

AXIOMA
C E N T E R

The Axiom of Online Child Protection



NORBERT FILEMON

**The dangers of online pornography
and the use of age verification**

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Pornography and the
Use of Age Verification**

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Revised and updated edition

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REFERENCES

Axioma has authored perhaps the definitive white paper explaining the pervasiveness of online pornography and how it harms children, families, and society at large. In the United States, 19 states have passed laws to require age verification from online porn websites, and we anticipate that number growing in 2025 and beyond. But the work is not finished. Pornography is more than just a personal vice, it's a sickness that is fundamentally destroying our society. We must be willing to say "enough" and do everything in our power to stop it.

Terry Schilling – President, American Principles Project

The Dangers of Online Pornography and the Use of Age Verification by Norbert Filemon, Dr. jur., now in its second edition, contains the know-how and the categorical imperatives necessary to fight our world's pornography epidemic. In a society that now lives more than ever governed by lust, the scourge of pornography has reached epic proportions and is undermining the sacred institution of the family which is built on lifelong monogamy and fidelity for-better-or-worse. The dangers of online pornography don't just impact the family. Pornography is now a leading cause of the mental health crisis among children and economically incentivizes the deadly disease of virtual sex trafficking. **This white paper is a must-read for political actors, concerned parents, and cultural warriors alike.**

Michael A. Severance – Director, Instituto Acton (Roma)

REFERENCES

In many conservative circles, it is widely believed that Western civilization only became truly threatened after mass immigration began. However, this white paper on pornography reveals that the greatest enemy of Western culture comes from within. It began with the sexual revolution of the late 1960s and has escalated to a point where even many children view pornography daily – starting as young as 11. Based on studies and scientific evidence, Axioma’s white paper highlights the profoundly destructive effects of pornography on individuals and society. Crucially, it also proposes concrete measures to restrict access to pornography. After all, what good does it do for governments to champion women’s rights and take #MeToo cases seriously while allowing the porn industry to operate unchecked? **If Europe is to remain grounded in its founding values, robust legislation on pornography is as essential as immigration control. With this white paper, Axioma has taken the first step.**

Iben Thranholm – Master of Theology (M.Th.)
columnist, author and podcaster

A comprehensive study that lifts the taboo on the pornography industry and the real public health issue that the increasing consumption of pornography has become, particularly among young people who are the adults of tomorrow. Indeed, pornography has very deep repercussions from which a great number of people and families suffer today. The whole society is ultimately impacted as pornography engenders violence, contempt, shame etc. But all is not lost: as this study also shows in practical terms, legal and technical solutions do exist. **May this interesting study contribute to raising awareness in**

REFERENCES

Hungary and beyond, and to creating a strong political will to fight the plague of pornography that affects human beings in what is most human, namely their relationship with others and their capacity to love.

Priscille Kulczyk – Research fellow,
European Centre for Law and Justice (ECLJ)
Author of the report *Combating pornography*
– *Vol.1 Regulating access to pornography*

This study not only delineates the impacts and harms associated with pornography but also presents interesting legislative proposals to address this form of injustice within the framework of Hungarian law. Pornography is a complex issue because discussions about it compel societies to reflect on their own nature and purpose. Any legislative decision regarding pornography inevitably conveys assumptions about the role and objectives of the political community. Addressing this topic is particularly challenging for those who view the state's primary function as merely maximizing the individual preferences of its citizens. Discussions surrounding pornography prompt deeper considerations about the primacy of the human person and its significance within the framework of the political community. Furthermore, **evaluating the appropriate legislative approach to pornography necessitates a reflection on the concept of the common good and the just demands it places on society.**

Dr. Gonzalo Candia – Professor of
Constitutional Law and Human Rights,
The Pontifical Catholic University of Chile

REFERENCES

Axioma continues to set an admirable standard for research on imperative issues while delivering compelling reason to pursue change. Long past are the days of fearing who will contact your child at a public park. Now predatory attacks happen with parents in view... but through their kids' screens. **Any advocacy group or legislator who wants to create change should consider Axioma's piece with great interest.** Predators can be a person or an industry. In this case, the pornography industry has targeted the natural curiosity and sexual development of children while capitalizing off of loose regulations that would otherwise protect children from this social pandemic. Please read this fantastic work by Axioma and consider how you can protect children today.

John Wesley Reid – Director of Marketing and Communications, Do No Harm, former Budapest fellow

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INTRODUCTION

Online pornography has ushered in an era in which the amount, extreme nature, and unhindered availability of sexually explicit content is unprecedented in human history. **An unprecedented number of people—including many children—are active porn consumers.**¹ Hungary is no exception to this phenomenon. The Hungarian National Media and Infocommunications Authority (NMHH) examined the ten most popular pornographic websites in Hungary between May 16 and June 16, 2023. The research showed that 50% of Hungarian men and 20% of Hungarian women consume sexual content on these ten sites alone. Around 1.7 million users visit these sites each week. This figure is higher than the number of visitors to the popular streaming service, Netflix, and not far behind the traffic to the biggest Hungarian news portals 24.hu and Index. **Pornography is a problem that deeply affects Hungarian society.**²

The rise of smart devices means that most minors are exposed to pornographic content at an early age: between ages 11 and 13.³ A U.S. survey found that 84% of boys and 57% of girls aged 14 to 18 have viewed online pornography.⁴ These materials are increasingly consumed by children, a significant

**PORNOGRAPHY IS
A PROBLEM THAT
DEEPLY AFFECTS
HUNGARIAN SOCIETY** 

proportion of whom are exposed to such content involuntarily. Article XVI of the Fundamental Law of Hungary states that every child has the right to protection and care that is adequate

for his or her proper physical, mental, and moral development.

» THE PORNOGRAPHY
INDUSTRY IS A MULTI-
BILLION-DOLLAR BUSINESS

Online pornography endangers the physical, mental, and moral development of a child and

infringes on his or her right to protection and care, yet it is legally available in Hungary.

The proliferation of online pornography in the Western world is the result of philosophical, political, cultural, technological, and economic processes. Mass culture has become so saturated with sexual stimuli that popular culture has been desensitized to soft-core porn. This has led to the predominance of explicit and otherwise extreme content in the online space.

The pornography industry is a multi-billion-dollar business that contributes to human trafficking, sexualises children, objectifies women, distorts sexuality, causes public health problems, and destroys families. Pornography directly and negatively impacts the health of its consumers.⁵ It is also addictive: it causes neurological changes in the human brain that are similar to drug addiction.⁶

Recently, medical scientists have uncovered new correlations between online pornography use and behavioural changes. Regular porn consumers need to consume more and more extreme content⁷ to achieve the same level of arousal.⁸

This encourages men to become sexually aggressive and, over time, leads to erectile dysfunction. Pornography consumption also negatively affects women, causing self-esteem problems and sexual confusion. People who use online pornography can develop unrealistic expectations of their partners, which can lead to lasting and deep frustration, a dysfunctional sex life, and the breakdown of relationships and marriages. For people who are looking for partners, online pornography use can cause loneliness and anxiety and undermine their desire to take the initiative and seek out a real relationship.⁹

Parents are largely unaware of the dangers of online pornography, and in the absence of effective legal solutions, children are almost defenceless against the predations of explicit material online.¹⁰ **In order to protect the common good,¹¹ the state should view the fight against pornography as a fight to create a safe moral environment for children.**¹² Data protection must be ensured, but freedom of expression may be limited to protect children.

In the first part of this white paper, we will define the concept of pornography, and then briefly describe the philosophical, political, cultural, technological, and economic background of the phenomenon. We then describe the neurological context of online pornography consumption and outline its main effects on men, women, and children.

**THE STATE SHOULD VIEW
THE FIGHT AGAINST
PORNOGRAPHY AS A FIGHT
TO CREATE A SAFE MORAL
ENVIRONMENT FOR CHILDREN** »»

Online pornography poses an enormous challenge, and there is no perfect regulatory solution, but in the second part of our white paper we argue that effective legal solutions already exist in several Western countries, especially age verification as described in detail below. We argue that Hungary and the EU should adopt age verification to protect children, and we offer further concrete solutions below.

1. ONLINE PORNOGRAPHY AS AN ISSUE

1.1. Terminology

Defining pornography is not an easy task. It's not enough to simply quote Potter Stewart, a former U.S. Supreme Court Justice, who said he knows it when he sees it.¹³ Stewart was thinking not of soft pornography, but of hardcore porn. The crucial difference between the two categories is that hardcore pornography explicitly depicts sexual acts, while soft pornography does not. In this white paper, we will be referring to hardcore pornography, since that's the content that we argue should be subject to age verification.

Originally, **pornography** meant writings and drawings about prostitutes. It could be most accurately defined as a **visual product that depicts sexual acts for the purpose of arousing desire.**¹⁴ The purpose of pornography is not to create artistic value, but to promote masturbation.¹⁵ Sex depicted this way is one-dimensional. It reduces the person to his or her sexual function: a tool used for the end of sexual satisfaction.¹⁶ Pornography is objectifying: fundamentally, it is not about persons, but about persons

VISUAL PRODUCT »
**THAT DEPICTS SEXUAL
ACTS FOR THE PURPOSE
OF AROUSING DESIRE**

acting like things. This representation of sexuality¹⁷ frames how viewers look at the opposite sex. **Pornography is not art, since it does not refer to anything beyond itself. The nudity it depicts is not intended to arouse aesthetic appreciation, but merely to stimulate sexual desire.**¹⁸

According to Cass R. Sunstein's phrasing, based on a feminist approach, regulable pornography is necessarily sexually explicit content, intended to induce or cause a sexual response, and it depicts women who are enjoying some form of physical abuse.¹⁹

**PORNOGRAPHY IS NOT ART,
SINCE IT DOES NOT REFER TO
»» ANYTHING BEYOND ITSELF**

For a precise legal definition of pornography, we consider the Louisiana law of 2023²⁰ as the main

reference point for our definition. According to that law, pornography is any visual medium with content that includes real, simulated, or animated depictions of sexual acts, masturbation, sodomy, bestiality, oral sex, or any other sexual act and that is wholly devoid of literary, artistic, political, or other scientific value for minors.

1.2. Pornography and Christianity

For centuries after Christianity supplanted the Greco-Roman model, the dominant sexual ethical framework in the Western world was rooted in Christian principles. The Greeks and the Romans defined sexual norms that varied according to the sex

and social status of the individual, while Christianity prescribed universal norms that applied to men and women equally regardless of social status.²¹ In the ancient world, the body of a Roman man was sacred and untouchable while almost everyone else's body was fair game. Romans often drew no moral distinction between urination and ejaculation. Abandoning unwanted children was common practice, and countless people languished under the brutal conditions of slavery and prostitution. Christians, by contrast, taught that the body of every person was a temple of the Holy Spirit, that suffering had meaning, and that sex was a privilege reserved to married couples.²²

According to the traditional Christian view of man²³ based on natural law,²⁴ sex is the satisfaction of our natural desires, and the pleasure that comes from it is good.²⁵ The ultimate purpose of sex, however, is unity and procreation,²⁶ an end that can only be fully realized in the committed, cooperative, and loving relationship of marriage.²⁷ The family is grounded in the solid and indissoluble union of man and woman. This union is oriented to procreation and is publicly recognised by the marriage contract.²⁸ **Because of its great value, the sexual act must be regulated in accord with reason.**²⁹ **The stakes surrounding sex are so high because sex can lead to children: the act of love shared between a husband and wife can have a life, and a name, of its own. Husbands and wives have the unique ability to participate in the divine and so to assist in the work of creation.**³⁰

THE SEXUAL ACT 
MUST BE REGULATED IN
ACCORD WITH REASON

Extramarital sex goes against natural law in many ways.³¹

Fornication—that is, sex between unmarried partners—puts any child born from such a union at risk of growing up in an unstable family. Infidelity—that is, sex with a partner other than one’s spouse—undermines the trust between spouses which is the foundation of the family and can lead to marital

breakdown. Masturbation and pornography also conflict with the natural law and are contrary to the purpose of sex. Both turn sexual desire inwards, away from reality

**EXTRAMARITAL SEX
GOES AGAINST NATURAL
LAW IN MANY WAYS**



and towards a fantasy world that doesn’t exist.³² Pornography is not real sex because it separates sexual pleasure from real physical union with another human being. Pornography decouples sexuality from reality. The intimacy it depicts is fake mechanical acting designed solely to enhance sexual performance.³³ Pornography is radically different from real sex and is in fact a declaration of war on real sexuality.³⁴

1.3. Pornography and new leftist politics

While natural law theorists see men and women as essentially social and cooperative beings, there are many theorists who base their thought on the worldview of Marx and Engels and simplistically interpret all social relations as mechanisms of oppression.³⁵ This philosophical and anthropological framework deeply impacts their view on the purpose of sex.

For Freud, sex is central to what it means to be human, so **sexual pleasure becomes a person's most important goal**. In Freud's view, a happy person and a sexually satisfied person are one and the same.

Following in the tradition of Marx, Engels,³⁶ and Freud, the Austrian American psychoanalyst Wilhelm Reich consciously politicised sexuality. He saw the sexualisation of children as a key issue in the struggle for political power and by as early as 1936, he emphasised the importance of sex and sexual identity in childhood.

Reich believed that the sexual liberation of children could lead to the dismantling of bourgeois society, capitalist morality, and, particularly, the patriarchal family. Reich saw the family as the basic unit of ideological control used by oppressive totalitarian regimes. Since the family protects the traditional view of sexuality,³⁷ the family became the primary enemy of Reich's political liberation project. According to Reich, the state should be allowed to intervene in the affairs of the "oppressive" family so that "victimised" children could freely live out their sexuality. Although Reich didn't support pedophilia, he supported abortion and promoted nudity and sex between children.³⁸ Reich's new leftists oppose life, in fact their goal is the destruction and negation of life.³⁹

Commenting on Reich's ideas, Italian philosopher Augusto Del Noce predicted that the new leftists would drop the use of the expression "class struggle" and begin referring to the

SEXUAL PLEASURE 
BECOMES A PERSON'S
MOST IMPORTANT GOAL

struggle against oppression instead. The concept of *oppression* in Western academia increasingly came to be described in subjective and psychological terms. Psychology was sexualised and sex was politicised. Today, sexual desires define identity. Mainstream culture demands the acceptance and even the celebration of this notion. This explains why, for example, a baker's conscientious objection to making a cake for the "wedding" of a same-sex couple is now considered oppression.⁴⁰

THE CHRISTIAN SEXUAL
ETHIC IS NOW REJECTED
AS A REPRESSIVE,
IMMORAL, AND OUTDATED
BEHAVIORAL STRICTURE



Reich and his followers succeeded in shaping social attitudes towards sexuality. **The Christian sexual ethic, once considered the norm, is now rejected as a repressive, immoral, and outdated behavioral stricture** that violates the sexual identity of nonconformists who never agreed to abide by Christianity's strictures in the first place.

1.4. Pornography and popular culture

Hugh Hefner largely promoted the sexual revolution in visual culture by creating Playboy magazine, and tangibly contributed to the suppression of Christian sexual ethics. Pop culture⁴¹ messaging became increasingly sexualized and gradually led to the widespread acceptance of promiscuity, non-natural sexual behaviours, and pornography.⁴²

Popular culture has become so saturated with sexual stimuli that the category of so-called *soft* porn has lost its relevance. Today, soft porn is ubiquitous. Soft porn no longer appears only in pornographic magazines or on anonymous websites but has metastasized all throughout mainstream media. Take for instance, HBO's top two streaming series. HBO's number one series, *Game of Thrones*, is famously full of soft porn. *Euphoria*,⁴³ HBO's second-ranked streaming series, follows "a group of high school students as they navigate love and friendships in a world of drugs, sex, trauma, and social media." The depiction is highly graphic: in one of the episodes, a penis flashes on the screen thirty times.⁴⁴

Pornhub, the leading site for *hardcore* porn, ranked Hungary as the 29th largest consumer of porn in the world in 2022. Compared to the global average, Hungarians are 91% more likely to search for deviant sexual behaviours like *bukkake*, 71% more likely to look up *female orgasm*, 70% more likely to search for the so-called *pissing* category, and 62% more likely to look up the meaning of *fisting*.⁴⁵

In Western societies, the porn industry also sexualises children.⁴⁶ Very young women are dressed up with makeup, costumes, hairstyles, and accessories, so that they look like underage girls. The U.S. Department of Justice (DOJ) has found images of children in Playboy, Penthouse, and Hustler magazines. In its review of 683 publications dating from 1953 to 1984, the DOJ

IN WESTERN SOCIETIES, ”
THE PORN INDUSTRY ALSO
SEXUALISES CHILDREN

discovered thousands of pictures featuring molestation of children.⁴⁷

Popular culture desensitised society to the sexualisation of children, resulting in legal changes in the United States.

As early as 2002, the U.S. Supreme Court altered the definition of child pornography in the *Child Porn Prevention Act*.⁴⁸ The original legislation defined child pornography as any image or film in which a person *who appears to be a child* engages in a sexual act. The Court significantly loosened the definition, stating that only offences committed against a person who is actually under the age of 18—as opposed to a person depicting a child in explicit content—qualify as child pornography and can be criminally prosecuted as such. Adrian Vermeule, Associate Professor of Constitutional Law

at Harvard University, criticized the Court's ruling arguing that the judicially created definition does not serve the common good.⁴⁹

According to correspondence published by a California court, the

former CEO of Pornhub said that since December 15, 2020, more than 1.8 million unauthorised sex videos uploaded by unapproved users have been found on the site. Many of these may very well include illegal content like child pornography.⁵⁰

Due to a child pornography scandal involving a 15-year-old girl in Florida,⁵¹ Mastercard, Visa, and Discover cut ties with Pornhub in 2020 and prevented their users from making purchases on the site.⁵²

» POPULAR CULTURE
DESENSITISED SOCIETY
TO THE SEXUALISATION
OF CHILDREN

Technological innovation is helping the porn industry to extend its influence in popular culture. With the development of artificial intelligence, the main threat in the world of online pornography is *deepfake content*, a problem highlighted by artificially generated explicit footage of American singer Taylor Swift in 2024. Swift has signalled that she intends to sue, which could set a precedent for lawsuits in the U.S. over nonconsensual AI-generated pornography. On January 30, 2024, a bipartisan group of U.S. senators introduced a bill to criminalise the distribution of deepfake porn⁵³ in order to ensure that the producers of deepfake content are held criminally accountable.⁵⁴

ONLINE PORNOGRAPHY IS THE FIRST E-COMMERCE PRODUCT TO EXPERIENCE STABLE, LONG-TERM SUCCESS))

1.5. Pornography and technology

Online pornography is the perfect product for our modern consumer society: it is free, anonymous, unlimited, and available anytime and anywhere. The porn industry sells sex. Its business model capitalizes on human sexual desire using the anonymity and ready availability that the Internet provides. **Online pornography is the first e-commerce product to experience stable, long-term success.**

Case in point. The Bulletin Board System (BBS), an IT system that predated the Internet, allowed users to connect to

a personal computer and exchange messages and data years before the advent of the Internet. The most popular files shared on BBS were pornography, so much so that Playboy won a copyright infringement lawsuit against a BBS operator in 1993. Porn sites have been at the forefront of information technology progress because their high visitor numbers make them ideal for website development.⁵⁵

50% of internet traffic is related to sexuality.⁵⁶ According to some estimates, “in ten years, humanity has watched the equivalent of 1.2 million years of pornography.”⁵⁷ Pornhub is the fourth most visited website in the United States, after Google, YouTube, and Facebook. In 2023, it reached more than 2.14 billion visits in a single month, more than Instagram, Netflix, Pinterest, and TikTok combined.⁵⁸

50% OF INTERNET
TRAFFIC IS RELATED
TO SEXUALITY

According to a UK survey, in 2020, 98% of pornography watched by 18- to 19-year-olds was online, and 69% of that traffic was from mobile phones.⁵⁹ According to a 2023 report from Pornhub, 91.3% of their visitors accessed the site from a mobile device.⁶⁰ Globally, 20% of all mobile phone searches are for pornography.⁶¹ Online pornography is a big and growing business.

1.6. Pornography and the economy

The market structure of the porn industry is oligopolistic, with only a few large companies dominating almost the entire

market.⁶² The five largest companies own the websites that drive 80% of all pornography-related searches.⁶³ The market leader is MindGeek (renamed Aylo), which was acquired in 2023 by Ethical Capital Partners, a Canadian private equity firm. Aylo owns both Pornhub and Brazzers, one of the largest pornographic video production companies.⁶⁴

Most pornographic content appears to be free, but in reality, users pay for the content they consume with their data: either by becoming paying subscribers or by watching advertising.⁶⁵

Companies that use a premium content model offer full-length ad-free HD-quality videos featuring well-known performers to paying subscribers.

Companies can also make money through advertising. The more visitors a site has, the more valuable its advertising space becomes. Google and Facebook make profit the same way: by selling the advertising space that runs alongside their supposedly free content. That way, just browsing a porn site can contribute to the porn company's profits.

The porn industry made at least \$20 billion worldwide in 2007. In 2012, their profit was temporarily halved as free content shook up the market.⁶⁶ Since then, porn companies have learned their consumers' habits, developed creative new business strategies, and are now raking in significantly more revenue than ever

**MOST PORNOGRAPHIC
CONTENT APPEARS TO BE
FREE, BUT IN REALITY, USERS
PAY FOR THE CONTENT THEY
CONSUME WITH THEIR DATA**

before. According to commercial industry analyst IBISWorld, the porn industry recorded average revenue growth of 12.6% per year between 2018 and 2023.⁶⁷

In 2022, pornography was a 172.5 billion dollar industry,⁶⁸ nearly equalling the Hungarian GDP of 182 billion that same year.⁶⁹ And the porn industry figure only shows visible, legal money flow. The black market undoubtedly makes up a large chunk of the porn industry's total revenue.

1. 7. The effects of pornography on the nervous system

Between 2011 and 2016, thirty peer-reviewed studies revealed that watching porn detrimentally impacts brain processes.⁷⁰ A study from 2014 also showed that porn use reduces the volume of grey matter in the reward centre of the brain.⁷¹

» AT A FUNDAMENTAL,
BIOLOGICAL LEVEL,
HUMAN BRAINS ARE
WIRED FOR LONG-TERM,
ROMANTIC RELATIONSHIPS

According to neuroscientist Dr. Donald Hilton, pornography releases neurochemicals in the brain—"brain drugs"—that profoundly change the sexuality of its users.⁷² Porn use releases hormones such as oxytocin and vasopressin among others that play an important role in forming interpersonal attachment. For instance, oxytocin is released during childbirth and breastfeeding to strengthen a mother's attachment to her children. The human body also

releases neurochemicals during sexual intercourse, particularly during orgasm, to strengthen the bond between partners. **At a fundamental, biological level, human brains are wired for long-term, romantic relationships.**⁷³ Simple acts like smiling, making eye contact, listening, helping, cuddling, hugging, kissing, and other forms of affection trigger the brain's "love mechanism."⁷⁴ This means that people can consciously choose to increase a sense of belonging to one another by being physically affectionate.

According to Dr. William Struthers, professor of psychology and neuroscience at Wheaton College, one of the serious dangers of pornography is that "with repeated sexual acting out in the absence of a partner, a man will be bound and attached to the image and not a person."⁷⁵ When someone watches pornography, they combine the brain's neurochemical output with the endless novelty of explicit images. This attachment gives the regular user a strong desire to return to porn again and again. **The regular porn consumer is practically "married" to porn.**⁷⁶

The prefrontal cortex, the frontal part of the cerebral cortex (neocortex), allows us to think before we act. Among other things, this part of the brain is responsible for decision making, regulating behaviour, and choosing right from wrong. The prefrontal cortex is not fully developed until the age of 25.

When we experience sexual stimuli, the brain reacts by releasing dopamine. Dopamine locks memories in the brain

THE REGULAR PORN
CONSUMER IS PRACTICALLY
"MARRIED" TO PORN

and helps us return to the experience of sexual pleasure. This neurochemical pathway is normally linked to our partner, but it can also be linked to an electronic device or to any other object. **Unlike a personal sexual relationship, pornography overstimulates the brain and provides more stimulation than the brain is biologically equipped to handle.** The brain eventually tires and becomes insensitive to the familiar stimulus. As biologist Gary Wilson points out, overtime, pornography mimics drug use: users gradually need a larger or stronger dose to achieve the same level of pleasure. In an overstimulated state, the nervous system enters an addictive spiral, triggering an erosion of the prefrontal cortex analogous to the neurochemical spiral that cocaine users experience. The addictive spiral physically damages the nervous system. As function weakens, the decision centre of the brain increasingly loses its ability to reject the next stimulus. **When activity in the frontal cortex decreases in this way, a person loses some of the ability to make decisions and to control the drive for pleasure.**⁷⁷

» **PORNOGRAPHY OVERSTIMULATES THE BRAIN AND PROVIDES MORE STIMULATION THAN THE BRAIN IS BIOLOGICALLY EQUIPPED TO HANDLE**

This condition is known as hypo-frontality.

According to the American

Society of Addiction Medicine's 2011 definition of addiction, regular pornography use can be described as an addiction because it produces a chronic disease that affects the brain's reward mechanism, motivation, memory, and brain circuitry.⁷⁸

Some studies suggest, however, that the damage is not permanent and that the brain can heal itself even after years of pornography use. Though pornography hijacks the brain's neural pathways, the brain can regenerate itself with time and conscious effort. On average, those recovering from addiction need eighteen months for their dopamine receptors to recover,⁷⁹ but this period can vary considerably from person to person.

1.8. Pornography and children

Many studies show that online pornography deeply affects children. More and more children are watching pornography starting at younger and younger ages. In Poland, a survey from 2022 estimates that children first encounter sexually explicit content just before the age of 11.⁸⁰ In the U.S., initial exposure usually occurs at the age of 12.⁸¹ In 2016, 64% of Americans aged 13 to 24 consumed pornography one or more times per week.⁸² Six years later, in 2022, 59% of 13- to 17-year-olds used pornography one or more times a week.⁸³ Considering the high traffic to porn sites in Hungary, it is reasonable to conclude that the situation in our country is not much better.

Compared to adults, children are more sensitive to dopamine⁸⁴ and more susceptible to addiction. Furthermore, the impact of pornography on their developing brains is more significant since the prefrontal cortex, as previously mentioned, continues developing until the age of 25.⁸⁵

Pornography makes users more likely to engage in problematic sexual behaviour such as promiscuity, group sex, and sex under the influence of substances.⁸⁶ A recent UK survey found that 44% of boys aged 11 to 16 who watched online pornography reported that it gave them ideas that they wanted to try.⁸⁷ Those who search for pornographic content at a young age are significantly more likely to watch more graphic

porn (involving a child or animal abuse) later in life.⁸⁸

»» **PORNOGRAPHY MAKES
USERS MORE LIKELY TO
ENGAGE IN PROBLEMATIC
SEXUAL BEHAVIOUR**

According to a survey of thousands of 14- to 17-year-olds in five European countries, the use of online pornography is associated with an increase in the prevalence of sexting among boys.⁸⁹ Another survey involving 9- to 17-year-olds found that children who used online pornography were more likely to report poor emotional attachment to their caregivers than children who only watched pornography offline or had not watched it at all.⁹⁰ The younger the age of a man's first exposure to pornography, the greater his subsequent pornography consumption, the greater his incorporation of pornography into his sex life, and the less he enjoys real sex.⁹¹

1.9. Pornography and women

While it is well-known that pornography objectifies women, the fact that the consumption of sexually explicit content

conditions men to believe that abuse is a natural part of sexual intercourse is less obvious. Still, the link between pornography and sexual violence is well-documented.⁹²

According to one survey, 53% of men said that they got ideas for sexual activity from pornographic films.⁹³ 86% of prostitutes say that clients routinely show them pornographic scenes to illustrate the specific acts that they want them to perform.⁹⁴

The results of a U.S. study on male aggression and female submissiveness in pornographic videos showed that 88% of the videos contained some form of aggressive sexual behaviour and 49% showed the female character submitting to aggression and enjoying the violence.⁹⁵

A study analysing the titles of pornographic videos concluded that nearly one in eight had sexually violent content in their titles.⁹⁶ Back in 2007, researchers found that in a sample of best-selling pornographic DVDs, 300 scenes contained a combined 3,376 instances of verbal or physical aggression. That statistic translates to an average of one aggressive act every minute and a half. 88% of the films contained

physical aggression, such as slapping, using a mouth ball or bit, hair pulling, and rough spanking. Nearly half of the scenes—49%—contained verbal aggression. In 73% of the cases, the aggressors were male. In the cases in which a woman

THE CONSUMPTION OF  SEXUALLY EXPLICIT CONTENT CONDITIONS MEN TO BELIEVE THAT ABUSE IS A NATURAL PART OF SEXUAL INTERCOURSE

was the aggressor, the victim was usually another woman. Overall, in 95% of the scenes featuring sexual violence, those targeted by violence appeared to react to the aggressive behaviour in a neutral or positive way.⁹⁷

» **THOSE WOMEN WHO
DID NOT WATCH
PORNOGRAPHY WERE
MORE SATISFIED
WITH THEIR SEX LIVES**

A study of 200 sexually active married women found that **those women who did not watch pornography were more satisfied with their sex lives than their porn-consuming counterparts.**⁹⁸ Women who

watched pornography with their partners reported that their partners critiqued their physical appearance, and that they experienced less intimacy, decreased satisfaction with their bodies, and increased pressure to perform the actions depicted in pornographic films.⁹⁹

1.10. Pornography and men

Men's lifestyle magazines, reality TV shows, and pornography have all contributed to a cultural increase in the objectification of women and the acceptance of violence against women.¹⁰⁰ Men who regularly consume pornography are disproportionately more likely to engage in rape and other forms of sexual aggression compared to men who do not consume sexually explicit content.¹⁰¹

For men, increased pornography use is associated with more sex partners, higher levels of alcohol consumption, and, for married men, greater openness to sex outside of marriage.¹⁰² **Pornography use is also associated with a temporarily higher level of sexual desire, but lower overall sexual satisfaction and erectile function.**¹⁰³

A Swiss study found that 30% of men aged 18 to 24 have some form of erectile dysfunction.¹⁰⁴ A Canadian study reported that the rate was 27% in men aged 16 to 21.¹⁰⁵ An Italian study found that men under 40 are actually 10% more likely to have an erectile problem than men over 40.¹⁰⁶ Erectile dysfunction among younger males is a new, and growing problem. According to one 1992 study, only 5% of men aged 18 to 59 had erectile problems, and online pornography is one of the main causes for the earlier and much more widespread onset of erectile dysfunction.¹⁰⁷ Researchers at the University of Cambridge asked men with erectile problems about their pornography use. They found out that 60% of the subjects (average age 25) reported having erectile problems with a sexual partner, but not when watching porn.¹⁰⁸

The frequency of porn use has also been linked to male body image disorders and increased anxiety in romantic relationships.¹⁰⁹

**PORNOGRAPHY USE IS
ALSO ASSOCIATED WITH
A TEMPORARILY HIGHER
LEVEL OF SEXUAL DESIRE,
BUT LOWER OVERALL
SEXUAL SATISFACTION
AND ERECTILE FUNCTION**

1.11. Pornography and society

The harmful effects of pornography on men, women, and children are also felt on a broader societal level. All societies are built on families¹¹⁰—ideally stable families—which in turn are built on lasting marriages. Both men and women who watch pornography report lower satisfaction with their sexual partners, including their partner’s physical appearance and sexual performance.¹¹¹ **Pornography does not complement sexual intimacy with a partner, but rather competes with and eventually displaces it.**

Porn users are less committed in their relationships, have poorer communication skills, and are more likely to be unfaithful to their partners. Pornography consumption and divorce are correlated. Divorce rates among young adults increased dramatically with the societal uptick in pornography use. A 2018 study found that without pornography, a 20-year-old had a 6% chance of divorce or separation, compared to a 51% chance with pornography consumption.¹¹²

The risk of divorce based on pornography is smaller but still significant for older adults. Among 40-year-olds, the risk of divorce increased by 6 to 12% when pornography was present in the relationship.¹¹³

» **PORNOGRAPHY DOES NOT COMPLEMENT SEXUAL INTIMACY WITH A PARTNER**

One study shows that pornography consumption increases the risk of marital infidelity by 300%.¹¹⁴ Further studies confirm that pornography consumption is also

associated with a more positive perception of extramarital affairs.¹¹⁵

While this white paper does not address the myriad issues associated with the porn industry's content producers, suffice it to say that nothing demonstrates the brutality of the industry better than the fact that it harms both producers and consumers alike.¹¹⁶

1.12. Conclusion and general proposed solutions

1. Considering the sobering realities listed above, we believe that pornography, especially online pornography, endangers the common good because it has a harmful effect on all of society: on men, women, and children. Its effects on children are particularly troubling, and we therefore believe that the Hungarian state should take steps to better protect its citizens.
2. The first step is to recognise the harmful effects of online pornography¹¹⁷ and to treat pornography like a public health issue akin to alcoholism, smoking, and other addictions. Advocates should use public health programmes to raise awareness about the pornography use crisis,¹¹⁸ and pornography addiction should be added to the international list of diseases.¹¹⁹ Furthermore, the development and widespread availability of therapies to treat pornography addiction should be promoted. It is also crucial that parents

are adequately informed¹²⁰ and that children are properly educated in digital awareness.¹²¹

3. It is essential to reduce the supply and to regulate online access to pornography,¹²² to protect children from being exposed to it. This is important even though no regulatory system will be perfect. At the very least, a good regulatory system can aim to significantly reduce a child's unintentional access or exposure to explicit material online.

The second part of this paper outlines the current legal environment surrounding these issues and presents some possible legislative solutions. In addition, it describes the evolving strategies that are available to combat pornography and proposes concrete solutions, with particular attention to age verification laws.

2. POSSIBLE LEGAL SOLUTIONS TO PORNOGRAPHY

In a sovereign¹²³ state, legislation and its subsequent application are communicative, not merely coordinative. **The essential function of government power is to serve the common good.** Good laws teach citizens to understand and follow the principles of the common good, for without universal acceptance and adherence to certain key truths, the well-being of the political community would be jeopardised. When a government criminalises theft, it seeks not only to prevent a crime from being committed, but also to shape society's perception of theft. Legislation and the legal consequences it prescribes send the message that theft is both morally wrong and dangerous enough to the public that it ought to be punished.¹²⁴

The regulation of pornography is based on this legal theory and on the recognition that there

**THE ESSENTIAL FUNCTION
OF GOVERNMENT POWER IS
TO SERVE THE COMMON GOOD** 

are three main factors that influence a child's development: family, education, and media. Of these three, the state is best able to regulate the media.¹²⁵ However, given **the global nature of the Internet** and, thus, of **online pornography**, even an excellent national regulatory scheme cannot be fully

effective on its own. The concept of a global open Internet is eroding and is being replaced by an Internet that is divided into many sectors that are largely isolated from one another.¹²⁶ Another important factor is that legal regulations are always reactive and therefore technological innovations and the latest

SOCIAL MEDIA SITES, WHICH DOMINATE ONLINE MASS MEDIA, DO NOT PRODUCE »» CONTENT OF THEIR OWN

trends in online media and Internet pornography must be constantly monitored to ensure that regulations are effective and up to date.

The main challenge to regulating online pornography is the revolutionary change that occurred in media in the 21st century. **Social media sites, which dominate online mass media, do not produce content of their own, but rather merely provide a platform for their users to produce and house content.**¹²⁷ Online platforms include marketplaces, search engines, social media platforms, creative content providers, app stores, communication services, and even payment systems. Because social media platforms do not produce their own content, they are difficult to regulate.¹²⁸

In the United States, the proliferation of pornographic content has triggered a debate over internet regulation. One of the first examples of this was the introduction of the *Communications Decency Act* (CDA), which imposed civil and criminal penalties on the producers and distributors of obscene or indecent content aimed at children. However,

under Section 230 of the CDA, service providers cannot be held liable for user-generated content. The practical consequence of this legislation has been that courts in the United States have granted almost complete immunity to intermediary service providers that only platform content that their users create.¹²⁹

But governments simply cannot let the Internet become a legal wild west for children.¹³⁰ Priscille Kulczyk has pointed out that several international and European documents have already been published to raise awareness for the protection of children¹³¹ and to encourage states to take action.¹³² Several European institutions have voiced their support for adopting legal solutions to regulate online pornography, reasoning that if children are not allowed to visit brothels in the physical world, they should not be able to visit sexually explicit sites in the virtual world either. **What is illegal offline should also be illegal online.** This is the axiom of online child protection.

WHAT IS ILLEGAL »
OFFLINE SHOULD ALSO
BE ILLEGAL ONLINE

2.1. Types of legal solutions

There are several legal solutions to the problem of children's access to pornography, some of which receive mention here as effective examples.

2.1.1. Warning labels on the harmful effects of pornography

This measure requires pornography websites to display a message warning viewers of the dangers of pornography before they can access pornographic content, much like the warning labels displayed on other harmful products like cigarettes. The warning label solution is featured in the European Union's Audiovisual Media Services (AVMS) Directive¹³³ and in Utah state law, among others.¹³⁴ It is an outdated and inefficient solution. The main problem is that younger children cannot comprehend information about pornography's harmful effects.

2.1.2. Age limit and content classification

This solution implements a system that embeds electronic tags into text and images to check their content and then applies any applicable age limits or content classifications before the image can be displayed on a screen.¹³⁵ This approach has received support from the Committee of Ministers of the Council of Europe,¹³⁶ the Parliamentary Assembly of the Council of Europe (PACE),¹³⁷ and the European Commission.¹³⁸ Embedded electronic tagging is currently the most popular legal measure on the market, but it is not very effective and it is susceptible to the dangers of both unnecessary censorship and excessive permissiveness.

2.1.3. Dedicated authority to handle online pornography

Examples of governmental bodies dedicated to the issue of online child protection already exist in France¹³⁹ and Australia.¹⁴⁰ Hungarian legislators should consider creating a governmental body to focus on child protection in the online space.

2.1.4. Penalties for distributing pornographic content

Porn distributors are already punished under the PACE,¹⁴¹ the French¹⁴² and Polish¹⁴³ legal codes as well as under the revised text of the AVMS Directive.¹⁴⁴

2.1.5. Internet Service Provider (ISP) filters

In 2004, the UK obliged mobile phone service providers to filter their content and to only give adults the option to deactivate the filter.¹⁴⁵ Similarly, in 2013, ISPs introduced default filtering that detected pornographic content.¹⁴⁶ British lawmakers expanded the scope of these measures in the *Digital Economy Act* of 2017.¹⁴⁷ **The filtering that ISPs provide is a great first step, but its effectiveness is debatable.**¹⁴⁸

2.1.6. Filtering software to aid parental control

Parents have the primary responsibility for their children. In many cases, though, they need support from the state. Parental control software is particularly useful for children under the age of 16,¹⁴⁹ but unfortunately few parents use it.¹⁵⁰ The government should ensure that devices that are put on the market have pre-installed filtering software that can only be deactivated with parental consent.¹⁵¹

European Union institutions support this solution. Both PACE¹⁵² and the revised text of the AVMS Directive¹⁵³ refer to it. One of the advantages of filtering software is that it helps encourage dialogue between parents and children about the dangers of pornography consumption. Filtering software does have its drawbacks: some parents may treat it as a replacement for their duty to monitor their children's online activity and the filtering function cannot guarantee protection from harmful content in all cases.¹⁵⁴

There are several types of filtering software:¹⁵⁵

- a) *Time limiting software* gives parents the option to set a maximum amount of screen time and to set limits on the times of day when their children can access the Internet.
- b) *Filtering and blockage software* restricts access to certain websites, words, and images.
- c) *Outgoing content blocking software* prevents users from sharing personal information with people they do not know.
- d) *Monitoring software* provides information about which websites children visit.¹⁵⁶

In some states in the U.S., devices that can access the Internet are now required to be sold with filtering software. Only the contracting party can request deactivation. This is currently the law in Alabama, South Carolina, Idaho, Tennessee, and Utah.¹⁵⁷ A 2022 French law requires companies to install parental control software on devices that can connect to the Internet.¹⁵⁸

2.1.7. Blocking pornographic websites

Some countries have opted to block pornographic sites nationwide, meaning that blocked sites cannot be accessed from within the legislating country's borders. Blocking can be imposed to restrict pornography as an end in itself or in response to widespread disregard for other laws that restrict pornography. The revised text of the AVMS Directive allows Member States—temporarily and under specific conditions—to use this option and block pornographic websites nationwide.¹⁵⁹ PACE has also called on Member States to do so.¹⁶⁰ In Germany, for example, the Media and Youth Protection Committee (KJM) of the Media Authorities of the country's federal states has authority to block pornographic websites.¹⁶¹ China has banned pornography¹⁶² and Chinese authorities actively block porn sites to enforce the ban.¹⁶³ In September 2023, seven out of ten French adults reported that they were very supportive of banning minors' access to pornographic websites. Only roughly one in ten respondents

reported that they were fairly or very opposed to the French Regulatory Authority for Audiovisual and Digital Communication (ARCOM) blocking pornographic websites that do not implement age verification.¹⁶⁴

Not everyone favours these measures. One of the liberal arguments against blocking pornographic websites is that blocking violates net neutrality.¹⁶⁵ Another is that blocking is a form of censorship.¹⁶⁶ Some argue that blocking is not effective, since most blocking methods can be circumvented by a simple virtual private network (VPN).¹⁶⁷ One of the main advantages of blocking, however, is that it is an effective means of preventing unintentional access.¹⁶⁸

2.1.8. Regulating smartphones, tablets, and app stores

Smartphones and tablets are not just devices. They are also markets for other products because they include access to app stores.¹⁶⁹ These big tech devices and services can pose a risk to

» **BIG TECH COMPANIES
PRIORITISE THEIR ECONOMIC
INTERESTS OVER THE
PROTECTION OF CHILDREN**

children, so it is vital that they function safely.¹⁷⁰ Apple and Google already have the technological capability to install age verification systems and parental control filtering

software on their devices and to offer only age-appropriate apps.¹⁷¹ **Big tech companies choose not to do so, however,**

demonstrating that they are unwilling to prioritise the protection of children over their economic interests. The only option is to force them to do so with effective regulation.

2.1.9. Age verification

Age verification legislation can be used to regulate pornographic websites and devices that can access the internet. Regulating pornographic websites and the devices that can access those websites is the most comprehensive solution to the problem of online pornography.¹⁷² The European Commission,¹⁷³ PACE,¹⁷⁴ and the Committee of Ministers of the Council of Europe¹⁷⁵ support age verification measures. Additionally, several EU Member States are already pursuing age verification options. Even though the general concept enjoys significant popularity, there are still technological, economic, and legal factors that legislatures should consider in order to choose the right age verification method.

The European Commission's Green Book distinguishes between prohibited content which no one can legally access (e.g., hate speech, incitement to terrorism, child pornography) and harmful content that has an undesirable impact on the physical or mental development of minors. Prohibited content must be removed under criminal law while harmful content, like online pornography, can remain accessible to adults but can be regulated by various means. Pornography doesn't qualify as prohibited content because it can be legally

accessed—but the EU and Hungary treat online pornography as harmful content that can be regulated by various regulatory means under Hungarian law.

In Government Decree 1488/2016 (IX. 2), Hungary adopted the Digital Strategy for Child Protection,¹⁷⁶ which identifies two broad groups of protective solutions for children:

- a) *active protective solutions*, which are measures based on prevention, content restrictions, and bans;
- b) *reparative solutions*, which include administrative legal sanctions for infringement, content removal procedures, and criminal sanctions, all intended to penalize those who violate regulations that are in place to protect children.

Although these solutions are already in effect, applying them is difficult in practice because of the media services localisation problem.

2.2. Hungarian media law and the protection of children

A study by Kinga Sorbán¹⁷⁷ mentions several regulatory and legal challenges in the context of online child protection in Hungary. Three of these are highlighted below.

2.2.1. Low level of media awareness

A survey in 2019 showed that 78% of 16- to 19-year-olds in Hungary use the Internet as their sole source of entertainment; 60% use it for gathering information.¹⁷⁸ The National University of Public Service's Institute for the Information Society found in a 2020 study that **61% of parents do not use any Internet filtering software.**¹⁷⁹

61% OF PARENTS DO NOT USE ANY INTERNET FILTERING SOFTWARE ””

A 2020 report from the Internet Roundtable for Child Protection also points to low digital literacy among Hungarian parents as a key issue.¹⁸⁰

2.2.2. Outdated technical solutions

The use of warning labels and verification questions to prevent access to harmful content is an outdated solution, because in practice, its protective impact for children is negligible.

2.2.3. Nation-state sovereignty in the global virtual space

Effective enforcement of national laws is difficult in a cross-border media environment. This problem is primarily related to the nationality of media service providers. **Audiovisual**

services can move freely within the EU's internal digital market. Every streaming service or video-sharing platform established in an EU Member State is entitled to operate in any other Member State. Providers must comply with the legislation of the Member State where they are established, but if a service provider is not based in the EU, the service provider

AUDIOVISUAL SERVICES CAN MOVE FREELY WITHIN THE EU'S INTERNAL DIGITAL MARKET

does not have to comply with the minimum standards of the AVMS Directive issued by the EU. That makes applying

national rules to an out-of-state streaming service or video-sharing platform especially difficult. Examples of foreign service providers that operate in Europe but are based outside the EU include Twitch, OnlyFans, and several other porn sites. Cooperation between countries is therefore of the utmost importance in this area.¹⁸¹

2.3. Hungarian media regulation in detail

The Constitutional Court of Hungary has ruled that the **legal provisions concerning the protection of children cannot be considered unconstitutional restrictions on the freedom of the press.**¹⁸² Hungary's Constitutional Court has also ruled that restricting content to protect children is justified because it is unreasonable to rely on a child's ability to evaluate online content. A child's moral value system is still being formed and

thus it is impossible to expect a child to have the judgement to adequately evaluate online content and discern whether to consume it.¹⁸³

There are three important laws governing media regulation in Hungary: Act CIV of 2010 on

Freedom of the Press and on the Fundamental Rules of Media Content, Act CLXXXV of 2010 on Media Services and Mass Communications and Act CVIII of 2001 on certain aspects of Electronic Commerce Services and Information Society Services. The first lays out general rules which apply to all media services, such as audiovisual media services, print media, online media, and radio. Act CLXXXV of 2010 provides detailed rules for audiovisual media services, and Act CVIII of 2001 regulates video-sharing platforms.

LEGAL PROVISIONS CONCERNING THE PROTECTION OF CHILDREN CANNOT BE CONSIDERED UNCONSTITUTIONAL RESTRICTIONS ON THE FREEDOM OF THE PRESS

2.3.1. Act CIV of 2010 on Freedom of the Press and on the Fundamental Rules of Media Content

Act CIV of 2010 aims to address the protection of minors by setting a basic rule in accordance with the AVMS Directive. It states that media content that endangers the mental, spiritual, moral, or physical development of minors may only appear if children cannot see or hear it under normal circumstances.

Broadcast time slots and other technical solutions may be used to prevent content from being easily accessible to children.¹⁸⁴ Such content could appear, for example, on late-night television, but not daytime television when children are more likely to view it.

2.3.2. Act CLXXXV of 2010 on Media Services and Mass Communications

This law sets out detailed rules that audiovisual media service providers must comply with. It contains specific provisions for linear services (e.g., television) and on-demand services (e.g., Netflix).

The so-called “paedophile law,” adopted in 2021, amended some provisions of the media law. These rules do not apply comprehensively to the online environment, however, as many pornographic sites are not subject to the law and such sites contain the content that is the most harmful for children.

In linear media services, the most important means of child protection is age rating. Broadcasters must label their programmes based on the age appropriateness of the content and assign a rating from I to VI. Programmes that “have as their main feature the promotion or presentation of violence, gender non-conformity, gender reassignment, homosexuality, or the direct, natural, or sexual representation of sexuality” automatically receive a V rating meaning that the content is “not recommended under the age of 18.”¹⁸⁵ V-rated programmes

can only be broadcast between 10 p.m. and 5 a.m. This law also requires service providers to limit minors' access by using effective technical solutions.¹⁸⁶

The law does not provide guidance on what constitutes an effective technical solution but instead defers to the Media Council which issued a recommendation on effective technical solutions for the protection of minors in its decision 798/2011 (22.VI.).¹⁸⁷ This document notably omits video-sharing and social media platforms.

2.3.3. Act CVIII of 2001 on certain aspects of Electronic Commerce Services and Information Society Services

This law adopted the provisions of the AVMS Directive into Hungarian law. The new legislation contains slightly stricter provisions regarding

minors.¹⁸⁸ It requires Hungarian video-sharing providers to take protective measures if their programmes, user-generated videos, or commercial announcements will likely harm the physical, mental, spiritual, or moral development of minors.¹⁸⁹

Act CVIII specifically mentions effective age verification and parental control systems as useful measures to protect minors.¹⁹⁰ The law affirms the effectiveness of age verification

SPECIFICALLY MENTIONS 
EFFECTIVE AGE VERIFICATION
AND PARENTAL CONTROL
SYSTEMS AS USEFUL MEASURES
TO PROTECT MINORS

and parental control systems designed to prevent access based on the realistic age evaluation of users.¹⁹¹ Using verification questions that do not require an identification document cannot be considered effective protection as users can very easily provide false information about their age. In order to effectively implement the measures outlined in the Act, in 2014, the Hungarian Parliament established the Internet Child Protection Roundtable, an advisory body to the President of the National Media and Infocommunications Authority (NMHH). Act CVIII of 2001 tasks the Office of the NMHH with supervising the enforcement of obligations on video-sharing platform providers. Its authority, however, only extends to video-sharing platforms based in Hungary.¹⁹²

2.4. EU law and child protection

The European Union has recognised that social media companies have begun to abandon their previously passive approach to the

content on their platforms and have started to act as organisers and directors of content.

In response, EU

policy-makers have included some social networking sites within the scope of media regulation.¹⁹³ There are two important pieces of EU legislation that are relevant here.

**IN RESPONSE, EU POLICYMAKERS
HAVE INCLUDED SOME SOCIAL
NETWORKING SITES WITHIN THE
SCOPE OF MEDIA REGULATION**



2.4.1. The revised text of the AVMS Directive

The revised AVMS Directive defined an audiovisual media service as: 1) an economic service; 2) with editorial responsibility; 3) that's purpose is informative, entertaining, or educational; and 4) that's primary goal is communication with the public.¹⁹⁴

The EU adopted the revised text of the AVMS Directive¹⁹⁵ in 2018 and simultaneously adopted rules to regulate liability for video-sharing platforms. Video-sharing platforms have no editorial responsibilities. So the AVMS Directive considers video-sharing platforms as host providers since they offer hosting and display space but do not edit the content that is posted on their platforms.¹⁹⁶ In this system, a video-sharing platform's editors are its users. The video-sharing platform's liability for illegal content that a user posts on the platform is limited. A video-sharing platform bears responsibility and liability for illegal content on its site only if the platform was notified of the illegal content and fails to take the necessary measures in response.

Competent authorities must act to protect children from content that harms their physical, mental, or moral development—including when that content is posted on a video-sharing platform with limited liability.¹⁹⁷ While the EU leaves the means of achieving this up to Member States, the AVMS Directive does recommend several preferred measures. One such recommended measure is age verification.¹⁹⁸ In choosing a strategy, Member States should consider the proportionality

requirement. When it comes to social media platforms, the scope of the AVMS Directive is limited. The Directive only considers a platform to be a video-sharing platform covered by the Directive’s regulations if a significant part of the video-sharing platform or one of its essential functions meets the four-element definition described earlier. Facebook’s Watch function is one example. As explained above, video-sharing platforms are typically treated as host providers with limited liability. This is problematic because so much harmful content (both hard and soft core porn) appears on social media.

2.4.2. The Digital Services Act (DSA)¹⁹⁹

On February 17, 2024, the DSA went into effect. Although the DSA is not specifically tailored to protect children online, it addresses the obligations of social media platforms,²⁰⁰ **and it operates on the premise that what is illegal offline should also be illegal online.** The draft DSA narrowly defines an



**DSA OPERATES ON THE PREMISE
THAT WHAT IS ILLEGAL OFFLINE
SHOULD ALSO BE ILLEGAL ONLINE**

online platform as “a hosting service that, at the request of a recipient of the service, stores and disseminates information to the public.” The European Commission has classified Pornhub, Stripchat, and XVideos—which have a collective 45 millions active users in the EU—as “very large online platforms” subject to strict DSA compliance

requirements based on their size. These enormous platforms could face fines of up to 6% of their global profit if they fail to comply with the strict regulatory requirements that the DSA has imposed. Age verification is not yet mandatory for these sites, but it could be the EU's next step.²⁰¹ In response, these sites have sued the European Commission.²⁰²

Kinga Sorbán points out that under the current regulations, video-sharing platforms only have to comply with the general rules that apply universally to all online platforms. According to Article 7 of the DSA, video-sharing platforms are not subject to a general monitoring duty. This means they do not have to automatically filter out child pornography or other banned content that has been re-uploaded. As **the DSA is a fully harmonising regulation, Member States will not be able to lay down more detailed or stricter rules for certain types of services.**²⁰³

**DSA IS A FULLY
HARMONISING
REGULATION** 

The current legal systems in Hungary and the European Union contain forward-looking principles, but in practice they do not provide sufficient protection against harmful content. It is necessary to introduce an effective age verification system.

2.5. Progressive regulatory experiments and practices

The problems caused by harmful content on the Internet are felt around the world, but as of yet, no country has introduced

regulations that can completely protect children from pornographic content online. Still, France, the UK, and the American state of Louisiana have pursued promising initiatives

» **AGE VERIFICATION HAS BEEN AT THE CENTRE OF THIS ENCOURAGING TREND**

that may inspire Hungarian legislators. **Age verification has been at the centre of this encouraging trend.**

2.5.1. Western trends

a) *An emerging practice in France*

In France, a law on the digital safety of minors is in progress: the bill was presented to the Council of Ministers on May 10, 2023, by the Minister of Economy, Finance, and Industrial and Digital Sovereignty and the Minister of Digital Transition and Telecommunications. The French government initiated an accelerated procedure on the text and upon first reading, with amendments, the Senate adopted the bill on July 5, 2023. The European Commission, however, objected that the proposal gives the French authorities power over foreign intermediaries and platforms, so the bill remains the subject of discussion between the French government and the European Commission.²⁰⁴

The explanatory memorandum that accompanies the text notes that digital service providers must be held accountable, while at the same time fair market competition, consumer protection, and national sovereignty must be ensured. The legislation requires ARCOM, the French Regulatory

Commission, to develop binding standards and a technological framework to run an age verification system (*tiers vérificateur indépendant*: “independent third-party verifier”).²⁰⁵

The planned age verification system would bar users under certain ages from accessing certain online content. Children under the age of 18 would be prevented from accessing online pornography (though in practice, the legislation would only make access more difficult, not impossible). The legislation would also prevent children under the age of 13 from using social media. The essence of the age verification procedure is as follows: a third-party data controller is wedged between the user and the website the user would like to access. **Users must submit identifying documentation to this third-party data controller to verify their age and identity. The data controller then issues an anonymisation token. Users can only visit restricted sites with an anonymisation token. If a user presents an anonymisation token, then the data controller conducts the age verification and uses a cryptographic signature to guarantee to the restricted site that the user is of age.** Under the draft legislation, ARCOM would impose administrative fines on the website publisher (*éditeur*) if it fails to comply with the law. In case of repeated infringements, ARCOM could block access to the website without a separate court order.

**USERS MUST SUBMIT
IDENTIFYING DOCUMENTATION
TO THIS THIRD-PARTY DATA
CONTROLLER TO VERIFY
THEIR AGE AND IDENTITY** ”

The draft legislation also specifically addresses child pornography: the hosting provider must remove child pornography within 24 hours, just as it must remove content that poses a risk to national security. Failure to do so could result in a fine of €250,000 and up to 1 year in prison. If a website fails to comply, the fine may be increased to up to 4% of the company's global turnover. The regulation does not provide for parental liability and does not give parents any additional means of control over their children's access to online content.²⁰⁶

b) *Emerging practice in the United States*

In the United States, Louisiana is currently a pioneer in age verification legislation. Act No. 440 of 2023 serves as model legislation for several other states in the U.S.—a development that has caused a pornography industry advocacy group to

sound the alarm as more and more states in the U.S. adopt the model legislation.²⁰⁷

» THE LOUISIANA LAW REGULATES THE LIABILITY OF LEGAL ENTITIES

The Louisiana law regulates the liability of legal entities

operating for commercial purposes that distribute harmful online content to minors. The law does not apply to natural persons or to sites where the amount of harmful content represents less than one third of the total content displayed on the site. The legislation imposes civil penalties on companies that fail to carry out age verification with certain definitions and exceptions. Act No. 440 **requires the operators of pornographic websites to ensure that age verification is**

enabled. The Louisiana Attorney General can investigate and prosecute violations of the law. Noncompliant websites may be fined up to \$5,000 per day, to be paid to the Louisiana Department of Justice.

Fines will be used to fund investigations into cybercrime and child exploitation. In addition, the Louisiana Attorney

General can seek other civil penalties of up to \$10,000, which the court will impose if it is proven that a service provider intentionally failed to resolve an age verification issue.

Louisiana is using a third-party monitoring model to implement age verification for sites with significant pornography content. The state is working with a third-party company called LA Wallet to provide digital ID cards for residents who want to view explicit material. The law allows multiple methods of age verification, and LA Wallet runs a two-factor authentication process. Users are not required to upload any form of identification to a pornography site directly. Instead, LA Wallet generates a key for a user to type in to a restricted site. Once the user enters the authentication key, the pornography site indicates if the user meets the necessary age requirement to enter the site. **Pornhub has seen an 80% drop in the number of its visitors following the introduction of age verification.**²⁰⁸

The rules do not apply to bona fide news sites, or to websites, videos, reports, or events run by public interest broadcasters.

REQUIRES THE OPERATORS OF PORNOGRAPHIC WEBSITES TO ENSURE THAT AGE VERIFICATION IS ENABLED »»

The law must not adversely impact the rights of news aggregator sites. It also does not apply to ISPs, search engines, and cloud platform providers under certain conditions. In Texas, the implementation of an age verification bill, which would have

» PORNHUB HAS SEEN AN 80% DROP IN THE NUMBER OF ITS VISITORS FOLLOWING THE INTRODUCTION OF AGE VERIFICATION

imposed stricter, higher fines on non-compliant pornography websites, was temporarily blocked by a federal judge on First Amendment free speech grounds. The Fifth Circuit Court of Appeals lifted the stay of enforcement, the law went into effect,²⁰⁹ and the Texas Attorney General sued Pornhub for age verification violations.²¹⁰ The Fifth Circuit ruled that the age verification law did not violate the First Amendment because it was “rationally related to the government’s legitimate interest in preventing minors from accessing pornography.”²¹¹

c) *Emerging practice in the UK*

The UK Parliament passed the *Online Safety Bill* on September 19, 2023, and it went into effect on October 26. The Bill aims to make Britain the safest place in the online world. It imposes new obligations on companies operating social media platforms and adopts a zero-tolerance approach, stating that going forward, social media platforms will be responsible for the content that they host. If a company does not take immediate action to remove illegal content or to prevent children from seeing harmful content (like online bullying), a platform could

face significant fines of up to billions of pounds. In some cases, company directors could even face prison sentences. **Age verification of users must be carried out by service providers.** The legislation requires technology companies to design their websites in a way that is safe for children from the outset. The legislation gives companies a great deal of flexibility to use technological solutions to verify a user's age. Starting in 2025, those who want to watch pornography will have to upload an age verification document, register a credit card or, for example, agree to a face scan to prove they are over the age of 18.²¹² The *Online Safety Bill* also outlawed sharing (but not creating) deepfake porn.²¹³

**AGE VERIFICATION OF
USERS MUST BE CARRIED
OUT BY SERVICE PROVIDERS** ”

2.6. Age verification in detail

Next, we are going to provide an overview of age verification methodology, based on a summary by the Institute for Family Studies, a U.S. based think-tank for family protection.²¹⁴

2.6.1. Definition

Effective online child protection depends on the quality of the age verification process. In a general sense, **accurately determining whether a user is over a certain age requires**

technological capability.²¹⁵ High quality age verification technology cannot guarantee a child will be completely safe online, but a high-quality age verification process can more effectively protect children who are not seeking out pornographic content.

2.6.2. Efficiency, technical, economic and data protection challenges

Critics challenge age verification systems with concerns over efficiency, economic, technical and data protection.²¹⁶ It is therefore essential that society has sufficient information about the reliability and need for age verification to be able to understand and respond to these concerns.

Efficiency-wise, there is no perfect system, since all age verification processes can be circumvented. Still, legislators can aim to create a system that significantly reduces unintended access to online pornography. To this end, the best choice among the types of legal solutions available is the development of a Hungarian age verification system that is in line with Western trends. The question about the level of regulation also arises. One option is for nation states to set their own standards. Another is for common rules to apply to all websites with explicit content operating in EU Member States. At the EU level, it is worth mentioning euCONSENT:²¹⁷ a consortium that is funded by the European Commission and composed of child rights and data protection experts and

technology providers. Its aim is to operationalise the extension of the eIDAS infrastructure²¹⁸ which is needed for a secure, operational, pan-European age verification and parental consent scheme.²¹⁹

Ideally, all pornographic content providers should be subject to strict and uniform regulation at the EU level, because the EU is better equipped to ensure that pornography companies comply. A strict age verification system could reduce an explicit website's advertising revenue. Additionally, setting up an age verification system on a site could be expensive, so it is likely that only larger pornography sites would be able to comply and implement an age verification system.²²⁰ Some experts argue that this effect could trigger competition law problems, a point that legislators will have to consider.

From a technical point of view, it is essential to set up an appropriate certification system that tests the various age verification methods and monitors service providers. There is already an existing association (the Age Verification Providers Association) that consists of age verification providers.²²¹

There are several privacy concerns about age verification legislation. In the United States, for example, the international non-profit rights organisation Electronic Frontier Foundation has claimed that verification systems are "surveillance systems" that "would lead us towards an Internet where our personal data is collected and sold by default."²²² According to NetChoice, a non-profit organization that works to promote Internet safety, if the law requires age verification, then "it should be compulsory for everyone to provide an ID for

technology companies so that they can check their age and identity each time they access a website.”²²³

The EU has raised the bar: in Europe, data protection conditions for age verification must be in line with the General Data Protection Regulation (GDPR) that the EU adopted in 2016.²²⁴ Article 5 (1) (c) of the Regulation states the governing principle that when personal data must be disclosed for age verification, the disclosed data must be adequate, relevant, and limited to the extent necessary for the purposes of the disclosure. When it comes to the conditions of a child’s consent to online activity, the data controller must make reasonable efforts—considering the available technology—to verify that the consent has been given or authorised by the child’s parent or guardian.²²⁵

» THE AVAILABILITY OF
DUAL ANONYMITY (TOKEN)
TECHNOLOGY MEANS PRIVACY
CONCERNS, EVEN IN THE
U.S., ARE EXAGGERATED

The availability of dual
anonymity (token)
technology means privacy
concerns, even in the U.S.,
are exaggerated. Still, it is
important to note that every

age verification system has its trade-offs. Legislatures must decide which trade-offs are worthwhile. There are two main questions that need to be answered before any age verification regulation is introduced:

What information should be collected for age verification?

Which organisation will be entrusted with age verification and data management?

2.6.3. Age verification methods based on information disclosure

There are four main methods for conducting age verification, and they correspond with the four main categories of personal information that can be used to verify a user's age. Each method has unique pros and cons.

a) *Public registers*

The first method of age verification **requires users to upload a copy of a state-issued identification card as a condition of access.**

REQUIRES USERS TO UPLOAD A COPY OF A STATE-ISSUED IDENTIFICATION CARD AS A CONDITION OF ACCESS »»

Examples of such identity documents include driver's licences, passports, birth certificates, identity cards, etc. In Hungary, client-gate identification may also be an option.

Advantages

This approach has several benefits. First, such information can be individually verified, as it can be cross-checked against public databases to ensure that the user is who he claims to be. Second, this solution has a strong deterrent effect. Obtaining a fake ID is expensive and risky: users who try to circumvent a card-based verification system face significant and risky obstacles.

Disadvantages

An identity card-based strategy requires users to disclose a significant amount of personally identifiable data to the data control organisation. This raises legitimate data protection concerns. Uploading an ID card to an online platform is not the same as presenting an ID card to a nightclub to gain access. Nightclubs do not collect and keep ID cards, but data control organisations retain uploaded identification information in databases that could be subject to breach. Checking uploaded information against a public database may be difficult and expensive. Finally, as with all age verification approaches that rely on identity documents, users could potentially upload false data which may be difficult to filter.

b) *Financial documentation, transaction data*

Age verification legislation may require users to provide credit card numbers or similar financial information. Adult

websites have been using this method for years.²²⁶

Advantages

The main advantage of this method is that it does not require users to disclose

sensitive personal data or large amounts of user data: a credit card number or its equivalent does not in itself identify its user. This method is used by online gambling sites and alcohol sales sites.

» **AGE VERIFICATION
LEGISLATION MAY REQUIRE
USERS TO PROVIDE CREDIT
CARD NUMBERS OR SIMILAR
FINANCIAL INFORMATION**

Disadvantages

The main drawback is that a debit or credit card cannot reliably establish a person's age: already in 2002, equating debit card possession with adulthood was considered obsolete.²²⁷ A determined minor could easily use a parent or guardian's debit card to bypass an age verification measure. Also, giving out debit card details online is risky. Moreover, in our country, a child can have a debit card starting at age of 14.²²⁸

c) *Biometric identification*

A third option for age verification is age-related biometric markers, such as **scanning a user's iris, fingerprints, or face with an AI device.**²²⁹ In 2022, the KJM (Commission for the Protection of Minors in the Media) approved several AI-based technologies in Germany.²³⁰

**SCANNING A USER'S IRIS,
FINGERPRINTS, OR FACE
WITH AN AI DEVICE**



Advantages

The main benefit of a biometric data-based model is that physical characteristics are difficult to falsify, so theoretically, this method is highly reliable.

Disadvantages

Biometric markers are commonly used to access financial records, so collecting that information from users would make a third-party data collector's database a tempting target for hackers or hostile state actors. Contract authentication is

increasingly conducted with biometric markers, so leaked fingerprints, retinal images, or DNA would pose a significant risk for users. Private tech companies have a vested interest in coopting their user's data for their own business purposes, i.e. to maximise profits, or for social control—so disclosure of biometric data to a biased third-party poses its own risks. Furthermore, a biometric-based approach may require cumbersome additional hardware such as retina or fingerprint readers.²³¹ Moreover, some biometric collection methods like facial scanning can be easily circumvented so they generate high risk, low accuracy results.²³²

d) *Inferred information*

Age verification legislation can also take a behavioural approach, by **inferring a user's age from their internet usage habits**. This could be done by examining a user's internet search history or, in the case of a platform operating across multiple online sectors, by analysing an individual's use of the platform's products.

INFERRING A USER'S AGE FROM THEIR INTERNET »» USAGE HABITS

Advantages

The benefit of this approach is that a user does not have to provide raw personal data (e.g. a date of birth, driver's license number, or similar information). The data is transferred to the age verification organisation, and the user remains completely anonymous.

Disadvantages

This method relies on little more than strategic guesswork, and its effectiveness depends entirely on tracking cookies and other technology to monitor the user online. This method raises significant privacy concerns.

2.6.4. Age verification mechanisms

Once policymakers have clarified what data they want to use for age verification, they need to identify the organisation responsible for age verification.

a) *When the first party checks*

The organisation responsible for age verification is the same as the organisation operating the platform for which age verification is required. For example, if access to Facebook is age-restricted, the first-party verification model would entrust

Facebook with verifying the age of users.²³³ An example is AgeID, developed by MindGeek.²³⁴

THE ORGANISATION RESPONSIBLE FOR AGE VERIFICATION IS THE SAME AS THE ORGANISATION OPERATING THE PLATFORM FOR WHICH AGE VERIFICATION IS REQUIRED

Advantages

Decision-makers can more easily hold companies accountable if they fail to carry out necessary checks. This system imposes

heavy costs on platforms that must independently verify the age of all users who wish to access their site. This can be both an advantage and a disadvantage. Critics of social media may conclude that as social media companies are the main cause of the current crisis, those companies should bear the costs and the responsibility of age verification. On the other hand, technology company advocates argue that such a system is cripplingly expensive and fraught with potential errors. Entry and maintenance costs would increase, leading to competition concerns, since increased start-up costs would make it more difficult for new players to enter the market.

Disadvantages

A major drawback of this model is that it necessarily gives identifying data to platforms that have a strong interest in misusing the information provided. This data could easily be used for advertising or otherwise exploited.

b) *The “traditional method” (third-party verification)*

The organisation that performs the age verification is distinct from the one that the user wants to access. Several

age verification companies have emerged in recent years. Companies that need age verification services may contract with these third-party organisations to carry out age verification, and then the platform can use the third-party organisation’s findings to allow or deny a user access to its site.

»» A DUAL ANONYMITY
SYSTEM COULD HELP TO
AVOID THIS PROBLEM

Third-party age verification service could also be provided by the State.²³⁵

Advantages

In this age verification model, third parties could deny platforms access to age-verifiable data collected from their users, thus reducing the risk that a platform could monetise or otherwise misuse the collected data.

Disadvantages

It is more difficult for companies operating platforms to be blamed for possible errors in the age verification process if a third-party is responsible for age verification. From a privacy perspective, if a third-party data controller performs age verification across multiple websites, that data controller's database would represent a single point of attack for a hacker. However, a **dual anonymity system could help to avoid this problem.**

c) *"Zero-knowledge proof" (third-party verification)*

In this model, age verification is carried out using the so-called "zero-knowledge proof."

This is a cryptographic method that "demonstrates how a verifier can confirm

a claim without providing the authenticator with any relevant information or revealing information about the witness."²³⁶

This verification model is a form of third-party verification

"ZERO-KNOWLEDGE PROOF" IS A CRYPTOGRAPHIC METHOD ””

that does not rely on the existence of a prior relationship between the third-party verifier and the first party's access point (e.g. a social media company).

This system could be implemented in partnership with public administrations or public registries: an individual could visit a location in person, present their ID card or other government-issued document, and receive a so-called "random seed" and a statement which could be used on an online platform to indicate that they are over the age limit. This protocol can be run at any stage of decentralisation. In theory, it is even possible to run it on a blockchain, with distributed biometric access points generating hashes²³⁷ without creating additional central databases of user identity information.²³⁸

Advantages

Obviously, this approach has significant data protection benefits. Most importantly, the raw data is not accessible to the first party platform, and the trusted third-party does not need to be connected to the first party's access point (e.g. the social media company).

Disadvantages

The drawback of the zero-knowledge proof approach is that it adds an additional layer of complexity to the process, which can result in burdensome requirements for end-users. Its effectiveness also depends on the existence of trusted third-party organisations that can provide the necessary encryption/decryption tools to users.

2. POSSIBLE LEGAL SOLUTIONS TO PORNOGRAPHY

Whatever decision a legislature makes, adding age verification to online activity will surely affect the privacy of the public and change market conditions, but these changes are necessary in order to protect children. The public and stakeholders in the online world need to be prepared for these technological changes.

3. CONCLUSIONS AND CONCRETE PROPOSITIONS

3.1. Conclusions

- Research by the NMHH shows that online pornography is a problem that deeply affects Hungarian society.
- Examples from the West show that alongside the rapid spread of smart devices, children are also deeply affected by online pornography. At younger and younger ages, more and more children are looking at pornography. Based on the volume of traffic to pornographic sites in Hungary, it is reasonable to conclude that the situation is no better in our country.
- Sexually explicit content—especially online—harms the common good because it detrimentally affects men, women, children, and society as a whole.
- The effects of pornography on children are particularly worrying, so the Hungarian state needs to take steps to better protect its most vulnerable citizens. A state that takes its digital sovereignty seriously cannot allow the Internet to become a legal wild west for children. A country without borders is not a country, and this is also true for the online space.

3. CONCLUSIONS AND CONCRETE PROPOSITIONS

- What is illegal offline should also be illegal online. This is the axiom of online child protection.
- Due to their low digital awareness, parents are largely uninformed, and children are vulnerable to online pornography in the absence of effective legal solutions.
- Article XVI of the Fundamental Law of Hungary states that every child has the right to the protection and care necessary to his or her proper physical, mental and moral development. Online pornography is a dangerous product that threatens all three aspects of a child's right to protection and care.
- The Constitutional Court of Hungary has ruled that legal provisions focusing on the protection of children are not unconstitutional restrictions on the freedom of the press.
- Act CIV of 2010 on Freedom of the Press and on the Fundamental Rules of Media Content aims to address the protection of minors by laying down a basic rule: media content that endangers the mental, spiritual, moral or physical development of minors may only be broadcast if children cannot see or hear it under normal circumstances.
- Unfortunately, Act CLXXXV of 2010 on Media Services and Mass Communications does not apply comprehensively to the online environment because many sites with pornographic content are not covered by the law. However, these sites contain the largest quantity of content that is the most dangerous for children.
- Act CVIII of 2001 on certain aspects of Electronic Commerce Services and Information Society Services explicitly mentions effective age verification as well as

parental monitoring systems as available measures to ensure the protection of minors. According to the law, age verification and parental control systems that can prevent access based on verification of users' real age are effective.

- In the Government Decree 1488/2016 (IX. 2.), the Hungarian government adopted the Digital Strategy for Child Protection, which names the reparative and active group of protective solutions for children. This could include content removal and media content restriction according to criminal law.
- Several international and European documents draw attention to the protection of children, encouraging states to take action. Many European institutions support introducing legal solutions to regulate online pornography. At the EU level, the revised AVMS Directive contains forward-looking principles for the protection of minors. The DSA Regulation relies on the full legal harmonisation of the EU and would therefore reduce the Hungarian legislator's ability to regulate children's access to online pornography.
- The legal system of Hungary and of the European Union contain forward-looking principles, but in practice they do not sufficiently protect children from harmful content online.
- In the 21st century, the media has undergone revolutionary changes. Social media sites dominate today's online landscape, but they merely serve as platforms where users can post content.

3. CONCLUSIONS AND CONCRETE PROPOSITIONS

- A streaming service provider or video-sharing platform provider established in an EU Member State is entitled to provide services within the borders of any Member State.
- If a streaming service provider or video-sharing platform is not established in an EU Member State, applying national rules to the provider or platform's conduct is significantly more difficult, since foreign service providers do not have to comply with the minimum standards of the relevant Directive.
- Given the global nature of online pornography, even an excellent regulation that's applied only at the national level cannot be fully effective.
- Legislation is always reactive, so it is necessary to constantly monitor the latest trends of technological innovations, online media, and Internet pornography.
- The concept of a global, open Internet is eroding and splitting into several sectors organised around different characteristics.
- The European Union has noticed that social networking site operators are abandoning their passive platforming role and becoming organisers and directors of the content that is uploaded to their platforms. In response, the EU has included some social networking sites within the scope of media regulation.
- The European Commission has classified Pornhub, Stripchat, and XVideos—which have a collective 45 millions active users in the EU—as online mega-platforms subject to stricter DSA compliance regulations. These very

large platforms could face fines of up to 6% of their global turnover if they fail to comply with the DSA's regulations.

- To protect the common good, the state must treat the fight against pornography as a fight to protect the country's moral environment. The aim is not to limit the freedom of adults to view legal pornography if they so choose, but to protect children from encountering harmful content. Data protection up to GDPR standards must be ensured, but freedom of expression can be restricted to protect children from harmful content. Given the availability of dual anonymity (token) technology, privacy concerns are exaggerated.
- It is necessary to reduce supply, i.e., to regulate access to Internet pornography, in particular to protect children. There is no perfect system, since all age verification schemes can be circumvented with a VPN. Still, reforms should aim to significantly reduce children's unintended access to explicit material.
- The European Commission, PACE, and the Committee of Ministers of the Council of Europe support age verification. In this process, cooperation at the EU level is essential. It would be ideal for the biggest companies in the pornography industry to cooperate as well, but thus far, they oppose the implementation of age verification systems.

3.2. Propositions

3.2.1. The introduction of filtering by ISPs

1. In light of the above findings and options, we propose, as a first step, that ISPs and mobile phone operators offer filtered internet service: meaning that by default, they should not offer internet access to blacklisted sites consistent with the practice the UK has adopted. Filtered internet service should remain in place until an adult explicitly requests unfiltered internet access.
2. The largest ISP and mobile phone operators must cooperate with this measure, but they should remain free to use the filtering technology of their choice. This regulation should help parents to protect their children and to protect homes and schools from pornographic content.
3. We propose that a government body create and consistently update an internet blacklist and require internet service providers to list and block pornographic sites. If an ISP or phone company fails to block a blacklisted site, that company will be fined. Creating the necessary legal environment for the competent public body to act swiftly and effectively is key.

3.2.2. The introduction of age verification

As a second step, we propose the introduction of a Hungarian age verification model that would a) apply to pornographic content providers; b) be based on state identification documents; and c) use a traditional third-party verification method or a zero-knowledge proof-based method for age verification. This system would most closely resemble the existing Louisiana or the evolving French practice. Mandatory age verification software should be added into smartphones, tablets, and app stores, a feature that several big tech companies already provide. The legislature should consider requiring device designers and distributors to include parental control filtering software on the devices they produce.

Society must be equipped with sufficient information about the dangers of online pornography and the need for and reliability of age verification.

The Hungarian government should also set up an appropriate certification system to test the different age verification methods and to monitor the service providers.

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Axioma Center is a Christian think-tank that aims to influence society through research, education, and media, grounded in faith and reason. Our aim is to promote individual and social fulfilment, to protect human dignity, and to promote the common good.

We strongly believe that a responsible society is sensitive to the physical and spiritual needs of people, and that this must be reflected in the legal system, in culture, and in the activities of religious and civil communities.

We are convinced that successful human communities are built on the pillars of non-negotiable protection of life, human dignity, and sexual ethics that are in accordance with human nature. We work for a civilisation of love where minors are protected from harmful content. That is the reason behind the first study of Axioma Center:

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