



## **Smile for the camera: sharenting and the tension between parental rights and children's freedoms**

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*ABSTRACT: This report examines the phenomenon of sharenting – the practice of guardians sharing their children's personal information and images online – through both an ethical and legal perspective, with a focus on European Union law. It explores the motivations behind sharenting, its associated risks for children's privacy, safety, and psychological well-being, and the distinction between commercial and non-commercial cases of sharenting. The analysis addresses the current regulatory landscape, including the UN Convention on the Rights of the Child (CRC) and the General Data Protection Regulation (GDPR), assessing the applicability of provisions such as Article 17 ("right to be forgotten"). Comparative examples, notably France's recent legislation, illustrate national-level responses. The report concludes by advocating for a combination of legislative reform, educational initiatives for parents and children, and technological safeguards to better protect children's digital identities in an evolving online environment.*

*KEYWORDS: Sharenting – online rights – children's rights – GDPR – right to be forgotten.*

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## 1. Introductory remarks

Shari Franke was just 12 years old when her mother decided to post her image on the internet for the first time. Sure, the video was an innocent one, meant to share with the world the joy of a sixth baby in the form of an intimate gender reveal. It was, however, just the beginning of a long road of public exposure, fame, millions of dollars and subscribers, and eventually a public case of child abuse that led to the imprisonment of Ruby Franke, the mother of 6. But child content isn't bad only in cases as extreme as this. Even if Ruby had never become an abuser, deeply personal, even embarrassing, content of her children was already on the internet for millions of people to access, share and comment on – from punishments due to bad grades, bad haircuts, even awkward conversations about shaving and menstrual cycles.

Posting children on the internet is in no way a new phenomenon, and it seems to have accompanied social media since it was first born. It is, however, a pressing matter, as many parents continue posting their children's personal experiences, information and bodies, either by not being aware of the risks of such exposure, or by willingly choosing to ignore them for benefit of their own personal gain. Wren Eleanor is a perfect example of this. Wren is a 6-year-old internet star, with a whopping 17 million followers on her TikTok account, which is managed by her mother. And if Jacquelyn is not the first mom to ever do this, her actions regarding multiple comments raising concerns over the type of content she was choosing to post<sup>1</sup> make her a paradigmatic case on child safety in the digital realm.

Recognising that, as Wilson states, the contemporary child is “*conceived and raised in a world that is increasingly monitored, analyzed and manipulated through technological processes*”, it becomes clear that comprehensive studies on *sharenting* (notion to be conceptualised in the next page) are required to understand the dangers children are subject to and how to better protect them.<sup>2</sup> This research project proposes a comprehensive view of the phenomenon, through both an ethical and legal perspective, in order to better understand it, as well as the dangers it poses, but most importantly, to understand how the EU can better protect the rights of children considering all the specific characteristics of the digital arena.

## 2. Sharenting: an integral and inherent part of social media today?

*Sharenting* refers to the merging of “*sharing*” and “*parenting*”, and it has been subject to many definitions and doctrinal divergences. Following Lendvai's definition, that synthesises different concepts and propositions, sharenting is “*the practice whereby parents, grandparents, guardians or family members publicly share information, in particular written, visual, audio and audiovisual content and personal data, about children (in particular, minors) in the online space.*”<sup>3</sup>

<sup>1</sup> Throughout the duration of her online presence, multiple suggestive videos of Wren have been posted, such as 4-year-old Wren eating a hot dog (which quickly became a suggested search on both TikTok and Google, amassing more than 370 thousand saves), 5-year-old Wren dealing with tampons, and multiple videos of her scantily clad.

<sup>2</sup> Michele Willson, “Raising the ideal child? Algorithms, quantification and prediction”, *Media, Culture & Society*, vol. 41, no. 5 (2018): 620, doi: <https://doi.org/10.1177/0163443718798901>.

<sup>3</sup> Gergely Ferenc Lendvai, “Sharenting as a regulatory paradox – a comprehensive overview of the conceptualization and regulation of sharenting”, *International Journal of Law, Policy and the Family*, vol. 38, no. 1 (2024): 6, <https://doi.org/10.1093/lawfam/ebae013>.

*Sharenting* can serve many purposes: some religious communities<sup>4</sup> use social media as a way to “spread the gospel” and encourage people to engage in traditional lifestyles, many stay-at-home parents take to social media as a way to connect with others and feel less alone during those especially isolated periods, and most parents just view social media as a way of sharing updates with friends and family and for memory-keeping. The issue with social media is that, while encouraging people to build their own communities, it also demands more – more content, more interactions, to the point where sometimes the line between personal and public life becomes blurred. As Shari Franke says in her book, “*I wondered how the public’s consumption of others’ pain and suffering cross the line from empathy to voyeurism. [...] We were just characters in a soap opera now, except the drama was real, and the consequences permanent.*”<sup>5</sup> Given the emotional, social and sometimes even economic incentives behind this practice, *sharenting* seems unlikely to disappear. It will, most likely, as is the case of new technological phenomena, continue to evolve, adapting to shifts in public perception and law. It is, therefore, important to consider that *sharenting* is, today, a feature of the way people choose to parent, and a key aspect of identity and memory in the digital age.

A study by EU Kids Online<sup>6</sup> reveals that an average of 20% of all children that participated in said study report that their parents have published their information online without consent, with 14% of said children having asked for the content to be removed. This goes to show that *sharenting* is not only a concern for celebrities and influencers, and it is certainly not an American exclusive phenomenon.

Keeping in mind the different motivations behind the sharing of children’s content online, it is important to distinguish between commercial and non-commercial *sharenting*, since such a distinction carries significant legal and ethical implications. The nature of *sharenting* makes it inherently dangerous, however, it is not comparable for a mom to post her newborn on Facebook for her 50 friends and for an influencer, with millions of views and followers, to post her children’s entire daily routine on TikTok. Commercial *sharenting* happens when parents share content that features their children with the intent of monetization – for example, through brand partnerships, sponsored posts, etc.<sup>7</sup> Even if kids have been the center of societal interest for decades,<sup>8</sup> social media has completely transformed this phenomenon, and most kids are now content creators themselves, sometimes even with their own channels and partnerships.<sup>9</sup> This commercialisation of *sharenting* has brought forward a whole new set of concerns, not only ethical, but also legal, since kids become employees, most often carrying the financial burden for the

<sup>4</sup> Both in recent “Shiny Happy People” documentary and in her book, Jill Duggar (child star of 19 kids and counting) talks about how the IBLP (Institute in Basic Life Principles) church found her family’s TV show to be an opportunity to spread their message and encourage more people to join.

<sup>5</sup> Shari Franke, *The house of my mother: a daughter’s quest for freedom* (Utah: Gallery Books, 2025), 200.

<sup>6</sup> David Smahel et al., “EU Kids online 2020: survey results from 19 countries”, *EU Kids Online* (2020): 124, doi: 10.21953/lse.47fdeqj010fo.

<sup>7</sup> Charlotte Yates, «Influencing “kidfluencing”: protecting children by limiting the right to profit from “sharenting”», *Vanderbilt Journal of Entertainment & Technology Law*, vol. 25, no. 4 (2023): 847, <https://scholarship.law.vanderbilt.edu/jetlaw/vol25/iss4/6>.

<sup>8</sup> This becomes clear when looking at television, with children centric content having been popular since the late 90’s, from television sitcoms like *The Brady Bunch* to reality shows like *19 Kids and Counting* and *Jon & Kate Plus 8*.

<sup>9</sup> Just look at Everleigh Labrant, daughter of well-known YouTube family vloggers “The LaBrant Fam”, who saw her own YouTube channel being created when she was just 6 years old.

family, and usually not being treated within the legal protections in place for actual employees.

### 3. Children as clickbait: the dangers of having an online presence from birth

Children have, undoubtedly, become “*the ‘click bait’ of this decade*”,<sup>10</sup> with sharenting creating a unique set of challenges: most kids will not be able to shape their own digital identity, with their parents creating their digital footprint for them, most often unaware of the risks they are creating for their children.<sup>11</sup>

As Donovan states, “*The full extent and long-term effect of the practice of ‘sharenting’ on a child’s lifetime is unquantifiable as technology is transient.*”<sup>12</sup> Some dangers are clear and immediate: most adolescents already struggle with depression and anxiety over their reputation, their looks, their friend groups, etc. Posting personal moments online can exacerbate these feelings, with kids feeling like they do not manage their own reputation and impressions on their peers. As Shreya Agarwala claims, “*growing up in front of an online audience means children must face judgment from the rest of the world, which can harm their self-confidence.*”<sup>13</sup> Social media, when a constant in children’s lives, has two dire consequences: it teaches children to smile, regardless of how they feel, and to rely on others’ opinions regarding their value and self-worth.<sup>14</sup> “*Kidfluencers*” are also at risk of strangers developing parasocial relationships<sup>15</sup> with them, at a time when they certainly do not have the maturity to navigate such attention.<sup>16</sup> This type of public exposure is also detrimental to the relationship between kids and social media, since, as Oswald, James and Nottingham claim, Generation Z (or “Gen Z”) has been born into and is growing up with technology. However, even though they are particularly “*adept in the use of technology, their awareness of the impact of social media on their privacy is limited.*”<sup>17</sup> It is therefore easy to understand that posting seemingly innocent content, such as a bikini picture at the beach or a funny moment, online can make children feel embarrassed and like they do not control their own image, and this issue is only exacerbated when kids become “*Kidfluencers*”, more like digital products than actual people, since they are then left to deal with long-term psychological and reputational harm.

<sup>10</sup> Baroness Beeban Kidron, “Are children more than ‘click bait’ in the 21<sup>st</sup> century?”, *Communications Law: The Journal of Computer, Media and Telecommunications Law*, vol. 23, no.1 (2018): 26.

<sup>11</sup> Pietro Ferrara et al., «Online “sharenting”: the dangers of posting sensitive information about children on social media», *The Journal of Pediatrics*, vol. 257 (2023): doi: 10.1016/j.jpeds.2023.01.002

<sup>12</sup> Sheila Donovan, “‘Sharenting’: the forgotten children of the GDPR”, *Peace Human Rights Governance*, vol. 4, no.1 (2020): 43, doi: 10.14658/pupj-phrg-2020-1-2.

<sup>13</sup> Shreya Argawala, “When sharing isn’t caring: children’s reputations and sharenting”, *Columbia Human Rights Law Review*, vol. 51 (2024): 9, <https://ssrn.com/abstract=4773923>.

<sup>14</sup> Shreya Argawala, “When sharing isn’t caring: children’s reputations and sharenting”, 10.

<sup>15</sup> One sided emotional connection formed by audiences with media figures.

<sup>16</sup> Just look at the very recent controversial case of 4-year-old LaRiyah Jesiréé, aka Ms. Shirley, who became famous after an appearance on the Jennifer Hudson Show, and whose mom decided to host a meet and greet for her followers, with people travelling from all over the USA to meet the toddler (who they only knew from social media). For more information see <https://www.newsweek.com/ms-shirley-family-meet-greet-online-backlash-2079063>.

<sup>17</sup> Marion Oswald, James Helen and Emma Nottingham, “The not-so-secret life of five-year-olds: legal and ethical issues relating to disclosure of information and the depiction of children on broadcast and social media”, *Journal of Media Law*, vol. 8, no. 2 (2016): doi: 10.1080/17577632.2016.1239942.

And, if some risks are clear and easy to predict, most parents are not aware of the deeper underlying risks of sharenting, since it “*involves the amassing of a wealth of information which can be exploited in the future, making the quantification of the consequences of sharenting difficult to ascertain.*”<sup>18</sup> The internet is full of malicious users, who pose external risks related to sharenting: posting personal information, such as names, birthdays, school locations, etc., can contribute not only to data mining, with companies using the data for their marketing strategies, but also to identity theft and fraud. A 2018 report by Barclays Bank<sup>19</sup> reveals that, by the end of the decade, two-thirds of identity fraud involving young people will likely be due to their parent’s sharenting practices. Moreover, one can never be sure of how anything posted online will be used by others: Manotipya and Ghazinour draw attention to the dangers of digital pedophilia,<sup>20</sup> and this concern is only reinforced by research that shows that half of the photos on the photo-sharing websites visited by pedophiles were from social media and family blogs.<sup>21</sup> This is an especially pressing issue with the rise of new sophisticated technologies such as *deepfake* AI systems, where anyone with expertise on the subject can use publicly available children’s content to create manipulated content of any kind – be it sexual or threatening – and use said content to continue to improve the technology.<sup>22</sup>

#### 4. Current regulatory landscape: CRC and GDPR

Within the context of increasing online exposure, the legislative frameworks governing the digital arena have evolved considerably in recent years, with new legislation being approved and older ones being interpreted through different lenses, to accommodate new realities, such as sharenting.

The CRC provides “*a broad protection of children’s rights*”,<sup>23</sup> and, even if it was adopted in 1989, and therefore not drafted with the digital environment in mind, several efforts have been made to better understand the nuances of children’s rights in the digital sphere. In 2021, the UN put forward General Comment No. 25,<sup>24</sup> which serves as interpretative guidance on how to better understand and guarantee appropriate legal frameworks to protect young people’s lives online. As stated in the document, “*The rights of every child must be respected, protected and fulfilled in the digital environment. Innovations in digital technologies affect children’s lives and their rights in ways that are wide-ranging and interdependent, even where children do not, themselves, access the internet.*”

Looking at the CRC, it is first worth mentioning that the interest of the child is the standard that must guide all actions concerning him/her. As Article 3 states, “*... the best interests of the child shall be a primary consideration*”, and this is reinforced

<sup>18</sup> Sheila Donovan, “‘Sharenting’: the forgotten children of the GDPR”, 43.

<sup>19</sup> Sean Coughlan, “‘Sharenting’ puts young at risk of online fraud”, *BBC News*, 21 May 2018, <https://www.bbc.com/news/education-44153754>.

<sup>20</sup> Paweena Manotipya and Kambiz Ghazinour, “Children’s online privacy from parent’s perspective”, *Procedia Computer Science*, vol. 177 (2020), doi:10.1016/j.procs.2020.10.026.

<sup>21</sup> Stacey B. Steinberg, “Sharenting: Children’s Privacy in the Age of Social Media”, *Emory Law Journal*, v. 66, no. 839 (2017): <https://scholarlycommons.law.emory.edu/elj/vol66/iss4/2>.

<sup>22</sup> Pietro Ferrara *et al.*, «Online “sharenting”: the dangers of posting sensitive information about children on social media».

<sup>23</sup> Gergely Ferenc Lendvai, “Sharenting as a regulatory paradox – a comprehensive overview of the conceptualization and regulation of sharenting”, 10.

<sup>24</sup> Committee on the Rights of the Child, General comment No. 25 (2021) on children’s rights in relation to the digital environment, CRC/C/GC/25, 2 March 2021.



in General Comment No. 25, that defines such a standard as a general principle of “*implementation of all other rights under the Convention.*” This provision raises two different sets of questions: on the one hand, parents are assumed to act in the best interests of their children, which means that the Convention follows a paradigm that naturally favors parents, and such a paradigm is not compatible with sharenting, since there is a reversed situation where the parents, through their own actions, are the ones putting their children at risk.<sup>25</sup> On the other hand, Article 16 sets out the child’s right to privacy, stating that “*No child shall be subjected to arbitrary or unlawful interference with their privacy, ..., or to unjustified attacks on their honor or reputation.*” Following Ugwudike’s perspective, sharenting involves sharing “*sensitive and identifying child-centric data on social media platforms without the consent of the affected children and with adverse implications for them*”, which means that such a practice is in direct opposition to Article 16.<sup>26</sup> This means that, if privacy is understood as an overriding interest under the Convention, and therefore the basis for the protection of children, sharenting raises a whole new set of questions, with new potential conflicts of law emerging: if privacy is indeed an overriding interest, then parents should be the ones subjected to obligations on the protection of said privacy. However, Article 3(2) of the CRC states that “*States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians or other individuals legally responsible for him or her, ...*”<sup>27</sup> (added emphasis). Article 12 of the CRC is also relevant to the issue being discussed, stating that children should have the right to express their thoughts regarding actions that concern them, “*having regard to their age and degree of maturity.*” General Comment No. 12 provides guidance on how to understand the concept of maturity, but the basic idea is that, as stated in paragraph 19 of General Comment No. 25, children have evolving capacities and are, therefore, able to gradually acquire competencies and better understand the significance of actions regarding their presence in the digital world.

After an in-depth analysis of the CRC, it is undeniable that this document represents a cornerstone on the protection of children’s rights and serves as an undoubtedly essential interpretation basis for the protection of said rights in the digital arena. It is, however, not enough to protect children in all dimensions, with sharenting posing a very specific phenomenon with a paradoxical nature: as Lendvai states, “*especially since, in the context of privacy protection, parents are the ‘natural protectors’ of a child’s digital identity – much less the threat to it.*”<sup>28</sup>

In parallel with international developments, the EU has also undertaken several efforts to adapt its regulatory framework to the new digital reality, with the GDPR becoming one of the most robust data protection legislative documents in the world. It embraces an “*holistic approach to regulate data, which, in consideration of its value, is regarded as the ‘new oil’ of this era.*”<sup>29</sup> As stated by Donovan, the GDPR introduced “*long-*

<sup>25</sup> Natasha Kravchuk, «Privacy as a new component of “the best interests of the child” in the new digital environment», *The International Journal of Children’s Rights*, vol. 29 (2021), doi:10.1163/15718182-29010006.

<sup>26</sup> Pamela Ugwudike *et al.*, “Sharenting and social media properties: exploring vicarious data harms and sociotechnical mitigations”, *Big Data & Society*, vol. 11, no. 1 (2024), doi:10.1177/20539517231219243.

<sup>27</sup> Gergely Ferenc Lendvai, “Sharenting as a regulatory paradox – a comprehensive overview of the conceptualization and regulation of sharenting”, 9.

<sup>28</sup> Gergely Ferenc Lendvai, “Sharenting as a regulatory paradox – a comprehensive overview of the conceptualization and regulation of sharenting”, 10.

<sup>29</sup> Sonia Livingstone, “Children: a special case for privacy?”, *Intermedia*, vol. 46, no. 2 (2018): 8, <http://eprints.lse.ac.uk/89706/>.

overdue privacy and data security standards, upon which consumers, including all children, could rely.”<sup>30</sup> This Regulation introduces important concepts that indirectly affect the practice of sharenting, and that are therefore worth mentioning. Firstly, even if some authors defend that everyone can be vulnerable depending on the circumstances, Recital 38 clearly states that: “*children merit specific protection with regard to their personal data, as they may be less aware of the risks, consequences and safeguards concerned and their rights in relation to the processing of personal data.*” Looking at the actual legislative body of the Regulation, Article 8 addresses the conditions under which children can consent to data processing in relation to information services, setting the default age at 16 but allowing Member States to lower it to 13. This shows that the EU defends children’s autonomy in the digital space, and, even if the Article mentioned above focuses on interactions with digital services, it sets the tone for how young people should be treated in the digital world. Article 5 also outlines general principles that constitute protections for data subjects, and that are therefore relevant for children in such a position. The “*right to be forgotten*”, as set out in Article 17, is also cited by several researchers as a suitable provision for removing sharenting content,<sup>31</sup> as it gives individuals the right to request the deletion of personal data under certain circumstances. Bessant and Schnebbe<sup>32</sup> defend that Article 17 applies to sharenting content, when the data subject (the child) withdraws the consent on which the processing is based or where the data subject objects to the processing and there is no overriding legitimate ground for the processing.

The key challenge with applying the GDPR to sharenting lies in its scope since, as Article 2(2), c) states, “*This regulation does not apply to the processing of personal data: [...] c) by a natural person in the course of a purely personal or household activity*”, with Recital 18 further clarifying that only activities that can be considered professional or commercial are subject to the Regulation. This so-called “*household exemption clause*” is the exact reason why the distinction between commercial and non-commercial sharenting is so important: when children are used as a way to make money, becoming a product themselves, there are no doubts that the GDPR is indeed applicable to them. However, when sharenting is done for reasons that have nothing to do with the family’s income, the question of whether it is covered by the GDPR is a much harder one. Lendvai brings forward the *Lindqvist* judgment, in which the CJEU ruled that information sharing on the internet could not fall under the exception, since the content is potentially available to everyone. The author therefore defends that if a parent posts public content featuring their child, “*the GDPR will apply to him, or her and the child will be able to exercise their right to erasure at a later stage.*” This is still an unfinished debate, since sharenting includes a diversity of motivations and practices, and most of them will probably end up outside of the scope of the GDPR – if a parent posts a picture of his/her children in his/her private account, should the dangers not be considered, just because they are not as significant as when content is made public?

<sup>30</sup> Sheila Donovan, “‘Sharenting’: the forgotten children of the GDPR”, 37.

<sup>31</sup> Anna-Maria Iskul and Kristi Joamets, “Child right to privacy and social media – personal information oversharing parents”, *Baltic Journal of law & politics*, vol. 14, no. 2 (2021): 115, doi: 10.2478/bjlp-2021-0012. Katie Haley, “Sharenting and the (potential) right to be forgotten”, *Indiana Law Journal*, vol. 95, no. 3 (2020): 1016, <https://www.repository.law.indiana.edu/ilj/vol95/iss3/9>. Gergely Ferenc Lendvai, “Sharenting as a regulatory paradox – a comprehensive overview of the conceptualization and regulation of sharenting”, 12.

<sup>32</sup> Claire Bessant and Maximilian Schnebbe, “Does the GDPR offer a solution to the ‘problem’ of sharenting?”, *Datenschutz und Datenschutz*, vol. 46 (2022): 353, doi: 10.1007/s11623-022-1618-3.

All in all, the GDPR does not seem to be equipped with enough force to accurately respond to the issues and dangers posed by sharenting practices. On the one hand, it relies on parents as responsible “gatekeepers” of their children’s digital safety and privacy, not acknowledging the naturally imbalanced and complicated family dynamics, the potential for parents to purposefully or neglectfully endanger their children, and the lack of digital literacy of most of the older generations.<sup>33</sup> On the other hand, even when applicable to sharenting, it is worth questioning if children have a real possibility to exercise the rights stated in the Regulation, since platforms constantly try to dodge the provisions of the GDPR, and most affected children are not even old enough to legally register on social media platforms, and it is impossible to request the deletion of a picture one is not even aware exists.<sup>34</sup>

## 5. The road left to pave: considerations on how sharenting needs to be addressed

Looking at the current legislative landscape on a European level regarding sharenting practices, there is still a long road ahead, and politicians and lawmakers should begin to invest in the issue. It is important to keep legal debates around sharenting alive, to look at all possible solutions and continue to evolve, since the protection of children’s rights is a cornerstone of the EU.

In this regard, France stands out as the only Member State to date to adopt sharenting specific regulations – *Loi 2020-1266*<sup>35</sup> protects children in cases of commercial sharenting, and *Loi 2024-120*<sup>36</sup> protects children’s rights to their own image. French legislators have put into place several extremely relevant provisions, making sure that parents and other guardians understand that they play a key role in guaranteeing their children’s rights and privacy in the digital arena. The first aforementioned law applies to the commercial exploitation of children under the age of 16, guaranteeing that they are compensated for their work and that they are aware of their rights regarding said work: they can ask platforms to delete online content involving their image, and platforms are required to comply with such requests and to cooperate with French authorities. But, as mentioned above, France has also regulated non-commercial sharenting, with *Loi 2024-120*, incorporating children’s image rights into the Civil Code and addressing the privacy risks associated with sharenting. With this law, French law makers have made clear that parents have an obligation to protect their children in the digital realm and that, depending on age and maturity, they must consult them when making decisions affecting their image. Article 3 of said law also introduces a new provision to Article 373-2-6 of the Civil Code, stating that, if there is a disagreement between parents, one parent may even be prohibited from posting any content relating to the child. In most extreme cases of sharenting, family court can therefore be called to protect the best interests of the child.

Outside of the European Union, some states in the USA have also begun to take legislative action on the matter, even in the face of the lack of federal regulation. The

<sup>33</sup> Sheila Donovan, “‘Sharenting’: the forgotten children of the GDPR”, 38-39.

<sup>34</sup> Anna-Maria Iskul and Kristi Joamets, “Child right to privacy and social media – personal information oversharing parents.”

<sup>35</sup> “(...) visant à encadrer l’exploitation commerciale de l’image d’enfants de moins de seize ans sur les plateformes en ligne.”

<sup>36</sup> “(...) visant à garantir le respect du droit à l’image des enfants.”



focus is, undoubtedly, on commercial *sharenting*, with California, Illinois and Utah<sup>37</sup> as some of the States that have addressed child online labor.

Such legislative actions are commendable, and both Member States and the EU's regulatory authorities should pay attention to such contributions. It is, however, worth noting that there are alternative and/or complementary measures that should be considered to combat the issue.

It is worth mentioning that the EU has invested in such measures: the creation of Safer Internet Centers, that “*strive to keep young people safe online through a range of actions and initiatives*”;<sup>38</sup> and the BIK+ strategy (Better Internet for Kids) are really important cornerstones of the protection of children's rights in a digitised EU.

Focusing on parents and legal guardians, it is essential to invest in digital literacy and sensibilisation campaigns: most parents do not share their kids online because they wish them harm, nor because they want to go viral and make money by exploring their image, and it is essential to show them how much harm they are potentially causing their children even without intending to do so. As Rahayn defends,<sup>39</sup> “*parents need to exercise mindfulness and responsibility in their online sharing practices*”, with promoting digital literacy among parents being essential in raising awareness about potential risks and consequences of *sharenting*. It is also important to invest in digital literacy campaigns targeting children, to raise their awareness to the meaning of having an online presence, equipping them with the knowledge necessary to exercise their rights and to have a balanced and appropriate digital presence when they are old enough to do so on their own.

Parents should protect their children to the best of their ability, and they should strive to find a balance between their need to demonstrate how proud they are and their kids' rights to set their own image online. Lendvai proposes several measures in this regard, such as covering children's faces in pictures, reporting problematic content and working with extended family by setting clear boundaries regarding content of their children.

It is lastly worth noting that, even if the specific issue of *sharenting* has not yet been addressed by the European Court of Human Rights (ECHR),<sup>40</sup> European Courts have also begun to consider the issue of excessive parental sharing, with Italian courts recognising children's image rights<sup>41</sup> and Portuguese courts recognising that *sharenting* may require a more proactive public action, when parents, even if still regarded as protectors, demonstrate that they are unable to care for and protect their kids.<sup>42</sup>

<sup>37</sup> Shari Franke spearheaded the discussion regarding House Bill 322, in Utah, that protects children's rights to keep some of the proceedings of their labor and guarantees their rights regarding their personal image.

<sup>38</sup> For more information, see <https://better-internet-for-kids.europa.eu/en/sic>.

<sup>39</sup> Yona May Rahayu, “*Sharenting in the digital age: investigating motives and examining consequences for children*”, *Proceedings of the 1<sup>st</sup> international conference on integrated holistic early childhood education*, 2024.

<sup>40</sup> Sheila Donovan, “‘*Sharenting*’: the forgotten children of the GDPR”, 45.

<sup>41</sup> Antonio Gatto, Antonio Corsello and Pietro Ferrara, “*Sharenting: hidden pitfalls of a new increasing trend – suggestions on an appropriate use of social media*”, *Italian Journal of Pediatrics*, vol. 50, no. 15 (2024), doi: 10.1186/s13052-024-01584-2.

<sup>42</sup> Paula Távora Vitor, “*Banning children's image online – a Portuguese perspective*”, in *Families and New Media. Juridicum – Schriften zum Medien-, Informations- und Datenrecht*, ed. Nina Dethloff et al. (Wiesbaden: Springer, 2023), [https://doi.org/10.1007/978-3-658-39664-0\\_6](https://doi.org/10.1007/978-3-658-39664-0_6).

## 6. Conclusion

It is clear today that the phenomenon of sharenting has evolved into a complex intersection of privacy, children's rights and parental freedoms. Even though both the EU and Member States have begun responding more systematically to the issue, significant gaps persist, especially concerning non-commercial sharenting. Therefore, even if there is a lack of a single comprehensive law on sharenting, there has been a broader shift in the recognition of children as right-holders, whose digital identities deserve respect. Going forward, as many academics have stated, legislative reform should walk hand in hand with educational outreach for both parents and children and technological safeguards, to better protect kids in all dimensions of their lives.

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