Protecting children online should not come at the expense of silencing them

Eurochild Position Paper

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Putting children at
the heart of Europe

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Introduction

Banning children from social media may sound appealing — but it's not the right solution. For decades, social media has offered innovative, educational, social, and creative opportunities that have drawn the attention of media and policy-makers. Recently, however, online risks to children have occupied the political and societal debate, especially related to harmful or illegal content, sexual abuse, exploitation, cyberbullying, addiction, mental health effects, etc. Growing concerns about these risks have led some policymakers to propose rising the age of access to social media platforms across the EU, adopting a "Digital Age of Majority" – which would de facto ban children under 15 or 16 from those platforms. Eurochild believes that such prohibitions seriously limit children's rights and are not only ineffective but could potentially exacerbate the risks. Instead, a child rights-based, evidence-based, and multi-stakeholder approach should be pursued to create a safer online environment for all children.

Children's participatory, protection and provision rights

Access to the internet and digital products and services is not merely a matter of benefitting from entertainment or exploring the learning benefits for children – it is crucial to enable their right to freedom of expression, information, education and participation. Children hold the same rights offline and online under the UN Convention on the Rights of the Child (UNCRC) – and therefore all European countries, as signatories to the UNCRC, have the duty to protect those rights equally. The UNCRC General Comment No. 25 (2021) further clarifies this, recalling the importance of a wide range of children's rights in the digital environment and warning against exclusionary approaches that limit access in the name of protection, stating that safety should not come at the expense of participation. It calls on States to promote digital inclusion and ensure that digital environments are designed to uphold both participation and protection, especially for vulnerable children.

Accordingly, the General Comment refers to the right to access the internet (principle of non-discrimination), to information (art 17) and to expression and opinion (art 13). Children's rights to information and to freedom of expression guarantees that children are able to access a wide range of information that is age appropriate to them, only to be restricted in necessary cases to safeguard their own rights and wellbeing. Children also have the right to have their views taken into account in all matters affecting them (Article 12). The right to education (art. 28) not only guarantees their right to have equal access to educational resources online but also to receive digital literacy and skills education, which is key to ensure they can navigate

the digital spaces safely and anticipate and respond to online harms. Finally, the General Comment recognises the right of children to play as an integral part of their development (Article 31). All of these rights should be equally guaranteed offline and online.

In today's connected world, digital platforms serve as critical venues for learning, social interaction, creativity, and civic engagement. Denying children access to these spaces would significantly restrict their right to access information and undermine their ability to participate meaningfully in society, especially in countries where those rights are already limited. It would effectively limit their ability to develop digital competencies and social skills and threaten to widen educational inequalities. In addition, access to social media and online platforms can even enable children's right to safety and protection from all forms of abuse (Article 19), as it provides access to helplines, hotlines and other reporting mechanism. Online environments can indeed also be a lifeline for vulnerable children.

Blanket bans are ineffective and counterproductive

Article 8 of the EU General Data Protection Regulation (GDPR) already sets the legal age for children to consent to the processing of their personal data at 16 by default, but providing freedom to Member States to lower this age to a maximum of 13 years old[1] – however with varied levels of enforcement. The US Children's Online Privacy Protection Act (COPPA) also sets 13 as the age below which parental consent is required. This has resulted in de facto harmonisation with online platforms using 13 as the baseline age for access without parental consent across the EU. This proves that online platforms will seek ways to, in practice, lower the age of access as much as possible irrespective of national law.

Our research shows that children go on social media for the first time at the average age of 9.6 year old[2]. This reinforces the idea that whether the minimum age is set at 13 or 16, children will continue to seek digital connection, learning, and entertainment. If banned from mainstream platforms, children are most likely to either bypass any age verification barrier and remain covertly on social media (i.e., using a VPN and connecting from other regions in the world with lower age thresholds) or will move to riskier and less supervised platforms (i.e., non-compliant platforms). In any case, this will not only expose them to more harm, it may also discourage them from reporting or seeking help when faced with abuse or harm.

A social media ban risks creating obscure spaces where perpetrators can harm children more freely, as they remove the incentive for major platforms to design age-appropriate and safe experiences, almost rendering digital spaces adult-only, but still accessible to children 15 – 17 years old. Rather than exclude children, policy should promote the creation of online

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[1] In the EU – Czechia, Denmark, Ireland, Latvia, Poland, Spain Sweden. This information is provided by the EU Agency for Fundamental Rights, dating of 2017 – might have been subject to change.
[2] ECPAT International, Eurochild & Terre des Hommes Netherlands. (2024). Speaking Up for Change: children's and caregivers' voices for safer online experiences.

environments where they can thrive safely—spaces that foster community, learning, and creativity.

Empowering children online through safety-by-design

The legal framework at EU level has the potential to address the risks faced by children online through mandatory safety- and privacy-by-design principles, provided those regulations are properly adopted and implemented and some regulatory gaps are filled.

With several provisions aimed at protecting children online (risk assessment and mitigation, removal of illegal content, high privacy, safety and security, ban of targeted advertisement and dark patterns), the Digital Services Act is already a good step forward in the right direction. The Audiovisual Media Services Directive requires video-sharing platforms to protect children from programs, videos and commercial communications that could negatively impact their physical, mental or moral development. However, enforcement by regulators and compliance by online platforms have been far from satisfactory in these two fronts – which may have arguably led to policy and decision-makers feeling 'powerless' to protect children online and turn to social media bans as the only solution.

For specific and more severe forms of harm, the EU has the opportunity to build safer digital environments with the Recast Directive on combating the sexual abuse and sexual exploitation of children and child sexual abuse material – which could, for instance criminalise AI Generated CSAM – and the Regulation laying down rules to prevent and combat child sexual abuse. However, Member States working on these files show a lack of commitment to protecting children's rights. The Regulation could, if successful, contribute to a safer environment for children's rights online, by mandating online platforms to identify and prevent the risks of their services being used to disseminate CSAM while proactively detect, remove and report such material.

Lastly, the upcoming Digital Fairness Act could provide a good opportunity to fill the gaps in children's protection online, by enhancing consumer protection through safety-by-design approaches to addictive design and dark patterns, among others.

Policy-makers have recently regulated to ensure that online child safety is the responsibility of social media companies across Europe. Online platforms have proven to have the means and knowledge to provide safe experiences to children using their services. As technological and legal solutions to build safer spaces exist, of which some of them are already operational, banning approaches would not only be unnecessary, but also one step backwards.

Policy recommendations

- **Provide child-rights based solutions** that do not disproportionately restrict children's rights online.
- **Support safety-by-design regulation** that prevents online risks and builds on the responsibility of the online platforms to provide child-rights respecting services.
- Encourage **digital literacy initiatives** for children, parents, teachers and professionals working with children.
- **Strengthen the accountability and transparency of online platforms**, including by strengthening the requirements and scrutiny of VLOPs risk assessment reports under the DSA obligations.
- Ensure meaningful **child participation** in digital policies and design.

Banning children from online services, especially social media, is not an appropriate solution for a much more complex issue. It undermines children's rights and risks having negative impacts on their well-being. A more nuanced, evidence-based strategy that emphasizes protection, participation, and empowerment is not only more effective—it is also a legal imperative for the EU under the EU Charter of Fundamental Rights and for EU Member States as signatories of the UNCRC. Policymakers must rise to the challenge and safeguard children without excluding them from the safe digital spaces they are entitled to shape and enjoy.

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