The participation gap in social media bans

Children's right to be heard, and child rights by design

Dr Kim R. Sylwander, Research director, Digital Futures for Children centre, LSE and 5Rights Foundation

Digital Futures For Children

LSE THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE

5RIGHTS FOUNDATION

Social media ban regulation has largely failed to consult children or give their views due weight

1

Ban policies have failed Article 12

Ban policies have largely failed Article 12: children are rarely heard before the decision, and their views rarely given due weight in it.

2

When heard, what did children say?

Children predicted what went wrong. Bans then cut many of them off from the spaces where they take part in civic life.

3

A child rights by design approach

Child rights by design: the duty sits with states and services, and children help shape both policy and product.

Article 12: heard, and given due weight

Every child capable of forming a view has the right to express it freely in all matters affecting them,

and to have it given due weight in accordance with their age and maturity.

UNCRC, Article 12 (paraphrased)

Two tests

1. Were children asked before the decision?

2. Did what they said shape the decision?

“A clear and immediate legal obligation”

GC12, para. 135. GC25 (para. 17) applies it to digital legislation and policy.

Sources: UNCRC Art. 12; UN Committee on the Rights of the Child, General comment No. 12 (2009), paras 19, 135; General comment No. 25 (2021), para. 17

Asked directly, children are wary of age bans

29,169 children aged 9–16 · **19 European countries** · surveyed 2025–26

45%

say age restrictions would not make them feel safer online

Only 33% say they would

45%

agree an age ban would limit their freedom and rights

19% somewhat, 26% strongly

47%

say a ban would take away their own responsibility to decide

Their top worries are broader: family illness or death, war, future jobs and school achievement. They see bans as touching freedom, responsibility, connection, education and democratic participation.

Source: Staksrud et al. (2026), EU Kids Online, Use, Views and Worries on Age Bans on Social Media (LSE / University of Oslo, June 2026)

Child consultations and surveys on social media bans at a glance

29,169

EU Kids Online

9–16-year-olds, 19 countries. Ambivalent: 45% say restrictions would not make them safer

26,000+

Eurobarometer (EU)

13–18-year-olds. Divided: 45% back age delays, 48% want better enforcement of existing rules

300+

DSIT pilots (UK)

13–17-year-olds. Restrictive approaches judged disproportionate and hard to sustain

53

eSafety consultation (Aus.)

On implementation only. Predicted social media bans would adversely affect the most marginalised children

10–16

Girlguiding (UK)

A ban would fail to protect them; they would feel 'punished'. Advocacy survey

'Support us'

Osman et al. (Aus.)

Before the ban: aware of risks, children want platforms, government, schools and parents to support them

Where children are asked: they do not want to be left to the mercy of platforms, nor shut out, but supported, and that online spaces are safe for them.

Sources: Staksrud et al. (2026); European Commission (2026e); DSIT (2026d); Farquhar et al. (2025); Girlguiding (2026); Osman, Dezuanni and Genon (2025)

Social media restriction regulation and child participation

	Asked before the decision?	Did their views shape it?
Australia	No: not consulted on the law; modest consultation following the entry into force of the law	No: the Australian Human Rights Commission's rights concerns raised but not addressed
UK	Yes: national consultation, Growing Up in the Online World	Absent from the Prime Minister's announcement. Unclear how and if they will be integrated into the design of the final regulation
EU Kids Act	Yes: Youth Advisory Group, Special Panel, Safer Internet Forum, 26,000+ surveyed	Partly: in the design duties, not in the minimum age of 15 restriction

Sources: Farquhar et al. (2025); DSIT (2026a; 2026c); Sylwander (2026a); European Commission (2026e), Explanatory Memorandum and Recital 20

Australia

53

children consulted by eSafety, only on implementation, not on the law

No published human rights due diligence preceded the law.

What children told the government

1. **They predicted who would lose most**
   children in remote areas, trans and queer youth, home-schooled, disabled and chronically ill young people

2. **They predicted the adverse impacts on children's rights**
   connection, creative expression, identity exploration, access to mental health content

3. **They asked for practical fixes**
   a route to appeal, and accounts suspended until 16 rather than deleted

Sources: Farquhar et al. (2025); Australian Human Rights Commission submissions

Australia: an independent academic consultation with children

“For young people social media is part of their everyday lives. It brings them joy, connects them with friends and helps them with schoolwork. They join communities, learn about the world and sometimes, just 'chill out'. They are aware of the risks and challenges and they want adults collectively – the platforms, the government, educators, other social media users, and their parents and carers – to support them to have quality experiences online.”

(Osman, Dezuanni, & Genon, 2025)

UK: consulted, then not yet heard

300+

13- to 17-year-olds in government pilots judged restrictive approaches disproportionate, disruptive and harder to sustain

Most sharply among older teenagers who need autonomy (DSIT, 2026d)

Instead of a ban, children asked for

- Platforms redesigned to be age-appropriate
- Not compulsive
- Effective age gates
- Clear content labelling
- Transparency over algorithms
- Media literacy in schools

A ban would leave them feeling **‘punished’**, said 10–16-year-olds (Girlguiding)

Sources: DSIT (2026a; 2026c; 2026d); Sylwander (2026a); Girlguiding (2026), advocacy survey

EU Kids Act: what young people said

Who was consulted

26,000+ 13–18-year-olds, plus 12,000+ parents, in all 27 Member States (Eurobarometer)

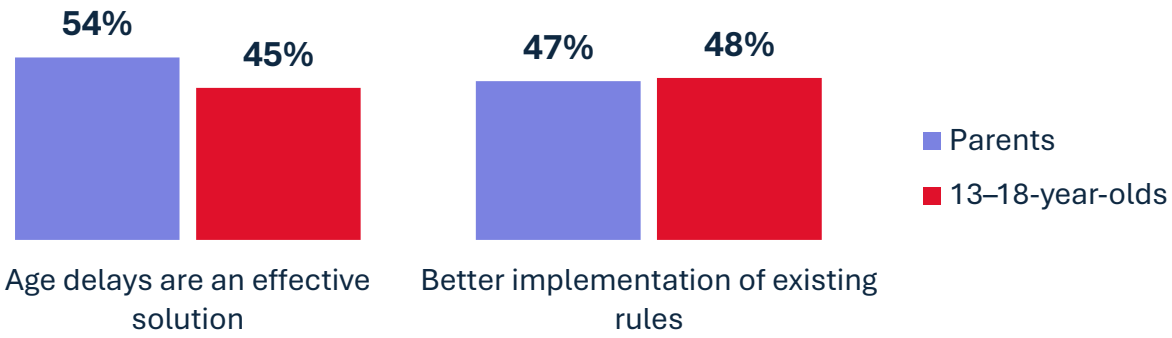
30+ young representatives on the President's Youth Advisory Group

200+ participants at the Safer Internet Forum 'Why age matters': young people, civil society, industry, authorities

Panel youth ambassadors and child participation platforms took part in the Special Panel

9 in 10 adolescents had seen at least one harmful or distressing piece of content online in the past three months

Adolescents trust age delays less than parents do



Youth representatives stressed the responsibility of digital services to provide safe, age-appropriate services, and called for safety by design: age-appropriate defaults, recommender systems, interface design.

Source: European Commission (2026e), EU Kids Act proposal COM(2026) 681, Explanatory Memorandum pp. 7–8 (Eurobarometer, March–April 2026)

EU: how were children heard?

13

Special Panel: restrict access below 13, conditional and time-limited

15

Kids Act proposal: minimum age for autonomous accounts

Reflected in the proposal

Platform responsibility and safety by design: design duties, reporting and remedy (Arts 18–21)

Not traced to children's views

The age of 15, justified by developmental evidence and harmonisation (Recital 20)

Children were heard. The proposal does not show how their views were given due weight in setting the age.

Consultation shaped the design of restrictions more readily than the decision to restrict.

Sources: Fegert and Melchior (2026), Special Panel Co-Chairs' report; European Commission (2026e), COM(2026) 681, Arts 6–7, 18–21 and Recital 20

Adverse impacts on children's participation and access to information in Australia

51%

get less news

45%

have fewer chances to share views or act on issues that matter to them

Both: children whose accounts were deleted (Notley et al., 2026)

At three months (eSafety)

86% → 82%
of 10–15s still used age-restricted social media

65% · 20% · 12%
not affected · harmed · benefited

33% → 23%
parents aware of their child's use

"Protect kids with safeguards, not silence." 15-year-old plaintiff

Sources: Notley et al. (2026); eSafety Commissioner (2026c), Early Days, Early Insights; Sharma (2025)

Participation rights live in the digital environment

Art. **12**

Be heard

Art. **13**

Expression

Art. **14**

Thought, conscience, religion

Art. **15**

Association and assembly

Art. **16**

Privacy

Art. **17**

Access to information

545

children in 22 countries

described digital spaces as where they find news, organise and take part in civic life.

Sources: UNCRC Arts 12–17; General comment No. 25 (2021); DFC/OHCHR/5Rights consultation (participation broadly, not bans)

Restrictions on Articles 13 and 15 must be provided by law and necessary for a legitimate aim. Is there a less restrictive way?

BAN compared with

an unregulated status quo or an environment with a lack of effective regulation

A ban seems like the necessary and responsible option—but will it work?

BAN compared with

age-appropriate design and child rights by design regulation

Necessity of a ban is not immediately obvious if this is effectively implemented

Less restrictive measures exist and are in force elsewhere.

Children keep calling for governments to make the platforms safe for them rather than keeping them out.

Sources: UNCRC Arts 13(2), 15(2); our CRIA analysis; DSA Art. 28; Brazil ECA Digital (Lei 15.211/2025)

Child rights by design approach

Two features that matter here

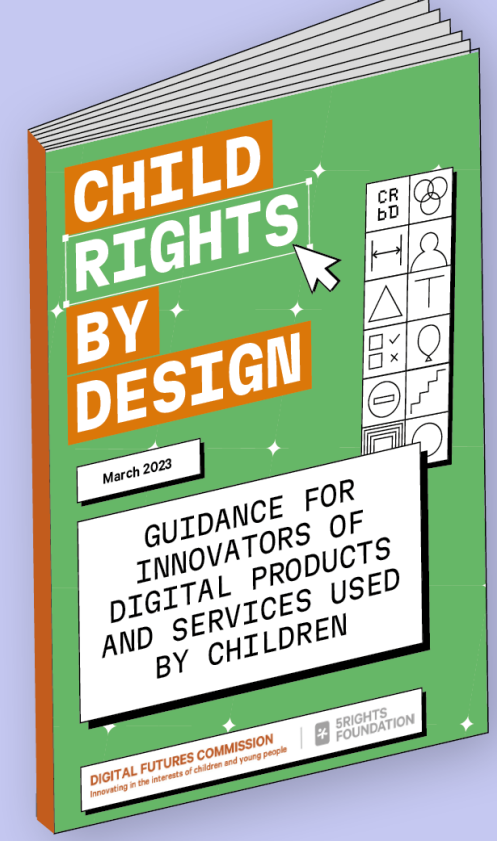
1 Rights-holistic

Safety without giving up expression, information, association, play and privacy.

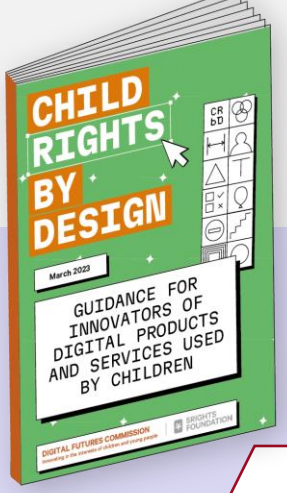
2 Participation as method

Children's views shape services and the rules that govern them, and children hear what difference their input made.

3 By-design and by-default



Sources: Livingstone and Pothong (2023), Child Rights by Design; Fegert and Melchior (2026), Special Panel Co-Chairs' report; European Commission (2026d)



Child rights by design

1. Equity & diversity

Do you treat all children inclusively, fairly and provide for diverse needs and circumstances?

2. Best interests

Are children's best interests a primary consideration in policy or product design?

3. Consultation

Are children meaningfully consulted in developing your policy or product?

4. Age appropriate

Is your policy or product appropriate for child users or adaptable for different ages?

5. Responsible

Do you comply with laws and policies relating to child rights and provide needed remedies?

6. Participation

Do you enable children's access to information and expression in digital publics?

7. Privacy

Have you adopted privacy-by-design in policy or product design and use?

8. Safety

Have you adopted safety-by-design in policy or product design and use?

9. Wellbeing

Does your policy or product enhance not harm children's physical & mental health?

10. Development

Do you enable children's learning, imagination, play and belonging?

11. Agency

Do you prioritise children's decisions over exploitative features and business practices?

Digital Futures For Children
Research at LSE and 5Rights Foundation

childrightsbydesign.5rightsfoundation.com

Following a child rights by design, and CRIA informed approach

1

Consult before deciding, and be transparent

Say what children said, and how it shaped the decision, including the age chosen.

2

Child Rights impact assessments

Also considering alternative regulation and considering the differentiated impact on different children

3

Burden should be placed on companies and governments

not children and their parents/caregivers