²⁶

The creation of internal rules, information materials and preferences by the social networking sites described above can clearly promote children’s rights in the online space. However, it is important to note that, while these are laudable initiatives, they do not address all the issues that arise and most of them *can be ‘circumvented’* with just a few clicks.

For example, most of the various internal rules do not reflect the very common phenomenon of an internet influencer parent promoting a product or service with their child on social media. Typical platforms include TikTok, Instagram and YouTube. The latter global video-sharing portal’s policy is in some respects a step forward in that it does not allow commenting on videos in which a minor is involved. The two former platforms have not taken similar measures in this respect. In our view, it would also be worthwhile for the various global platforms to take stronger action against this phenomenon, given that its prevalence and the content of the videos can put children in a very vulnerable position.

Another major problem is that most of the various settings can be circumvented very easily by providing false information or by creating a profile that is not controlled by the parent, so that the settings made by the parent do not apply to the parent.

Overall, the initiatives of the self-regulatory models described above are certainly commendable in terms of protecting children’s rights, especially with regard to the different information materials and settings. However, it should not be overlooked that the zero-price business model of the various global social networking sites also works in the interests of children: their personal data is processed and collected in order to make a profit, they are shown personalised advertisements and the platforms themselves can be considered highly addictive. However, in addition to the need for legal regulation, the individual platforms also have a huge responsibility to regulate their own operations in order to protect future generations.

25 See: <https://support.tiktok.com/hu/safety-hc/account-and-user-safety/user-safety#7> (Accessed: 4 August 2024).

26 European Commission, 2024a.

2. International Legal and EU Regulatory Environment – Summary And Conclusions

The digital environment has made interaction between children and children, and between children and adults, commonplace, and thus an inescapable fact of modern children's lives and well-being. Modern technology also enables children to create their own communities and to share attitudes and information about their daily lives within social networks. In addition, the fact that the prominent players in the digital space are privately owned and regulated in their own way is a significant factor.

In the course of the present research, a question of particular importance to be answered was: to what extent are the “*classic*” conventions and international regulations on children's rights suitable for protecting children's rights on the various Internet platforms, taking into account the dangers and specificities of the online world?

The “*flagship*” of these documents is essentially the UN Convention on the Rights of the Child (UNCRC)²⁷, which strongly declares a broad set of fundamental rights for children. The UNCRC contains a broad spectrum of children's rights, all of which are of paramount importance for the protection of our children's rights, but for the purposes of our topic it is obviously worth focusing on those that may be violated on the internet. For example, Article 16 of the Convention, which protects the privacy, reputation and honour of children, Article 17, which provides for children's right to mass media, and Article 18, which regulates the responsibilities of parents in relation to the upbringing of children, deserve special mention.²⁸

In addition to the UN Convention on Human Rights, there are other international conventions that greatly promote children's rights. Among these, the Second Optional Protocol to the UN Convention on the Rights of the Child (the “*Protocol*”) is the most prominent in protecting children in the digital world,²⁹ which seeks to protect children from commercial exploitation. In the age of the internet, where one of the most important features is fast and borderless communication, there are many ways in which children are sexually abused. Networking and communication about prostitution, pornography and trafficking of children for these reasons typically take place through various internet channels. States Parties that have accepted the Protocol are obliged to fully regulate and prohibit these acts in their criminal law, whether the relevant offences are committed domestically or internationally, and whether they are committed on an individual or organised basis. States Parties undertake to adopt laws and strengthen social policies and programmes to prevent the offences to which the Protocol applies. E The Protocol aims to raise the standards to a higher level than those set out in Article 34 of the UN Convention on the Rights of the Child, thus

27 United Nations General Assembly, 1989.

28 Ibid.

29 Ibid.

strongly protecting children from exposure to various forms of criminal activity on the Internet.

It is a welcome trend that, in addition to the legislative products adopted under the auspices of the UN, there is also intense legislative activity at regional level. As regards the European region, the most important documents are the European Convention for the Protection of Human Rights and Fundamental Freedoms³⁰ (ECHR), the Convention on Cybercrime³¹ (Budapest Convention) and the European Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse³² (Lanzarote Convention).

Although all the conventions have been adopted by the Council of Europe and are therefore regional in nature, their impact is much broader than what can usually be expected from regional documents. The Budapest Convention, for example, offers effective legal responses to long-standing problems in the fight against cybercrime. In essence, it can be considered the first binding multinational treaty dealing with cybercrime and its provisions are therefore used as a model in many countries. The most valuable achievement of the Budapest Convention is the criminalisation of cybercrime and the creation of a system of cooperation between states against perpetrators.

The Lanzarote Convention is the first regional convention specifically aimed at protecting children from sexual violence. Adopted in 2007, it entered into force in 2010 and has been signed by all Council of Europe member states. Together with the Budapest Convention, this act is essentially a comprehensive protection of children's rights against the many threats of the digital world. By clearly defining the scope of offences against children and setting out guidelines for enforcement, the Lanzarote Convention provides a strong legal framework. It also provides strong rules and procedures for the protection of victims, which are important for children's mental health and self-confidence.

Summarising the international legal framework in this area, the UN Convention on the Rights of the Child is of particular importance in establishing the legal protection of children. It sets out the fundamental rights of children as a foundation that should guide them in the online and offline world. The various regional agreements, which in many cases also reflect the challenges of online platforms, are also a very welcome development.

The initial question of this sub-chapter can therefore be answered in the following way: the existence of multidisciplinary international conventions is essential for the protection of children's rights, as they set out the most basic standards. However, it is necessary to build on these norms, which must be done at regional and national level. Internet-specific legislation is essential to ensure effective protection of children's rights in the 21st century.

30 Council of Europe, 1950.

31 Council of Europe, 2001.

32 Council of Europe, 2007.

After reviewing the international legal documents, it is worth mentioning the conclusions of the European Union's regulatory trends. In this respect, a distinction can be made between binding and non-binding so-called *soft law* documents.

Among the latter, the EU Strategy on the Rights of the Child (2021)³³, which states that digital technologies offer children a wide range of opportunities for learning, entertainment and future employment, is worth highlighting. The strategy also draws attention to the impact of artificial intelligence on children's rights and safety. It supports the development of accessible ICT technologies for children with disabilities. It will also step up the fight against all forms of online child sexual abuse, for example by proposing legislation to oblige online service providers to detect and report child sexual abuse material. It also sets out concrete measures for Member States to improve access to digital tools, the internet, digital literacy and media literacy.

Another important document is the „*Digital Agenda 2030*”³⁴, which sets out the path for the Digital Decade in Europe, with child protection at the heart of this. The document points to the need to build a society in which children learn how to understand and navigate the myriad of information to which they are exposed online, through a wide range of digital skills. In addition, a people-centred, safe and open digital environment must also enable children's rights to be asserted. It is important to develop comprehensive digital principles that adequately protect children's rights in the online space.

The new strategy for a *Better Internet for Kids* (BIK+)³⁵, which aims to ensure that children's rights are protected in the new digital decade, has already been mentioned and is a priority. To this end, the document also sets out concrete actions for Member States and digital service providers. These include the development of effective age verification methods supported by Member States and digital education for children by adults, industry cooperation to develop reliable flagging programmes and to quickly assess and remove illegal content, and the development of products and services that promote children's right to expression.

Moving beyond soft law documents, it is worth mentioning the binding rules created by the European Union. Of these, the DSA Regulation³⁶, which responds to the challenges of global platforms in response to current social and technological challenges, and which also lays down provisions to protect children's rights, is of particular importance and deserves to be highlighted for the first time. To take one example, the protection of children is explicitly addressed in Recital 71 and Article 28. These provisions require platform providers to take appropriate and proportionate measures to protect minors. A further very strong step forward is that digital service providers are not allowed to display ads based on profiling and using personal data of the service user, if the service user is a minor.³⁷

33 European Commission, 2021b.

34 European Commission, 2021a.

35 European Commission, 2022.

36 European Parliament and the Council, 2022.

37 Ibid.

Also worth highlighting is the Audiovisual Media Services Directive (AVMS Directive)³⁸, as amended in 2018, which strengthens the protection of children from harmful content and inappropriate commercial communications. Examples of some of the relevant provisions of the Directive include Article 27, which requires Member States to ensure that access to audiovisual media services that are harmful to the physical, mental or moral development of minors is limited and appropriate to their level of maturity.³⁹ This can be ensured, for example, by measures such as the choice of the time of transmission or the use of age-rating devices proportionate to the harm that the programme may cause. The most harmful content should be subject to the most stringent measures. This provision also applies to audiovisual content on video-sharing portals.

Among the European Union legal documents protecting children’s rights, the General Data Protection Regulation⁴⁰ (GDPR) adopted in 2016 and its recital 38, which states that children’s personal data deserve special protection, deserve special protection. This special protection applies in particular to the use of data for marketing purposes and the creation of personality or user profiles, which are considered as common practice in the operation of global social platforms.

A relatively recent piece of EU legislation is the General Product Safety Regulation adopted by the Council in April 2023⁴¹, which declares that children have the right to safe products. It is important to note that online sales are also covered by the Regulation, so the legislation is quite forward-looking in terms of protecting children’s rights.

Overall, the conclusion to be drawn from the European Union’s regulation is that both mandatory and non-mandatory regulations are of great importance in creating a coherent and effective regulatory environment. This is supported by the fact that the European Commission has also launched child protection proceedings against TikTok, Instagram and Facebook, based on the DSA Regulation. Although the outcome of these proceedings is not yet known, it can be concluded that the EU legislation will allow for a more effective protection of children’s rights on global internet platforms. In addition to legislation, there are also educational materials available in several languages, which can greatly help to inform children, parents and teachers and thus promote their compliance with the law.

3. Protecting Children’s Rights Online – Lessons From a Central European Perspective

The aim of this sub-chapter is to synthesise the lessons learned from the country reports discussed in this volume to present a protection of children’s rights that are

38 European Parliament and the Council, 2010.

39 Ibid.

40 European Parliament and the Council, 2016.

41 European Parliament and the Council, 2023.

typically at risk in different online platforms. The lessons from the different regulatory approaches of each country are thus brought together in one place.

3.1. Legal Framework for the Right to Privacy

The right to privacy, as a manifestation of the right to „*leave alone*”, a pre-eminent right involving a number of sub-rights, has become extremely sensitive and easily violated due to the effects of technological progress.

First of all, with regard to the Hungarian legal regulation, it can be noted that the regulation of the right to privacy is specific in that it is also provided for by a specific law, namely Act LIII of 2018 on the Protection of Privacy⁴², which states in its preamble that this right must be respected in both online and offline spaces. The Hungarian legislator does not contain any specific rules on the privacy of children, but the right to privacy is enshrined in the Civil Code and in the Fundamental Law, and is a right that everyone is entitled to.

The Polish Constitution gives everyone the legal right to protect their privacy, family life, honour and reputation.⁴³ The Constitution also guarantees the freedom and confidentiality of communication.⁴⁴ This is confirmed by the Polish Civil Code, which provides for the protection of this right. The protection of the image is ensured by the Copyright and Related Rights Act⁴⁵, the Personal Data Protection Act, which also contains a provision on the protection of children’s images.⁴⁶

In Slovenia, the right to privacy and freedom of expression is protected at national level by the Constitution, which specifically protects the right to privacy.⁴⁷ It guarantees the inviolability of the physical and mental integrity of the human person, privacy and the rights of the individual, including the right to an image. When considering the right to privacy of children, Article 35 of the Constitution must be read in conjunction with Article 56 of the Constitution, which states that children enjoy human rights and fundamental freedoms in accordance with their age and maturity.

In Croatia, in addition to the relevant constitutional and civil law rules, the right to privacy is also guaranteed by the Civil Obligations Act, which states that in the event of a violation of privacy rights, the court may, if it finds that the gravity of the violation and the circumstances justify it, award fair monetary damages, regardless of whether or not there is compensation for material damage. Thus, the main means of legal protection in the country is also of a civil nature, but the Criminal Code of the State contains a provision on the protection of the right to privacy, as in other States, such as Hungary.⁴⁸

42 Act LIII of 2018 on the Protection of Privacy.

43 Article 47 of the Polish Constitution.

44 Ibid., Article 49.

45 Standardised text: Journal of Laws 2022 Item 2509.

46 Standardised text: 1781.

47 Article 35 of the Constitution of Slovenia.

48 Croatian Btk. Section XIV.

In the Czech Republic, the right to privacy is also regulated in a general way, by name in the Charter of Fundamental Rights, but, as in the previous legal systems, no specific provisions are laid down for children.⁴⁹

The right to privacy of children is not explicitly mentioned in the Family Code of the Republic of Serbia, but it is undoubtedly part of the rights of children. This follows from the Constitution of the State, which states that children are entitled to all human rights according to their age.⁵⁰

3.2. Regulation and Enforcement of Children's Freedom of Expression

In Hungary, freedom of expression is a fundamental right declared in the Fundamental Law⁵¹, which every person is entitled to. It is considered a communication mother right, which applies not only to oral and written communication, but also to communication in the online space.⁵² This freedom also extends to the right to information under the protection of freedom of expression, but importantly it cannot be considered an unlimited fundamental right.⁵³ Freedom of expression has traditionally been limited by child protection provisions. These standards are also regulated by the Hungarian Advertising Act, which states that advertising that is harmful to the physical, mental, moral or emotional development of children and minors is prohibited.⁵⁴ It is also important to note that these provisions should also apply to social networking sites.

Among other personal freedoms, the Polish Constitution guarantees everyone the freedom to express their opinions and to obtain and disseminate information.⁵⁵ As regards the right of children to express their views, Article 72(3) of the Constitution of the Republic of Poland, which establishes the constitutional criterion of the participation of the child in judicial proceedings, according to which the authorities and persons responsible for the child are obliged to listen to and take into account the views of the child when deciding on the child's rights, should also be highlighted.

The right to freedom of expression in the Slovenian legal system also has a constitutional basis.⁵⁶ The activities of the State Commissioner for Fundamental Rights, who has repeatedly stressed the need for the State to ensure that the views of the child are effectively heard in the various official proceedings, should also be highlighted. This commitment is enshrined in the laws governing the various procedures, including the

49 Act No 2/1993 Coll., Art.

50 Constitution of the Republic of Serbia Art.64/1.

51 Article IX of the Fundamental Law.

52 See: Freedom of speech [Online]. Available at: <https://ijoten.hu/szocikk/a-velemenynyilvanitas-szabadsaga> (Accessed: 2 August 2024).

53 Article IX(2)-(6) of the Fundamental Law.

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

55 Art. 54 of the Polish Constitution.

56 Art. 39 of the Constitution of Slovenia.

law on the placement of children with special needs.⁵⁷ Slovenia has also established a system of child representation to ensure that children are provided with adequate information.

In the Croatian legal system, Article 38 of the Constitution guarantees respect for freedom of expression. Considering that media literacy is one of the most important prerequisites for individuals to exercise their right to freedom of expression in the 21st century, the Croatian State takes various measures to promote media and digital literacy, which help children to access information and also set the framework for their freedom of expression.

In Serbia, in addition to the constitutional basis, the Law on Family Rights, which states that a child capable of forming his or her own opinion has the right to express it freely, is worthy of special mention in the area of children's freedom of expression. In this respect, the child must be provided with all the information he or she needs to form his or her opinion.⁵⁸

In Romania, there is a specific law on the protection and promotion of children's rights, which declares a basic set of rights for children to express their views and participate.⁵⁹ The article of the law on freedom of expression was amended in 2022 to include *expressis verbis* provisions on the online format, equating the online environment with traditional forms and channels of expression.

Article 26 of the Constitution of the Slovak Republic guarantees every individual the right to information and freedom of expression. Protection of the rights and moral development of minors is mentioned as one of the limits to this right, as in the legal systems of the other States under discussion. With regard to minors, the Slovak cybersecurity legislation contains specific provisions under which certain content that is harmful to the development of significant interests, such as the development of minors, may be blocked.

3.3 Children's Right to Access Information and Education in the Internet Age

The right to education, like the fundamental rights discussed earlier, is considered a constitutionally declared fundamental right in the Central European states, so the basis for state regulation in this respect is also provided by constitutional provisions.

The Polish state has recognised the need to raise digital competences to a high level in the context of developing children's right to education. Several state surveys have recently been carried out to assess the competence of the population in this area. Although the results of the 2023 IT competency test showed a higher average than in 2022 in the survey of digital competences of children and young people, primary school pupils scored only 46% and secondary school pupils only 43% on average.⁶⁰

57 Law on the placement of children with special educational needs, Uradni list RS, št. 58/11, 40/12 - ZUJF, 90/12, 41/17 - ZOPOPP in 200/20 - ZOOMTVI.

58 § 65/1 Serbia Law on Family Law.

59 Arts. 28-29 of Law 272/2004.

60 IT Fitness test, 2023.

In the light of these results, the Polish Council of Ministers Resolution No 24 of 21 February 2023 introduced the government initiative “Digital Competence Development Programme”⁶¹, which will be active until 2030. A number of objectives have been identified for school-age children, the most important of which are to prepare children and young people to operate safely, consciously and creatively in the information society and to create an environment conducive to the development of advanced digital competences and digital talents, taking into account the need to increase the participation of women and young girls in digital technology-related fields. The digital literacy agenda also takes into account statistics on the use of the internet and mobile devices by children under six and aims to engage pre-school children in the information society in a safe and aware way.

There is no specific legislation in the Slovenian legal system on children’s rights of access to information, which is essentially related to the right to education. In this respect, the activities of the Commissioner for Fundamental Rights should also be highlighted, as in the course of his activities he issues information materials on the rights of children and young people and provides support through online information, e-mail, telephone contact, personal assistance, postal services sent to the address of the institution, brochures, posters, leaflets and similar means. To facilitate information activities, the Slovenian police (among other institutions) provides a website specifically designed for children. This platform provides information on online safety and abuse.

Croatian legislation defines the right of children to education as a fundamental part of parental care. In relation to children’s rights of access to information in the digital environment, it is important to take into account the transposition of the AVMS Directive, which contains several provisions in relation to children’s digital rights, as it contains prohibitions to make content harmful to children’s development inaccessible.

Looking at the Serbian legal context, the right to education includes the obligation of the state, educational institutions and society to educate children *to become “digitally literate”*. Distance learning, introduced during the COVID-19 epidemic, presented many new challenges, with the “door” to cyberspace being opened wider than ever before, pupils creating numerous profiles, entering personal data on various platforms and spending more time online than ever before. In Serbia, a unified educational IT system has already been introduced in education, which has made some educational tasks more efficient, but some data management issues are raised by the way the system works.⁶²

One of the initiatives to be welcomed is the programme launched by the Slovak Republic called “Digital Support for Slovak Students (Digital Student)”. Under the nationwide project, different groups of students can apply for a grant of €350 to buy laptops or tablets with keyboards. The aim of the grant is to help primary and

61 Item 318 of the 2023 legal monitor.

62 Arts. 175/1.

secondary school students from socially disadvantaged backgrounds who would otherwise not have access to the tools they need to take advantage of the digital space. Access to Internet-connected devices also ensures access to information that is predominantly distributed and available online in the digital age.

3.4. Protection Against Abuse

Reading the pages of this volume, the clear conclusion is that, in addition to the many benefits offered by the digital world, there are also many dangers and negative effects of the various online spaces to which children are extremely exposed. It is therefore of the utmost importance that the individual legal systems in Central Europe provide adequate protection against abuse. Various civil, criminal and even administrative law instruments can be distinguished for this protection.

In Poland, for example, a number of offences typically involving children have been criminalised. One example is the crime of *grooming*, which is essentially sexual abuse committed by an offender who establishes a trusting, emotional relationship with the victim through an online platform, on the basis of which he or she commits the offence.

In Croatia, the right of children to protection against abuse in the digital environment, in particular in relation to the use of social networks and other forms of digital communication, is guaranteed primarily by the Criminal Code (CC). For example, the offence of harassment is mentioned, which also covers forms of harassment committed online.⁶³

In the Czech Republic, statistics show that 22% of pupils have experienced some form of cyberbullying. The Penal Code does not specifically mention forms of online sexual harassment, but the offence of sexual coercion, as defined in Article 186 of the Penal Code, also covers acts carried out through online platforms.⁶⁴

In terms of protection against certain abuses, it can be concluded that the institutions previously regulated in certain legal systems need to be applied to specific internet phenomena such as cyberbullying, grooming or sexting. In terms of the protection of children's rights, in all the Member States we have studied, considerable emphasis has been placed on protection against sexual exploitation and child pornography, which are also prohibited by international conventions to which the Central European States are party.

4. Concluding Thoughts

Overall, the protection of children's rights online in Central and Eastern Europe requires a comprehensive and integrated approach. The legal systems of the countries in this region are party to a number of multilateral international conventions and,

63 Art. 140 paras. 1-2.

64 Act No 40/2009 on the Criminal Code.

with the exception of Serbia, are members of the European Union, so these circumstances naturally have a strong impact on the legal systems under review, which obviously also protect children's rights within a state framework.

The issues addressed in this volume and in the "*Children in digital age*" course can be considered quite complex, taking into account the wide range of international and national regulations, as well as the functioning of global platforms and the self-regulatory models they use. However, it is reasonable to conclude from the research that the States studied have clearly recognised the obligation, based on social and technological changes, to provide stronger protection of children's rights on the Internet. The statistics are undisputed: young people spend a significant part of their day online, enjoying the benefits of the '*brave new digital world*'. However, those under the age of eighteen are particularly vulnerable to the highly addictive nature of these platforms. On the other hand, new phenomena such as cyberbullying, grooming, sharenting and sexting are associated with them. Protection against these phenomena can of course be achieved through the law. However, the research has shown that the majority of the countries surveyed are still trying to respond to these new phenomena by using the concepts and systems of the offline world, rather than creating new rules. The situation is similar for the protection of children's rights such as the right to privacy, the right to a portrait, freedom of expression, the right to education and the right of access to information, which are recognised by the States for all their citizens, but where there are few specific rules for children or for the online world. However, it is worth highlighting that public institutions such as ministries, data protection authorities, ombudsmen, NGOs and public child welfare institutions, which are responsible for these areas, have produced a range of educational materials to help inform children, parents and teachers. In this way, the States are essentially recognising the importance of education, which is essential for the protection of children's rights, since on the one hand it is more effective to prevent a violation than to remedy it afterwards. On the other hand, children need to be informed as widely as possible about the dangers they face in the online world and who they can turn to if they are victims of harassment, for example, or if their personal data or even their image is misused.

Which online challenges are the most likely to threaten children's rights in the future? To give just a few examples, these could include potential mental health issues, given that the long-term psychological effects of different internet platforms on the youngest internet users are not yet known. The effects of the so-called digital footprint could also be a long-term problem. Children's digital footprints - the sum of the traces they leave online - may well affect their future opportunities, including their job prospects and social contacts. So the biggest challenge is how to protect children's digital footprints from becoming fully public and how to educate them about conscious and responsible online behaviour. A third challenge is the growing presence of artificial intelligence (AI) and automated decision-making in social media, including content moderation and personalisation of the user experience. However, AI-based systems often do not take into account the specific needs and sensitivities of children. In the

future, it will be an important challenge to ensure that these systems do not violate children's rights and that appropriate regulation and oversight mechanisms are in place to ensure that their rights are protected.

These challenges echo the words of Melissa Müller, which we have chosen as the motto of our book. The pervasive system of global social networks is a clear threat to children's rights. The key to *their 'escape'* from the clutches of the *'giant, greedy marketing machine'* is twofold: on the one hand, they need to understand this new world of media, to see the disadvantages clearly and to use the advantages. On the other hand, they need a legal environment that gives them the fullest possible protection. The Central European countries are making great progress in this respect, but it is time to incorporate some specific elements into their legal systems.

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