PREVENTION BY DESIGN

FROM VOLUNTARY SELF-REGULATION TO A STATE DUTY OF CARE

Building a Child-Safe Digital Environment through Access Rules, Design Duties and Ecosystem Accountability, and Bright Line School Rules

Comparative Policy Analysis and Recommendations based on a 40-country legal database, 10 regional frameworks, 12 UN instruments, and school phone policies in 110 countries

SEPTEMBER 2026

C-LAB FOR CHILDREN

PREVENTION BY DESIGN

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Foreword

Justice, at its foundation, is a matter of balance. For most of human history, this balance has been tested at a scale we could see and govern, be it a household, a community, an industry or a courtroom. The instruments of harm were physical, emotional or mental, their reach limited, and the guardrails, law, custom and community, could be built to match. **Following rules has always been part of that balance. Rules create responsibility and compliance is a duty.**

That balance no longer holds for the world's children. In the span of a single generation, the environment in which our children grow up has been rebuilt around a machine that fits in a pocket and reaches, without pause, into every waking hour. It has disrupted childhood, child development, child rights and child protection, leaving children vulnerable to unprecedented harm. **The digital world has expanded the scale of harm, while systems for preventing it have not kept pace.**

This July, Just Rights for Children's partner in West Bengal rescued two girls aged 11 and 12 years. These not-yet-teens believed they were going to South Korea via Bhutan to become the next big K-pop idols. They had been groomed by a person on the social media platform Pinterest. They were encouraged to learn Korean and added to an online group that gave them travel plans. The girls were warned against informing their parents of their interest in K-pop, their online conversations and the travel details. These two best friends kept the promise. They left their homes with an unknown woman they had 'met', trusting her over their family. The girls were rescued before they crossed the border into Nepal, due to the swift complaint by their parents and prompt and coordinated action by the police, the cybercrime units and the Just Rights for Children partners. The digital platform had already harmed the children. The protection mechanism on the ground came together to rescue the girls.

The unfortunate part is that this case is singular. We are unable to protect the hundreds of thousands of children who are groomed, trafficked, exploited and abused across social media platforms. We manage to protect only a very few. **The question that follows is simple: why should society respond only after the harm occurs? If a company can identify risks before they reach a child, it should be expected to act before a child becomes a case. Child safety cannot be measured only by how quickly an institution responds after an incident. It must also be measured by what it did to prevent that incident in the first place.**

A stranger can groom a child from miles away. Harmful content can find its way to a child through a recommendation, a search or an advertisement. Online harm and abuse content creates demand for real-life abuse and violence. An algorithm can keep feeding a child increasingly disturbing material. A feature designed to keep an adult scrolling can be even harder for a child to resist.

These are not incidental costs of an otherwise neutral technology. They are, in case after case examined in the pages that follow, the foreseeable and sometimes deliberately engineered consequence of design choices made by those who build these systems and of the states that have permitted those choices to go unchecked. The evidence gathered here, spanning 40 countries, a decade of legislative response and the testimony of courts as far apart as the US and India, tells a consistent story: the scale has tipped, and it has tipped because the guardrails have not kept pace with the harm.

To rebalance a scale, one does not merely acknowledge that it has tipped. One adds weight, deliberately and in proportion, to the side that has been neglected. That is the task this report sets for regulation. A statutory duty of care is not an act of hostility towards technology or towards the platforms that have done so much, genuinely, to connect, educate and empower the young. It is the weight that restores balance: an enforceable obligation that a child's safety be designed into a product before it is deployed, not promised after harm has already occurred. **It also places responsibility where it can be acted upon: on platforms and operators that design the systems and on institutions that regulate them.**

This report is grounded in the **Prevention by Design** principle. It applies the first principles of child protection and the rule of law to the architecture of technology itself. At the scale at which digital platforms operate, we cannot wait for millions of individual harms and then build millions of individual responses. We have to design systems that prevent harm before it occurs. **That requires robust policies for prevention, responsible and accountable institutions, greater awareness and responsibility within communities, local response frameworks and the use of technology for good, primarily to prevent harm, identify risk and connect children to protection.**

To protect our children and ensure they are safe and able to realise their full potential across all spheres of life, including online, a preventive measure is needed. For platforms and operators, it changes architecture, default settings, incentives, access conditions or distribution pathways before foreseeable harm can occur. Detection, removal and remedy remain essential; these are prevention by mitigation. They should not substitute for preventive controls. Access prevention is different from environmental protection: one regulates entry to a service, the other how the service operates once access is lawful. Neither substitutes for the other.

A prevention framework requires a culture of accountability in which compliance is understood as a duty to children and society, not simply a legal requirement to be met at the lowest possible cost. The larger good must come before higher profits when commercial design choices create foreseeable risks to children.

There is wisdom in knowing what we do not yet know. Much of the world is legislating now, but much of that regulation is still new, proposed or under discussion. There is not yet enough evidence to claim that one age threshold or one regulatory model has solved the problem. A serious legal framework must therefore allow itself to learn.

The rule of law is at its most powerful when it prevents harm before there is a victim to protect. In the physical world, we do this instinctively. The digital world cannot remain a place where we wait for harm to appear and then congratulate ourselves for removing what should never have reached a child in the first place.

The digital world is now a child's world. Its safety must therefore become a matter of law, design and accountability. Prevention must come before harm, platforms must be accountable and the rule of law must have the teeth to make that responsibility real.

Bhuwan Ribhu
Founder, Just Rights for Children

Executive Summary

If digital participation is now a default condition for children rather than a choice, and the harms they pose are widespread, the question is not whether children should be present in these spaces but whether the spaces are designed for their rights, safety, and development, and who bears responsibility for that design.

Nationally, reform is accelerating. Age-based restrictions on social media access have moved to the centre of this response. A few years ago, only a handful of countries were contemplating such measures. The landscape shifted once Australia became the first major jurisdiction to ban social media for under-16s in 2025; today, laws are under discussion, proposed, passed, or implemented in over forty countries (Database on Social Media Age Restrictions and School Smartphone Policies, 2026, shortened as Database 2026).

This report takes stock of the global movement toward age-based social media regulation and translates its lessons into a workable model framework, in three parts: first, a review of the literature on rising digital connectivity and the risks driving regulation; second, a map of the legislative landscape and its key trends, including what is working and where the roadblocks lie; and third, a model framework for regulating children's access to social media, built on that evidence.

Across the forty countries tracked in the database 2026, the direction of travel is unambiguous: the protection of children on social media has moved decisively from a matter of voluntary platform self-regulation to a **binding legal obligation of the state**. Not a single government in the dataset now argues for continued self-regulation. Four legislative regulations are implemented (Australia, China, Indonesia, Malaysia), four more have been adopted by legislatures or executives (France, Turkey, Brazil, the United Arab Emirates), eleven formal proposals sit before parliaments, and a further twenty-two governments are in active discussion. Minimum-age thresholds cluster tightly at under-15 (twelve entries) and under-16 (twelve entries), suggesting an emerging international norm in the 15 -16 band; a convergence reinforced by the European Parliament's November 2025 resolution calling for an EU-wide minimum age of 16 and by the six-country *"Coalition of the Digitally Willing"* formed in February 2026.

The Centre for Legal Action and Behaviour Change (C-LAB) is focused on child protection through capacity building and creating expertise to implement the rule of law. Where most child online safety discourse asks how the state should respond once harm has occurred, this report responds to Just Rights for Children's founder, Bhuwan Ribhu's "prevention by design" prior question, *"why must harm occur at all before responsibility attaches?"*

This report makes an attempt to answer this core construct, and answers a design question, not a whether question: which combination of regulatory instruments best discharges the state's duty to protect children online, in a form most likely to survive legal challenge, while remaining faithful to the child rights framework? The evidence points to a hybrid architecture.

The report recommends a **five-pillar framework**:

(I) a tiered age architecture with a firm floor at 15, a supervised access band to 16, and graduated protections for all users under 18;

(II) mandatory design duties covering algorithmic recommendation, addictive design features, commercial profiling and default privacy;

(III) privacy-preserving, double-blind age assurance with strict data minimisation and mandatory destruction of verification data;

(IV) an independent enforcement architecture with revenue-linked administrative penalties, graduated escalation, and child-accessible remedy; and

(V) statutory guarantees of child participation, digital literacy investment, independent review, and protections for children. Each pillar is drawn from provisions already legislated or formally proposed somewhere in the dataset; nothing recommended here is untested.

On school smartphones, the report takes a clear position: **national bright-line restrictions on smartphones during the school day are strongly supported** and should accompany the social media framework. Fifty-two of the 110 countries tracked have adopted national legislative bans, thirty-one more have issued national guidance, and sixteen operate binding subnational bans. Unlike social media access bans, school phone rules have generated minimal rights-based controversy in the dataset: they are time- and place-limited, they restrict a device rather than expression, they apply equally to all pupils, and they are consistent with the child's rights to education, rest and development. The school is precisely the kind of bounded environment where a bright-line rule is proportionate, enforceable and rights-respecting, and where the evolving-capacities analysis that complicates outright social media bans does not bite in the same way.

Finally, the report classifies all forty countries by regulatory intent. **Nineteen countries show high intent** (a binding measure adopted or a bill formally before the legislature), **fourteen show moderate intent** (a government commitment with a defined threshold or active drafting), and **seven remain at a emerging or nascent stage** (exploratory statements or consultations without a settled threshold). The classification, with its evidentiary basis for every country, appears in Section 8 and Annex A.

1

Introduction

The world today is more digitally connected than at any point in history: three-quarters of the global population now uses the internet (WeProtect Global Alliance, 2025). Young people lead this expansion. Their internet use outpaces other age groups by roughly 13 per cent, and digital device use now begins before age ten (WeProtect Global Alliance, 2025). Jonathan Haidt (2024) captured this shift in The Anxious Generation, arguing that since the early 2010s a *"play-based childhood"* has given way to a *"phone-based childhood."* For most children today, the digital world is not a space they choose to enter but the environment in which everyday life already takes place.

Within this landscape, social media, *"digital platforms enabling user interaction and content sharing,"* occupies a central position (UNICEF, 2025a). Woven into children's daily lives, it is a space for recreation, self-expression, learning, entertainment, health information, friendship, civic participation, and identity exploration (5Rights Foundation, 2021; UNICEF, 2025a; Vijayakumar & Sawyer, 2026). For marginalised children especially, these platforms can bridge social and geographic barriers, widen access to services and learning, and amplify voices that might otherwise go unheard.

Alongside these opportunities run serious risks, intensifying as technology evolves, AI and generative AI emerge, and connectivity widens (UNICEF, 2025a). Social media can expose children to harassment, technology-facilitated sexual and gender-based violence, child sexual exploitation, grooming, trafficking, cyberbullying, gambling, and violent, sexual, or hateful material. It can drive behavioural and cognitive harms, including sleep deprivation, attention fragmentation, and compulsive or addictive use, and psychological harms, including loneliness, social comparison, social contagion, low self-esteem, anxiety, depression, eating disorders, self-harm, and suicidal ideation (Ehmke, 2026; Haidt, 2024; UNGA, 2023; Vijayakumar & Sawyer, 2026). These concerns have become a global public health issue in their own right.

If digital participation is now a default condition for children rather than a choice, and the harms are this widespread, the question is not whether children should be present in these spaces but whether the spaces are designed for their rights, safety, and development, and who bears responsibility for that design. The international consensus holds that keeping children safe online is a duty shared across stakeholders, from the state to business enterprises and technology companies (UN Human Rights Council, 2024).

This recognition is beginning to shape state conduct. The Global Digital Compact commits governments to a safer digital future, framed as a shared undertaking with the private sector, civil society, and the technical community rather than a task for states alone (United Nations, 2023). Nationally, reform is accelerating: WeProtect Global Alliance (2025) calls this a *"third wave"* of legislative activity.

The Indian Supreme Court's stage-setting decision supports a harm prevention approach in *Just Rights for Children Alliance & Anr. v. S. Harish & Ors.* (2024 INSC 716) defining the digital child-protection setting as one in which harm extends beyond completed transmission to the possession, storage, circulation and facilitation of child sexual abuse material.

Age-based restrictions on social media access have moved to the centre of this response. The case for them rests on a simple premise: leaving platforms to govern themselves has failed to keep children safe (UNICEF, 2025a). The approach remains contested. Critics note that much of the evidence is correlational, that bans can offer false security while pushing use underground, that the burden falls hardest on marginalised children, and that an access threshold alone does little to compel safer product design (UNICEF, 2025a). Adoption has nonetheless been rapid. A few years ago, only a handful of countries were contemplating such measures. The landscape shifted once Australia became the first major jurisdiction to ban social media for under-16s in 2025; today, laws are under discussion, proposed, passed, or implemented in over forty countries (Database 2026). The Database also reviews for a subset of countries the statutory framework on contractual capacity and parental consent, mandatory domestic reporting of CSEAM by platforms and intermediaries and norms of extraterritorial jurisdiction. This acceleration signals real concern, but also a regulatory pace that often outstrips the evidence on what actually works. That pace makes careful analysis urgent.

1.1 Purpose and Scope and Method

This report is prepared by Centre for Legal Action and Behaviour Change (C-LAB), an initiative of the India Child Protection. C-LAB is focused on child protection through capacity building and creating expertise to implement the rule of law. It provides technical and knowledge support to Just Rights for Children, an emerging global network of more than 250 civil society organisations working to end sexual crimes against children, specifically sexual abuse and child marriage.

This report builds on the real-world challenges and cases in protecting children online. It is written for policymakers, legislative drafters and child rights advocates designing national regulatory responses to the harms children experience on social media. Its purpose is prescriptive. It recommends a model regulatory framework, a deliberate and specific combination of instruments that most fully discharges the state's duty to protect children online, in a legally durable form, and consistent with the United Nations' Convention on the Rights of the Child (UN CRC).

1.2 Method

The analysis draws on a structured comparative database comprising four evidence sets:

(i) a country-wise legal database of forty countries' social media age-restriction laws, bills and policy commitments, recording rationale, key clauses, platform scope, age thresholds, penalties, legal challenges, status, and named proponents and opponents. Within this, a subset of countries was studied for statutory frameworks on contractual obligations and parental consent, local reporting of infringements by platforms and norms of extraterritorial jurisdiction;

(ii) ten regional and multilateral frameworks, from the EU Digital Services Act and the proposed Digital Fairness Act to the ASEAN Regional Plans of Action, the African Union Child Online Safety and Empowerment Policy, and the OECD's 2025 age-assurance landscape report;

(iii) twelve United Nations instruments, including CRC General Comments No. 16 (2013) and No. 25 (2021), General Assembly and Human Rights Council resolutions, the Global Digital Compact, and UNICEF's 2025 policy note on age-based restriction; and

(iv) a 110-country dataset of school smartphone policies classified across five models from national legislative ban to school-level policy.

Collectively these databases are referenced as Database on Social Media Age Restrictions and School Smartphone Policies, 2026 (shortened as Database 2026).

Three methodological commitments frame everything that follows. First, **the child rights framework is the analytical lens, not an afterthought**: every framework recommended here is tested against the CRC's twin obligations of protection from harm and respect for participation, expression, access to information, privacy and evolving capacities, with the best interests of the child as the primary consideration. Second, **no recommendation is speculative**: every element of the proposed framework exists, in legislated or formally proposed form, somewhere in the dataset, and its origin is cited. Third, **legal durability is treated as a child-protection and harm prevention value in its own right**: a protective law struck down, suspended, or unenforceable protects no child. The litigation record in the database is therefore read not as an obstacle to regulation but as design guidance for it. The review of the subset of countries of contractual and reporting obligations and extraterritorial jurisdictions becomes more tenable to ensure legal viability of analyses.

The grounding principles core to this report are that effective child protection requires intervention at multiple points in the digital ecosystem, including platform architecture, recommender systems, age assurance, reporting, and evidence preservation, rather than relying solely on post-circulation removal. The analyses proceeds on the premise that age restrictions cannot, by themselves, constitute a complete child-safety framework. Access rules determine who may enter a digital environment; they do not necessarily determine what that environment does once a child is lawfully present. Accordingly, the report examines age thresholds alongside platform design duties, privacy-preserving age assurance, enforcement and accountability mechanisms, and participation, equity, literacy and review safeguards. The methodology therefore evaluates regulatory measures not only by whether they restrict access, but by where in the causal chain they operate: whether they prevent foreseeable exposure, reduce amplification or contact, detect and remove unlawful material, preserve evidence, provide effective remedy, or address systemic failures by the entities controlling the relevant digital infrastructure. This distinction is central to the report's prevention-by-design approach.

The report draws comparatively on national legislation, draft legislation, regulatory instruments, judicial decisions, international standards and policy proposals captured in Database 2026. It distinguishes, where the available evidence permits, between measures that are enacted and operational, measures that have been proposed or are under consideration, and broader policy positions. The purpose is not to treat legislative adoption alone as evidence of effectiveness, but to identify the regulatory mechanisms that are sufficiently developed to inform a model framework and to assess their legal durability, administrative feasibility, privacy implications and compatibility with children's rights.

The recommendations that follow are therefore a synthesis rather than a claim that any single jurisdiction has already implemented the complete model. Each proposed element is anchored, where possible, in an existing legislative, regulatory, judicial or policy instrument identified in the comparative database, while the combination of those elements is designed to address the structural gaps identified across existing approaches.

Scope limitations are set out in full in Section 10. Two bear stating at the outset. The Database 2026 is proposal-heavy, with thirty-three of forty-one entries are not yet law in force, so parts of the observed convergence are convergence of stated intent rather than of operating regulations. And the database contains no outcome data: no entry yet demonstrates that any regulation has measurably reduced harm to children.

The recommendations are accordingly framed to be adaptive: they embed review clauses, evidence requirements and child participation so that frameworks can be corrected as the first generation of implementation evidence arrives, beginning with the independent review of Australia's Act mandated within two years of its December 2025 commencement.

2

The Normative Foundation: A State Duty, Not a Corporate Courtesy

2.1 The end of the self-regulation era

The single most consistent finding across the entire Database 2026 is the disappearance of voluntary self-regulation as a credible policy position. Across forty countries, ten regional frameworks and twelve UN instruments, no government, regional body or treaty body now proposes that platform conduct toward children be governed primarily by industry codes. The rationale columns of the country database record why: governments cite addictive design (Austria, Greece, the Netherlands, Canada), harmful and extremist content (Germany), online bullying and mental health harm (France, Australia, Canada, the United States), sexual exploitation (Brazil, Nigeria), criminal recruitment of minors through platforms (Ecuador, Sweden), and in the words of the Finnish adolescent-medicine academic an *"uncontrolled human experiment"* on the young. The Austrian government's framing is representative of the new consensus, the protection of children from algorithmic harm is described as a responsibility of politicians, analogised to tobacco and alcohol regulation.

2.2 Design duties begin with contracting norms, flowing into local reporting

The definitive design duty feature in the Database 2026 is the recurring design choice where statutory standards differ in the age threshold below which a child cannot independently form a binding contract with a platform. In the US, it is 14 years in Florida and 16 years in Ohio. Vietnam also has the same threshold. Indonesia has an escalating tiered threshold; on the other hand, India has fixed it at 18 years. While in Florida, the legal consequence in the absence of consent renders the contract itself prohibited; in Ohio (US), it imposes an affirmative duty on the platform/operator to deny access, and India treats an agreement entered into by a minor as void ab initio.

While Florida law treats the contract itself as prohibited in the absence of the required parental consent, Ohio law imposes an affirmative duty on the platform or operator to deny access where such consent has not been obtained, and India treats an agreement entered into by a minor as void ab initio.
Where the reporting for violations of child rights are identified by the platforms/operators, the normative behaviour is erratic. Jurisdictions differ as to whether the reporting duty runs to a domestic authority (where the child is), an international clearinghouse, or both. Similarly, timeliness ranges from diffused "as soon as" framing in US, Canada and Australia to a fixed and enforceable deadline (India, Philippines).

2.3 Regulation is obligatory, inaction is a breach

The legal foundation for this shift long predates it. CRC General Comment No. 16 (2013), on state obligations regarding the business sector's impact on children's rights, establishes four propositions that together constitute the seminal core of this report. First, states cannot outsource their protective obligations: voluntary corporate responsibility initiatives are welcome but are explicitly not a substitute for state regulation and enforcement. Second, the duty to protect is active: states must take all necessary, appropriate and reasonable measures, legislative, accountability, monitoring and enforcement measures, to prevent business from forming relationships/contracts with children, that can cause or contribute to violations of children's rights, and **legislative inaction is itself a potential breach of the Convention**. Third, platforms whose design choices such as algorithmic recommendation, addictive features, advertising targeting, cause or contribute to harm fall squarely within this obligation even where they commit no directly harmful act; paragraph 60 of the General Comment names the ICT industry and identifies cyber-bullying, cyber-grooming, trafficking and sexual exploitation as harms in which companies can be complicit through design and operational choices. Fourth, child rights due diligence by business is a state-enforceable obligation, not an aspiration; large platforms must be required to identify, prevent and mitigate their impact on children's rights and to report publicly on it. Fifth, mandatory reporting duties rest squarely with the platforms/operators, requiring explicit timeframes and a domestic receiving authority with or without international reporting obligations. Sixth, reporting mandates on CSEAM extend criminal jurisdiction to offenders operating from outside the reporting state.

The practical consequence for legislative drafting is profound. A state that relies on platform safety pledges, or that possesses evidence of design-driven harm and declines to legislate, is not merely making a contestable policy choice; on the Committee's reading of the Convention, it has a case to answer. The global legislative wave documented in Database 2026 is, in this light, states belatedly coming into compliance with obligations articulated in 2013.

2.4 The rights-balancing constraint

General Comment No. 25 (2021), on children's rights in relation to the digital environment, supplies the constraint on how. Its framework rests on five principles that any compliant regulation must internalise. Children hold simultaneous rights to protection from harm and to participation in digital spaces; any restriction must balance both, with the best interests of the child as the primary consideration. Age-appropriate measures must reflect children's evolving capacities, a developmental continuum, not a single cliff-edge, and must be informed by up-to-date multidisciplinary research. The preferred regulatory approach is platform accountability over exclusion: making digital spaces safe-by-design rather than simply removing children from them, through mandatory child rights due diligence, impact assessment, privacy-by-design and safety-by-design. And age-based systems must comply with strict data minimisation; children's data must never be used for commercial profiling.

A bright-line age limit may be necessary for enforceability, the Database 2026's own synthesis of acknowledges as much but it must sit within graduated protections across age bands, accompanied by design obligations that make the spaces children do inhabit safe, and by verification systems that do not themselves violate children's privacy. That is precisely the hybrid architecture this report recommends.

2.5. Children, parents and communities, mandate for restrictions

Public opinion across multiple countries and stakeholders is converging in the same direction as the legislative wave already under way: parents, and increasingly young people themselves, are asking for stronger limits on children's access to social media, not looser oversight of it. In the Netherlands, a survey found that 60 per cent of Gen Z respondents supported banning children from social media, and nearly

half of Dutch active social media users believed the platforms posed risks to their own mental health (NL Times, 2026). Similar surveys in Norway, Canada, supported government led restrictions for children under 16 (D'Mellon & Callan, 2026). The pattern holds across Europe at greater scale: a six-country YouGov survey (2026).

Parents of children under 18 were consistently among the strongest supporters of restriction, and women expressed higher support than men in most countries surveyed, a pattern consistent enough across jurisdictions to suggest it tracks who bears the day-to-day burden of managing a child's online life, rather than a one-off finding specific to any single country. This support has not remained confined to opinion polling; it has organised into advocacy, with civil society organisations, parents' groups, medical and mental health professionals, educators, and online safety organisations coalescing, often independently of government, behind age-based restriction as a policy demand in its own right. Australia's 36 Months and News Corp's Let Them Be Kids campaign, the American Federation of Teachers in the United States, and Smartphone-Free Childhood Switzerland are representative examples of a coalition that spans continents and professions but consistently arrives at the same demand.

2.6 The wider UN and regional acquis

The remaining instruments in the database thicken this foundation without altering its shape. UN General Assembly resolution A/RES/78/187 (2023), adopted by all 193 member states, affirms that children's rights must be protected in digital spaces and calls on states to strengthen legal frameworks. Human Rights Council resolutions of 2024 and 2025 urge states to adopt and implement legislation, identify child rights impact assessment as a tool of business responsibility, and encourage cross-border cooperation on enforcement. The Global Digital Compact (2024) commits states to strengthening legal and policy frameworks for children's rights online and calls on technology companies to respect human rights and provide access to effective remedy in line with the UN Guiding Principles on Business and Human Rights. The International Telecommunications Union Child Online Protection Guidelines distribute responsibility across platforms, governments, educators, parents and children themselves, a reminder, carried into Pillar V below, that legislation which places all responsibility on platforms without supporting parental and educational dimensions is likely to be less effective.

At regional level, the African Union's 2024 Child Online Safety and Empowerment Policy, the first continent-wide framework of its kind, anchors a whole-of-government approach and pairs protection with digital literacy and empowerment; the EU Digital Services Act imposes binding, enforced obligations on very large platforms, including an absolute prohibition on targeted advertising using minors' data; and the ASEAN Regional Plans of Action demonstrate that legislative harmonisation is achievable across profoundly different legal systems.

One instrument in the Database 2026 deserves particular mention because it cuts against enthusiasm: UNICEF's 2025 policy note, *"Drawing a Line in Digital Spaces"*, is cautiously supportive but non-prescriptive, warning that age restrictions alone are insufficient; that marginalised children, may be disproportionately harmed by bans that sever support networks. These cautions are not treated here as objections to be rebutted but as design requirements to be satisfied: each is addressed by a specific provision of the recommended framework in Section 5.

3

The Global Evidence Base: What Forty Countries Reveal

3.1 A legislative wave in motion

The forty-one entries in the country Database 2026 (the United States appears twice, for the Kids Off Social Media Act and the Kids Online Safety Act) distribute across four statuses: four regulations **implemented** (Australia's Online Safety Amendment (Social Media Minimum Age) Act, in effect since 10 December 2025; Indonesia's Government Regulation No. 17/2025, in effect March 2026; Malaysia's Online Safety Act, effective January 2026; and China's layered minors' mode system, in force since 2024-25); four **passed** (France's Proposition de loi n° 2107, approved by both chambers in different versions; Turkey's amendment law, passed by Parliament in April 2026 and awaiting presidential sign-off; Brazil's Lei 15.211/2025, the ECA Digital, in effect from March 2026; and the UAE's Cabinet Resolution No. 106 of 2026, issued in June 2026 with a twelve-month transition); eleven **formal proposals** before legislatures; and twenty-two countries **in active governmental discussion**. The tempo is striking: of the eight adopted regulations, seven were enacted or brought into force within the eighteen months preceding the database's last update.

3.2 A convergence on the 15-16 age band

Where a threshold has been set or proposed, the distribution is: under-13 (two entries, both US federal bills), under-14 (five: Austria, Germany, Costa Rica, Philippines, Thailand), under-15 (twelve: the Czech Republic, Denmark, Finland, France, Greece, the Netherlands, Poland, Slovenia, Sweden, Ecuador, Turkey and the UAE), under-16 (twelve: Norway, Portugal, Spain, the United Kingdom, Canada, Brazil, Australia, Fiji, Indonesia, Malaysia, New Zealand and the Republic of Korea), and under-18 (two: Zimbabwe and China, the latter through graduated minors'-mode rules rather than an access ban). Seven countries have not yet fixed a number, and Pakistan's is contested between competing proposals at 16 and 18. Twenty-four of the thirty-three entries with a stated threshold therefore fall in the 15-16 band, a convergence given supranational expression by the European Parliament's non-binding November 2025 resolution for an EU-wide minimum age of 16 (with parental-consent access from 13), by the France-Spain initiative for an EU-wide under-15 floor, and by the Coalition of the Digitally Willing (France, Denmark, Greece, Austria, Portugal, Spain), formed at the February 2026 World Governments Summit to press a common threshold into the EU Digital Fairness Act.

Three cautions attend this tally, flagged in the Database 2026's own change log. Some coded thresholds flatten tiered structures (Turkey's absolute ban to 15 sits beneath a supervised 15-17 band; Denmark proposes 15 with parental opt-in from 13; Portugal couples a digital majority of 16 with a 13-15 consent tier; Indonesia operates three bands). And a small number of coded values carry unresolved inconsistencies

with their own source notes (Norway, the Philippines, Brazil, and the classification of US Kids Online Safety Act (KOSA), which is a duty-of-care statute rather than an access ban). The convergence claim is robust to these issues. The tiers themselves cluster around 15-16 years but any citation of a single country's number should be verified against primary sources. Each of their age bands need to be read with the corresponding legal statutes on contracts, parental consent and social media use by children.

3.3 Five recurring components in the national frameworks

Reading the key-clauses column across all forty countries, five components recur so consistently that they amount to an emerging international template:

(1) Platform-side liability: in every adopted regulation, the legal obligation and the penalty attached to the platform, never to the child or parent. Australia's Act states this explicitly (no penalties for minors or parents); Norway's proposal makes providers responsible for effective verification; Poland, Ecuador and the UAE likewise place the compliance burden on companies.

(2) Mandatory age assurance beyond self-declaration, compliant with contractual obligations: Australia requires platforms to go beyond self-declaration; Portugal's bill prohibits self-declaration outright; the UAE resolution states that self-declaration will not be accepted; US COPPA invokes 'verifiable parental consent' taking into consideration available technology; Greece routes verification through a state digital-ID wallet, Portugal through the Chave Móvel Digital, Denmark proposes its national digital ID, and Thailand contemplates linkage to its smart-ID system. Tag affirmative duty of the platform on parental consent, supported by verifiable mechanisms, instead of self-declared consent.

(3) Design duties: Brazil bans emotional analysis, reward boxes and profiling-based advertising directed at minors and mandates measures against compulsive use; Costa Rica's bill would disable infinite scroll, autoplay, pull-to-refresh and dark patterns for under-18 accounts; the Netherlands' coalition agreement would ban addictive, polarising algorithms; South Korea's leading bill restricts algorithmic exposure of minors rather than banning accounts; USKOSA's duty of care targets design features linked to anxiety, depression, eating disorders and addiction-like use; the EU DSA's July 2025 guidelines address addictive design and default privacy.

(4) Dedicated enforcement architecture: Australia's eSafety Commissioner with privacy co-regulation by the Office of Australian Information Coordinator (OAIC), Brazil's Autoridade Nacional de Proteção de Dados (ANPD) with a Federal Police screening centre; Canada's proposed Digital Safety Commission, Turkey's Bilgi Teknolojileri ve İletişim Kurumu (BTK) with a graduated escalation ladder; Costa Rica's Superintendencia de Telecomunicaciones (SUTEL) with coordination roles for four further institutions, Malaysian Communications and Multimedia Commission (MCMC), the UAE's new Child Digital Safety Council coordinating two regulators. Bringing statutory provisions that require mandatory domestic reporting beyond discharge of international information sharing, and extend domestic criminal jurisdiction extraterritorially to offenders located outside the reporting state.

(5) Revenue-linked or substantial penalties: up to A$49.5 million per systemic breach (Australia); up to 3% of global turnover (Turkey); the greater of C$10 million or 3% of gross global revenue in administrative penalties, rising to C$20 million or 5% on indictment (Canada); €10,000 to €2 million scaled to company size (Portugal); fines up to 50 million reais plus suspension and, for repeated non-compliance, prohibition (Brazil); up to 5% of annual local revenue (Ecuador); up to RM10 million (Malaysia); up to 6% of global turnover under the DSA.

3.4 A field divided including against itself

The opponents column complicates any simple platforms-versus-children narrative, and it does so in a way that matters enormously for a child rights analysis: **the most sophisticated opposition to blanket**

access bans comes from within the child protection field itself. In the United Kingdom, forty-two child protection charities including the Molly Rose Foundation, the National Society for the Prevention of Cruelty to Childre (NSPCC) and the 5Rights Foundation issued a joint statement opposing a blanket under-16 ban as *"a blunt response"* that fails to address the successive shortcomings of technology companies and governments. In France, nine child protection associations urged lawmakers to hold platforms accountable rather than ban children. UNICEF entered cautions in the Czech, Danish, Polish and Australian records that bans alone will not keep children safe and may push them into covert, unregulated spaces. Turkey's principal opposition party opposed the ban on explicitly rights-based grounds, arguing children should be protected *"not with bans but with rights-based policies"*. In Australia, the service ReachOut reported that 73% of young people accessing mental health support do so via social media; the Australian Human Rights Commission called for protective measures to be balanced with children's rights; more than 140 academics called the ban *"too blunt an instrument"*; and most teenagers interviewed by Guardian Australia opposed it. Alongside this rights-based opposition sits the predictable commercial opposition (Meta, TikTok, Google, Snap and industry groups across a dozen entries), civil-libertarian opposition (the American Civil Liberties Union (ACLU), Electronic Frontier Foundation (EFF) and Public Knowledge against the US bills, digital rights groups across Europe), and privacy-specific opposition to verification infrastructure (Finland, Slovenia, New Zealand's ACT party).

For framework design, this map yields a decisive lesson: a regulation that consists only of an access ban will face a coalition of platforms, civil libertarians, privacy advocates, and most damagingly, children's organisations. A regulation that couples a tiered threshold with design duties, privacy-preserving verification and genuine child participation splits that coalition- it answers the child-sector critique (platforms are made accountable, children's spaces are made safer rather than merely emptied), the privacy critique (data minimisation and double-blind assurance), and much of the proportionality critique (gradation, exemptions, no penalties on children), leaving commercial opposition standing largely alone.

3.5 The litigation record: what gets challenged, and what does not

The legal-challenges column is sparse and its sparseness is the finding. Only two clusters of litigation appear across forty-one entries. In Australia, the Digital Freedom Project filed a High Court challenge on 26 November 2025 and Reddit followed on 12 December 2025, arguing the Act infringes the implied freedom of political communication; the cases proceed jointly, with a preliminary hearing set for 21 May 2026, and the Commonwealth supported by New South Wales, South Australia and Western Australia defending the law as justified by child protection. In the United States, most state social media bans face First Amendment challenge: Arkansas's and Ohio's laws have been permanently blocked, and the California, Florida and Georgia measures are halted pending litigation. Every challenged instrument is an access-restriction law. No design-obligation framework in the dataset, not the EU Data Security Addendum (DSA), not Brazil's ECA Digital (Law No. 15,211/2025), not Malaysia's Online Safety Act, not the Korean algorithm bills, records a legal challenge; and the DSA is being actively enforced, with the European Commission finding Meta in breach in April 2026 for failing to exclude under-13s from Facebook and Instagram, and Snapchat under investigation.

The Indian Supreme Court's seminal decision in *Just Rights for Children Alliance v. S. Harish* (2024 INSC 716) marks a significant advance to online child exploitation, globally. Adopting a child-centric interpretation of the Protection Of Children from Sexual Offences Act, the Court held that the possession, storage, downloading, or viewing of **Child Sexual Exploitation and Abuse Material (CSEAM)** constitute a criminal offence, closing an interpretive gap on consumption of exploitative material. The Court's rejection of the adult indulgent term 'child pornography' in favour of CSEAM is equally significant: it reflects a rights-based, victim-centred understanding that such material is evidence of a child's sexual abuse, and that every act of accessing it renews the child's victimisation rather than merely documenting a past harm. The case is significant as the Court conditioned platforms' safe-harbour immunity on proactive detection, removal, and reporting rather than a post-facto response,

making legal protection turn on what a platform structurally prevents, not what it promises to do once harm has already occurred. The case takes on reporting obligations noting that reporting to international body, does not discharge a platforms' obligation to respond to domestic authorities where domestic law independently requires such reporting.

The bellwether trial in *In re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation,* No. 4:22-md-03047-YGR found Meta Platforms, Inc. and Alphabet Inc. (YouTube) negligent for design choices that substantially contributed to the depression, suicidal ideation, and body dysmorphia. The case is significant as it is direct evidentiary proof of the sign-without-guardrail failure, lends litigation-tested support to the design-not-speech theory of legal durability, and illustrates why a statutory duty of care is a more predictable instrument than case-by-case litigation.

These two precedent-setting case laws standout on child protection, statutory duty of care, design consequences, and accountability chains. Section 4 draws on these consequences.

4

Why Hybrid Frameworks Survive: A Legal Resilience Analysis

Legal durability is not a outlier; it is a child protection outcome. The Arkansas and Ohio statutes protect no child today. This section reads the Database 2026's litigation and adoption record as design guidance, and extracts six features that together maximise a framework's prospects of surviving challenge, noting, where the record is thin.

4.1 Regulate the platform's conduct, not the child's speech

The US injunctions and the Australian constitutional arguments share a common structure: they treat access bans as burdens on expression and political communication. Design duties are differently situated. An obligation to switch off autoplay for a fifteen-year-old's account, to refrain from profiling a child for advertising, or to conduct and publish a risk assessment regulates the platform's commercial and engineering conduct, not the content of anyone's speech. This is the structural reason the DSA's Article 28 advertising prohibition, Brazil's profiling ban and South Korea's algorithm-restriction approach have drawn no recorded challenge while access bans have drawn several. A framework should therefore carry as much of its harm prevention and protective weight as possible on conduct-and-design duties, reserving the access threshold for the narrower function it performs best: creating a clear, enforceable floor.

4.2 Graduate the restriction to the developmental continuum

Proportionality analysis whether under constitutional free-expression doctrine, the European Convention, or the CRC's own best-interests balancing asks whether a less restrictive means could achieve the harm prevention and protective aim. A single cliff-edge at 16 is maximally exposed to that question; a tiered structure that prohibits below a floor, permits supervised access in a middle band, and applies design protections to all minors demonstrates on its face that the legislature considered and calibrated less restrictive means. Turkey's 15/15-17 structure, Indonesia's three bands, Denmark's parental opt-in from 13, Portugal's 13-15 consent tier, Costa Rica's dual framework and the European Parliament's 13-16 consent model all support this. Gradation is simultaneously the constitutional answer to evolving capacities made operational.

4.3 Put the burden and the penalty on the platform

Every adopted framework in the Database 2026 penalises platforms and immunises children and parents. Australia writes this into the statute. The choice matters legally (a law that punishes children for their own protection invites both rights and proportionality objections), practically (enforcement against

millions of families is impossible; enforcement against a handful of firms is not), and normatively (General Comment No. 16 locates the duty with the state and the responsibility with the business whose design choices create the risk). Review of contractual obligations with parental consent oversight, mandatory domestic reporting and jurisdictions for extraterritorial criminal incidences, as rigours of duty to deliver and care, not prohibitionist policies.

4.4 Build the exemptions in, precisely

Overbreadth is the recurring vulnerability. The UK Lords amendment was criticised for potentially capturing online games, WhatsApp and Wikipedia; Reddit's Australian challenge argues it is a forum primarily oriented to adults; Portugal drew criticism for the opposite defect, a two-platform scope considered too narrow. The better-drafted instruments define social media functionally, e.g., Norway's definition (public profiles, networked connection, user-content dissemination without editorial control) paired with express exemptions for marketplaces, closed education and civic groups, and messaging; New Zealand's purpose-based definition with a regulation-making power to add services; Ecuador's functional definition with certified child-safe versions exempted; Australia's exclusion of messaging, gaming, education and health services such as YouTube Kids and Headspace. Precise functional scope with enumerated exemptions narrows both the constitutional target and the practical collateral damage to beneficial uses.

4.5 Make verification privacy-preserving

The Database 2026's privacy-based opposition whether it is Finnish and Slovenian digital rights advocates warning of surveillance infrastructure, New Zealand's ACT party refusing to support compelled hand-over of identification to platforms, or Dutch concern about biometric verification, previews the second generation of litigation risk. The answers already exist in the dataset: the European Commission's July 2025 DSA guidelines endorse double-blind age assurance, in which neither the platform nor the verification provider learns the user's identity; the Organisation for Economic Cooperation and Development's (OECD) 2025 report insists that **data minimisation is non-negotiable**, that verification systems must not create centralised databases of children's identities, that age assurance (an estimate sufficient for the policy goal) can be less intrusive than full identity verification, and that no single technology is reliable across all ages, like facial estimation being least reliable precisely for teenagers; and Australia's Act pairs its verification duty with a mandatory data-destruction obligation carrying the same A$49.5 million maximum penalty as the age obligation itself. A framework that legislates the verification duty without legislating these safeguards converts its child-protection statute into a data-protection liability.

4.6 Legislate humility: review clauses and evidence duties

As there is no outcome evidence yet, the honest legislative posture is a strong framework with built-in self-correction. Australia mandates an independent review within two years of commencement; the UK is piloting interventions with 300 teenage households before full implementation; Sweden proceeds by formal inquiry; Germany's commission reports in autumn 2026; US KOSA would commission at least five scientific studies and a feasibility study of device-level verification. Review clauses are not weakness. They are what distinguishes a rights-respecting protective framework from a moral panic given statutory form and they materially assist a court asked to defer to the legislature's judgment.

The durability inference rests on a small number of cases in dissimilar constitutional systems; US First Amendment doctrine does not travel, and Australia's High Court has not yet ruled. If Australia's Act is upheld and its two-year review reports reduced harm without significant displacement, the legal case against bright-line access bans weakens considerably. The recommendation for a hybrid framework does not depend on bans being unconstitutional; it depends on hybrids being *more protective, more rights-consistent, and more robust under every scenario*, which the next section sets out.

5

The Recommended Framework: Five Pillars

5.0 Prevention-by-Design

Before setting out the five pillars, this report establishes the standard against which each of them is judged. That standard is drawn from Just Rights for Children founder Bhuwan Ribhu's construct of **prevention-by-design**, articulated most precisely in a single distinction, *"A guardrail on a mountain road is prevention by design. A sign that reads 'drive carefully' is not"* (Ribhu, 2026). The distinction is structural rather than semantic. A guardrail changes what is physically possible; a warning sign changes nothing except what a user has been told. Applied to platforms, this reframes a question this report has approached so far mainly through legal durability and rights-balancing: not merely whether a regulatory instrument exists, but whether it structurally prevents harm from occurring, or merely responds to it once it has already reached a child.

"Taking down harmful content after it has already circulated is a response to harm, not protection against it. Real protection means designing the platform so that such content cannot reach users in the first place" (Ribhu, 2026). Thus, detection-and-removal, on this account, is the warning sign. It documents harm after the fact and may deter some future conduct, but it does not change what the platform's architecture makes possible in the interval before removal, an interval in which paid advertising, algorithmic amplification, and monetised distribution have already done their work.

This is further grounded into **the fail-safe construct** by Ribhu (2026) that social media platforms and AI systems carry no equivalent 'fail-safe' mechanism built into every stage of their operation. This is a stronger claim than *"safety by design"* as it has generally been operationalised in the national frameworks surveyed in Section 3: it asks not whether a platform has a safety feature somewhere in its product, but whether every stage of the product's operation, discovery, recommendation, advertising, monetisation, distribution, carries a structural safeguard proportionate to the harm that stage can produce.

Ribhu (2026) layers this with **the accountability chain** extending liability beyond the point of content creation or even hosting, to every commercial actor whose systems make the harm findable, payable for, or profitable, a chain considerably longer than the platform-liability model most of the forty countries in the Database 2026 currently impose (Section 3.3).

For the purposes of this framework, prevention-by-design should be distinguished from mitigation, detection and remediation by reference to the point at which the intervention operates. A measure is preventive where it changes the architecture, default setting, incentive structure, access condition or

distribution pathway before a foreseeable harm occurs. A measure is mitigative, where it reduces the severity or probability of harm after a user has entered the relevant system. Detection, removal and remedy remain necessary components of child protection, but they should not be treated as substitutes for preventive controls where the risk is reasonably foreseeable.

Prevention must also remain proportionate to the risk addressed and calibrated to the least restrictive measure reasonably capable of achieving the protective objective. Where two interventions provide materially equivalent protection, the intervention imposing less restriction on children's rights to expression, information, association, privacy and participation should be preferred.

The framework therefore recognises two distinct objects of prevention: access prevention and environmental prevention. Age thresholds and consent requirements regulate whether and under what conditions a child may enter a service; design duties regulate what the service may do to a child once access is lawful. Neither can substitute for the other.

Structured on the **prevention-by-design** principle, this section sets out the recommended national framework. Every provision is sourced to an instrument in the Database 2026; the framework is a synthesis of the strongest tested elements, not an invention. The five pillars are interdependent: the tiered architecture (Pillar I) is defensible only because the design duties (Pillar II) make the spaces adolescents inhabit genuinely safer; the age tiers are administrable only through the guardrails and assurance system (Pillar III); all of it is real only through the enforcement architecture (Pillar IV); and it remains rights-compliant only through the participation, remedy and review guarantees of Pillar V.

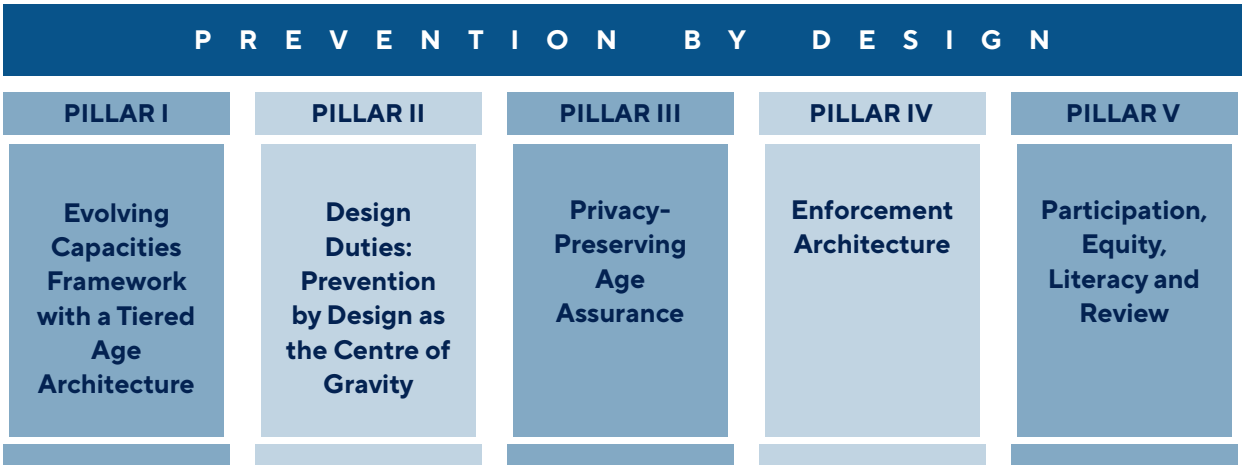


Fig. No. 1 Prevention by Design

5.1 Pillar I: Evolving Capacities Framework with a Tiered Age Architecture

Recommendation 1: States should legislate a statutory framework of contractual incapacity and parental consent duties for children's social media accounts that combines a graduated age structure with a risk-based service classification, and that renders non-compliant contracts void or voidable rather than merely regulatory infractions. Where parental or guardian consent is legally required, platforms should bear an affirmative duty to use a verifiable age-and-authority assurance mechanism which is privacy-preserving and reasonably designed to establish both the legal competence of the consenting adult and that person's authority to consent for the child. Self-declared age, an unverified assertion of parenthood or guardianship, or a click-through consent mechanism should not suffice. Impose affirmative duties of the platform supported by a verifiable non-privacy infringing consent mechanism rather than self-declared age or consent.

Recommendation 2: Establish a three-band structure in primary legislation: (a) an absolute floor with no social media accounts below age 15; (b) a supervised band from 15 to 16 year olds with access permitted only with verified parental or guardian consent, on accounts subject to the enhanced protections of Recommendation 4; and (c) a protected band from age 16 to 18 with full access, with the design duties of Pillar II applying to all users under 18. An evolving capacities framework with a tiered architecture is a guardrail against access; it is not, by itself, a guardrail against what happens to a child who is lawfully present in the supervised or protected band.

The floor of 15 sits at the centre of the international distribution (twelve entries at under-15, twelve at under-16) and matches the France-Spain EU-wide proposal, the Turkish absolute tier, the UAE resolution, and the Greek, Danish, Polish, Czech, Swedish, Slovenian, Dutch and Ecuadorian positions. The supervised band mirrors the European Parliament's 13-16 consent model, Portugal's 13-15 consent tier beneath a 16 digital majority, Denmark's opt-in from 13, Turkey's 15-17 supervised tier and Costa Rica's 14-18 framework. Countries whose politics or evidence support age 16 as the floor (the Australian, British, Canadian, Norwegian and Portuguese position) can implement the same architecture shifted one year upward; the structural recommendation with floor, supervised band, protected band, as invariant to that choice, and the framework's review clause (Recommendation 24) provides the mechanism to adjust the number as evidence accumulates.

Recommendation 3: Define regulated services functionally, not by name, and enumerate exemptions in the statute. Adopt the Norwegian functional triad of services enabling public personal profiles, networked connection between users, and storage and dissemination of user-uploaded content without editorial control, supplemented by New Zealand's regulation-making power to designate additional services as formats evolve. Exempt expressly: dedicated messaging services; online marketplaces and classifieds; educational platforms and services forming part of school curricula; health and counselling services; closed groups for education, leisure, and civic or political organisations; and certified child-safe versions of services meeting the design standards of Pillar II (following Ecuador, Costa Rica and Australia's exemption of YouTube Kids, Google Classroom and Headspace). This precision is both the constitutional safeguard of Section 4.4 and the guarantee that the ban does not sever the beneficial uses- learning, help-seeking, community.

Recommendation 4: Specify the supervised band's protections in the statute, drawing on Portugal and the UAE: accounts in the 15-16 band must be private by default; profiles must not be searchable; algorithmic recommendation must be non-addictive and limited to age-appropriate content; social metrics (likes, follower counts) must be hidden; interaction with unverified adult strangers must be restricted; and screen-time management and parental supervision tools mandatorily implemented. Parental consent must be express, verified, informed and revocable and meaningful rather than a click-through. This must be read as doing double-duty: supervised-access conditions but the mechanism by which the age architecture avoids becoming a sign that reads "you may proceed with caution" the moment a child crosses the threshold.

Recommendation 5: Place every obligation, and every penalty, on the provider. No offence, penalty or disability of any kind may attach to a child or to a parent (Australia's explicit model). Existing under-age accounts are to be deactivated in phases with data returned or deleted, following Indonesia's phased approach, and the US Kids Off Social Media Act (KOSMA) data-return provision with transition handled so as to avoid the abrupt severance of established support networks that Australian academics warned could itself cause harm.

Any deactivation regulation to include reasonable notice, accessible account-transition procedures and, where legally and technically appropriate, mechanisms for users to export their own content and preserve legitimate educational, creative or support-related materials. Tying this with explicit anti-

circumvention duty, through affiliated services, materially identical 'lite' versions, alternative web interfaces, rapid account recreation or other functionally equivalent access routes, to defeat age-verifications.

5.2 Pillar II: Design Duties: Prevention by Design as the Centre of Gravity

This pillar carries the framework's main protective weight, applies to all users under 18 regardless of the access tiers, and is the direct implementation of General Comment No. 25's instruction to make digital spaces safe rather than merely exclude children from them and of General Comment No. 16's identification of design choices as the locus of corporate complicity in harm. It brings the fundament of prevention by design as the germinal for the design architecture, rather than a retrospective layer to mitigate legislative counter from the parents and communities.

The design duties to be built around a statutory taxonomy of foreseeable risks, like commercial risks, including behavioural advertising and monetisation, engagement risks, including compulsive-use mechanisms, content risks, including CSEAM and other age-inappropriate material, contact risks, including grooming and unwanted adult contact, privacy risks, including geolocation and public discoverability, and systemic risks arising from recommendation, ranking, virality and automated amplification. Each design obligation to be traceable to one or more identified risks.

Recommendation 6: Prohibit absolutely the commercial profiling of minors: no use of a minor's personal data for targeted advertising or behavioural profiling. This is already the binding EU-wide rule (DSA Article 28, applying to all under-18s without age-gating), Brazilian law (the ECA Digital's ban on profiling children for behavioural advertising), and the UAE rule. It drew no recorded challenge anywhere in the Database 2026.

Recommendation 7: Impose a statutory duty to disable, for all accounts held by minors, design features engineered for compulsive use: infinite scroll, autoplay, pull-to-refresh, streak mechanics and reward loops, engagement-optimised push notifications, and dark-pattern interface design. Costa Rica's bill enumerates precisely this list for under-18 accounts; Brazil requires measures to prevent compulsive use, including prohibiting emotional analysis and reward boxes; the Dutch coalition agreement would ban addictive algorithms; the SPD's German proposal mandates a "youth version" stripped of addictive algorithms, infinite scrolling and intrusive notifications; and the EU Digital Fairness Act in preparation targets addictive design as its central innovation.

Recommendation 8: Regulate recommender systems for minors: personalised recommendation systems must not be applied to minors' accounts by default; where offered to the supervised and protected bands, or limit categories of recommendation, following US KOSA's algorithm controls and South Korea's Lee bill, which restricts algorithmic exposure of minors to harmful content rather than banning accounts. Recommendation logic affecting minors must be documented and auditable by the regulator For the 15-to-18 band, recommendation systems must default to non-personalised, chronological delivery for any content category flagged in the platform's own risk assessment as carrying elevated risk to minors, with personalisation available only as an opt-in, reversing the current default-on structure.

Algorithmic amplification should be regulated separately from mere content availability. The relevant regulatory question is not only whether harmful material can technically be accessed, but whether the platform's systems actively increase the speed, scale or probability with which it reaches a minor.

Recommendation 9: Mandate safety-by-default: the default setting for every safeguard on a minor's account must be the most protective option available (US KOSA's rule; the EU DSA guidelines' default-

privacy requirement), and platforms must provide minors with tools to limit unwanted contact, prevent viewing of their data, restrict geolocation sharing with notice of tracking, delete their account and all associated data, and manage time spent.

Child safety controls supersede commercial optimisation where the provider has identified a foreseeable material risk and a technically feasible safer alternative exists. Engagement, retention, advertising-revenue or monetisation objectives should therefore be included within the platform's child-risk assessment wherever those objectives can influence the design or operation of features affecting minors.

Recommendation 10: Require mandatory child rights due diligence: annual, independently audited child-risk assessments and public reports for platforms above a user threshold, covering likelihood of access by minors, time spent, prevalence of harmful content, and foreseeable risks with mitigation- the US KOSA Section 105 model, converging with the EU DSA's systemic risk assessments (identified in the Database 2026 as the EU DSA's most transferable provision). Assessments must address grooming and sexual exploitation detection (Costa Rica), and a notice-and-takedown duty for criminal content involving children, without requiring a court order, should follow Brazil's model with statutorily short response times for emergencies (Turkey's one-hour rule for emergency content; the Dutch one-hour takedown on regulator order; India's two-hour takedown on CSEAM content). Mandatory duty to mitigate every risk identified, with the regulator empowered to treat an identified-but-unmitigated risk as a standalone violation independent of any specific harm having occurred.

The statutory framework to distinguish risk identification from proof of realised harm. Where a provider's own assessment identifies a material structural vulnerability and the provider fails to implement a reasonably available mitigation, the regulatory breach should arise from the failure to mitigate the identified risk rather than requiring proof that a particular child was subsequently harmed.

5.3 Pillar III: Privacy-Preserving Age Assurance

Recommendation 11: Legislate the verification duty and its privacy safeguards in the same enactment, inseparably. Providers must deploy age assurance that goes beyond self-declaration (Australia; Portugal and the UAE prohibit self-declaration outright), assessed against a "reasonable steps" standard weighing reliability against privacy intrusion (Australia; New Zealand's two-factor contextual test),with the regulator empowered to issue binding technical guidance, as eSafety did in September 2025.

Recommendation 12: Mandate the double-blind model endorsed by the European Commission's July 2025 DSA guidelines: verification architectures in which neither the platform nor the assurance provider learns the user's identity. Where a national digital identity system is used (Greece's Kids Wallet, Portugal's Chave Móvel Digital, Denmark's national digital ID, Thailand's smart-ID linkage), the statute must confine the attribute disclosed to an age or age-band token, nothing more.

Recommendation 13: Enact the four OECD data rules as statutory duties: (a) strict data minimisation- data collected solely for age compliance may be used for no other purpose and retained no longer than compliance requires (the US KOSMA rule); (b) no centralised database of children's ages or identities may be created; (c) mandatory destruction of verification data, on Australia's model and with Australia's penalty parity- the fine for retaining verification data equals the fine for admitting under-age users; and (d) technology plurality- providers must offer more than one assurance method, since no single technology is reliable across all ages and facial estimation is least reliable for the teenagers at the threshold; (e) verification systems must preserve, for a statutorily defined minimum period and subject to the same data-minimisation and destruction rules governing verification data generally, a limited evidentiary record sufficient to support law enforcement investigation of exploitation offences, specifically account creation metadata, IP address logs, and upload timestamps, distinct from and more

narrowly retained than the age-verification data itself. This links into the next pillar on enforcement and accountability chain.

Data collected solely to establish age eligibility should be temporary, and not be repurposed for advertising, behavioural profiling, recommendation optimisation, identity enrichment or unrelated analytics, nor should age-assurance systems become general surveillance databases. Timely, accessible and privacy-preserving mechanisms to challenge incorrect age determinations, with alternative assurance pathways where necessary should be provided. Automated or probabilistic classifications should not produce irreversible account consequences without review, and error logs and material disparities in accuracy across age groups, disability and accessibility needs should be maintained.

5.4 Pillar IV: Enforcement Architecture

Recommendation 14: Establish or designate a dedicated, independent online safety regulator with statutory child-protection functions, inspection and information-gathering powers, and the duty to publish compliance guidance- the pattern of Australia's eSafety Commissioner, Canada's proposed Digital Safety Commission, Malaysia's MCMC, Brazil's ANPD, and Costa Rica's SUTEL. Where verification engages identity systems, pair the safety regulator with the data protection authority as co-regulator (Australia's eSafety-OAIC pairing; Portugal's Autoritade Nacional de Comunicações (ANACOM)-Comissão Nacional de Protecção de Dados (CNPD) co-enforcement), so that privacy compliance is supervised by the institution constitutionally committed to it.

Require platforms/ operators/ intermediaries to publish, or report to the designated regulator, aggregate compliance data on reporting volumes and timeliness, as a transparency measure supporting independent verification of compliance with the reporting mandate.

Providers must also implement rigorous internal governance and accountability measures. Crucially, these internal accountability mechanisms are designed to complement rather than substitute for independent external regulatory supervision.

Recommendation 15: States should invoke mandatory reporting duty for platforms/ internet intermediaries that is explicit as to timeframe, domestic receiving authority, and that international reporting does not discharge domestic reporting obligations. Designate single national receiving authority or portal, integrated where appropriate with the regulator under Recommendation 14 and with specialist child protection and law-enforcement bodies, so that platforms/ operators/ intermediaries face a clear and singular domestic reporting channel rather than fragmented or ambiguous obligations. Build-in parallel duty to preserve evidence, support subsequent investigation, where applicable, extraterritorial prosecution.

Recommendation 16: Build a uniform, statutory duty on law enforcement authorities to act on fails within a defined timeframe paired with statutorily mandated standard operating procedure for all intermediaries, covering detection, reporting, evidence preservation, and inter-agency coordination specifically for child sexual exploitation and abuse material, distinct from the general risk-reporting duties of mandatory duty to mitigate every risk identified in Recommendation 10 before the next reporting cycle, with the regulator empowered to treat an identified-but-unmitigated risk as a standalone violation independent of any specific harm having occurred. This converts risk assessment from a sign into a guardrail: the obligation is triggered by the platform's own knowledge of a structural vulnerability, exactly the kind of internal knowledge the In re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation, No. 4:22-md-03047-YGR jury saw in evidence, not by proof that a child was harmed by it. This closes the loop between platforms duty to report to state's duty to act once a report is received.

Recommendation 17: Set administrative penalties at deterrent, revenue-linked levels for systemic breaches: a maximum expressed as the greater of a fixed sum and a percentage of global turnover, in the corridor established by the Database 2026- 3% of global turnover (Turkey), the greater of C$10 million or 3% rising to C$20 million or 5% (Canada), 6% (EU DSA), A$49.5 million per systemic breach (Australia) - scaled to company size (Portugal's €10,000–€2 million range) so that the state binds smaller domestic services without crushing them.

Recommendation 18: Structure a graduated escalation ladder rather than a single sanction, on the Turkish and Brazilian models: warning and remediation order → administrative fine → advertising and monetisation restrictions → (on judicial authorisation only) service suspension → prohibition for repeated non-compliance with judicial oversight for every access-affecting step, short statutory implementation deadlines, and compliance incentives on Turkey's model, under which prompt compliance reduces the fine collected and voids escalation. Non-monetary sanctions should include mandatory platform redesign orders, temporary suspension of specific features for minors' accounts, publication of the sanction, and mandatory remediation plans (Costa Rica).

Any restriction affecting service availability to remain subject to procedural safeguards, defined statutory criteria, proportionality review and judicial authorisation where it materially interferes with access to lawful communication or information. Regulatory intervention to target the specific unsafe feature or system where that can achieve the protective objective without suspending the entire service.

Recommendation 19: Guarantee child-accessible remedy, an independent complaints mechanism able to receive complaints from children directly and through representatives; dedicated reporting channels for parents and educators (US KOSA); a victim-initiated takedown route not conditioned on a court order (Brazil); collective redress standing for children's organisations; and a victim-support function within or alongside the regulator (Canada's Commission; the Dutch proposal's centralised reporting centre for image-based abuse).

The complaints mechanisms to include accessibility requirements, clear response deadlines, escalation rights, protection against retaliation and age-appropriate explanations of outcomes. A child should not be required to understand complex legal or platform procedures in order to trigger a review of a potentially harmful decision.

Recommendation 20: Cross-border cooperation provisions- information-sharing on enforcement, verification technologies and platform compliance- should be included, as urged by UN Human Rights Council resolution 59/23 (2025), CRC General Comment No. 25 and required by the reality that every major platform is foreign to almost every regulator. Pursue at global, regional and multilateral levels, harmonisation of extraterritorial jurisdictional grounds and expedite mutual legal assistance channels specifically for CSEAM offenses, recognising that jurisdiction asserted without a corresponding extradition or mutual legal assistance pathways risk remaining declaratory rather than reality.

Cross-border cooperation to include a common minimum vocabulary for age-assurance standards, child-safety risk assessments, evidence preservation and platform compliance reporting, so that divergent national definitions do not create avoidable enforcement gaps.

5.5 Pillar V: Participation, Equity, Literacy and Review

Recommendation 21: Institutionalise child participation, not merely consultation: children's views must be sought and given due weight in the design of the regulations, in the regulator's guidance, and in every statutory review, formalised through a standing advisory mechanism on US KOSA's Kids Online Safety Council model, with membership including children and youth.

Recommendation 22: Build an equity impact duty into the statute: before commencement and at each review, the government must assess and mitigate impacts on children for whom platforms are a primary route to mental health support- responding directly to the UNICEF caution and the ReachOut finding that 73% of Australian youth accessing mental health support do so via social media. The exemption list of Recommendation 3 (health, counselling and closed community services) is the front-line mitigation and the equity duty ensures it is monitored.

ecommendation 23: Pair restriction with capability: statutory funding and curricular mandates for digital literacy (the African Union's Child Online Safety and Empowerment Policy's empowerment focus; Costa Rica's multi-institutional alliance across Ministries of Science, Innovation, Technology and Telecommunications, Ministry of Public Education and National Child's Board (MICITT–MEP–PANI) literacy campaigns; the International Telecommunication's Union's distributed-responsibility model; the Dutch commitments on education, health guidelines and parental support), including guidance for parents (the Dutch 2025 screen-use guidelines) and stricter rules on kidfluencing, marketing to children and in-game purchases where these fall outside the core statute.

Digital literacy to be treated as a capability complement to restriction rather than as a justification for weaker structural safeguards. The curriculum should address recommender systems, persuasive design, privacy, scams, sexual exploitation risks, reporting mechanisms, commercial influence and the practical use of privacy and safety controls.

Recommendation 24: An independent review within two years of commencement (Australia), with a statutory evidence programme through commissioned studies on harms and on verification feasibility (US KOSA's five-study mandate) along with disaggregated data collection, and a duty on the regulator to report annually to parliament on compliance, circumvention, displacement effects and impacts on children's rights, including participation rights. The threshold number itself (15 or 16) should be expressly reviewable in light of this evidence. Design obligations legislated as guardrails can decay into signs over time, through interface redesign, new feature launches, or simple non-enforcement, and a review mechanism that does not specifically test for this decay will miss it.

6

School Smartphone Restrictions: The Bright-Line Complement

6.1 The position: strong support for national bright-line rules

This report **strongly supports national, legislated, bright-line restrictions on smartphone use by pupils in school day** (hours during which school is conducted), as the environmental complement to the social media framework. The two instruments are not in tension; they are the same policy expressed at different scales. The social media framework accepts gradation because it governs the whole of a child's digital life across every context; the school rule can be bright-line precisely because it governs one bounded, supervised, purpose-defined environment, and it is in bounded environments that bright-line rules for child protection are at their most legitimate, most enforceable and least rights-restrictive.

6.2 The evidence of global practice

The 110-country school phone use dataset in Database 2026 shows a quiet revolution far more advanced than the social media debate: fifty-two countries, nearly half of those tracked have national legislative bans on smartphone use in schools; thirty-one more have issued national guidance directing restriction; sixteen operate binding subnational or regional bans (including fourteen of Spain's seventeen autonomous communities, six German Länder with more following, and all three Belgian communities); two have subnational guidance; and only nine leave the matter entirely to individual schools. Momentum runs in one direction- France, having banned phones in primary and lower secondary schools since 2018, made the *"digital pause"* mandatory in all colleges from September 2025 and is extending the ban to high schools for 2026, the extension passing the National Assembly 130-21; England's non-statutory guidance is being made statutory through an amendment backed by the Lords 276-169 in April 2026, with Ofsted (Office for Standards in Education, Children's Services and Skills) inspecting compliance from the same month; Denmark's broad parliamentary agreement makes schools and leisure facilities mobile-free from 2026-27 with a ministry-provided standard policy; Sweden's draft law covering the whole compulsory-school day, breaks included, enters force August 2026 pending approval; Finland's amended Basic Education Act, in force since August 2025, empowers teachers to confiscate; Luxembourg, Portugal, Greece, Hungary and Italy have all legislated or tightened since 2024. Several countries in the social media database, particularly, Finland, Greece, the Czech Republic, the Netherlands, France, explicitly treat their school phone policies and their social media proposals as parts of a single child-protection agenda.

6.3 Why the bright line is right here?

The child rights objections that properly complicate blanket social media bans lose their force in the school context, for five reasons:

- **Bounded in time and place:** The rule operates for the school day only. It delays access; it does not deny it. A child's rights to expression, information, association and play are exercised fully outside school hours. Nothing about a child's developmental stage generates an entitlement to a smartphone during a mathematics lesson.
- **It restricts a device, not expression:** Unlike a social media ban, which touches a medium of expression and information, the school rule governs the presence of an object in a learning environment, in the same legal register as long-uncontroversial rules about what may be brought into classrooms. This is reflected in the litigation record: Database 2026 -the school phone dataset, spanning 110 countries, records none of the constitutional challenges that attend social media access bans.
- **It is equal, simple and enforceable:** The rule applies identically to every pupil. It requires no age verification, no identity infrastructure and no data collection, avoiding entirely the privacy objections of Pillar III; and it is administrable with pouches, lockers and start-of-day collection, the mechanisms Ireland funded with €9 million in Budget 2025 and Northern Ireland supported with funded lockable pouches. A bright line here is not bluntness, rather, it is the absence of arbitrary discretion.
- **It affirmatively serves children's rights:** The rule protects the rights to education (CRC Article 28), to rest, leisure and play (CRC Article 31), and to development, the interests cited across the Database 2026's rationales: concentration, learning, sleep, mental health, and relief from the social pressure of the always-on device. Greece's tiered penalties for filming peers point to a further protective function: the phone-free day protects children's privacy and dignity from one another.
- **It is the consensus position of the child protection field:** Unlike the social media ban, no children's organisation in the Database 2026 opposes school phone restrictions; the visible civil society energy (Smartphone-Free Childhood movements in Switzerland and South Africa, the Swiss Teachers' Network) runs in favour.

6.4 Recommendations on school smartphones

Recommendation 25: National policy should provide a ban on pupil smartphone use throughout the school duration, breaks included, in primary and lower secondary education, with a duty on schools to provide storage (collection at the start of the day, lockers or pouches, on the Danish, Swedish and Luxembourg models) and public funding for storage infrastructure (the Irish model). Guidance-only regulations produce patchwork protection, the reason England is converting its 2024 guidance to statute and the gap the classification model in the Database 2026 makes visible.

The implementing legal frameworks to mandate schools to publish clear procedures governing collection, secure storage, return, loss or damage, confiscation and complaints. The objective to be consistent enforcement without arbitrary or disproportionate disciplinary consequences.

Recommendation 26: Write the exceptions into the statute: medical need (glucose monitors and equivalent), disability-related assistive use, and defined educational use under teacher direction (Dutch and Hungarian pattern). Exceptions must attach to the child's need, not to parental preference.

Recommendation 27: For upper secondary schools, adopt at minimum the French trajectory with extension of the ban as the default national position or, where a full ban is not yet achievable,

Luxembourg's statutory minimum of enforced physical separation during classes, with a legislated review date. Enforcement should be school-level and pastoral (storage, confiscation with same-day return, graduated school sanctions), never punitive against the child in ways that engage the justice system, and never involving fines on children or parents.

Recommendation 28: Integrate the school rule with the national framework: the same statute or package should mandate the digital literacy curriculum of Recommendation 23, so that the phone-free schools is paired with the school's role in building the capabilities children need in the connected hours such as the pairing the African Union's Child Online Safety and Empowerment Policy, the International Telecommunication Union guidelines and the Nigerian consultation all insist upon, and the answer to the legitimate observation, recorded in the Nigerian entry, that young people in many countries use platforms to build skills, careers and futures.

7

Cross-cutting Implementation Principles

The four pillars and school-phone regime should operate according to four cross-cutting implementation principles:

Prevention before Remediation

Where a foreseeable structural risk can be prevented through product or environmental design, prevention should not be displaced by reliance on post-harm detection and removal.

Privacy by Architecture

Age assurance and compliance mechanisms should minimise the collection, disclosure and retention of personal information and should separate eligibility information from identity and commercial profiling.

Child Safe Accountability

Obligations and penalties should fall principally on the entities capable of designing, controlling and profiting from the relevant systems, rather than transferring regulatory responsibility to children.

Evidence-based Review

Every major restriction and design obligation should be accompanied by measurable indicators of implementation, effectiveness, unintended consequences, circumvention and effects on children's rights.

Fig. No. 2 Implementation Principal

Together, these principles preserve the central proposition of the framework: the objective is not simply to tell children or parents to use digital services more safely, but to change the conditions under which those services operate so that prevention of harm guardrails against foreseeable or dynamics harms from burgeoning.

8

Country Intent Classification on Social Media Regulation for Children: High, Moderate and Emerging

8.1 Method

All forty countries in Database 2026 are classified by regulatory intent using three transparent, status-based criteria applied to the database record as at its last update (June 2026):

- **High intent:** a legally binding measure has been adopted or implemented, or a bill with a defined age threshold is formally before the legislature (database status Implemented, Passed, or Proposed, plus New Zealand, whose member's bill was introduced in October 2025 though the database codes it as under discussion).
- **Moderate intent:** the government has publicly committed to a defined threshold or is actively drafting legislation or binding rules, but no bill is yet before the legislature (a subset of the under-discussion entries, evidenced by coalition agreements, announced bills with target dates, formal inquiries, or signed directives).
- **Emerging or nascent intent:** exploratory ministerial statements, open consultations without a settled threshold, or a contested and stalled process.

Classification reflects intent to regulate social media access for children, not the merit or rights-compliance of the approach; China's high classification, for example, records the existence of a comprehensive binding regulation, while the content-control features of that framework sit well outside the framework recommended. Nineteen countries classify as high, fourteen as moderate, and seven as nascent.

8.2 Classification table

Country	Threshold	Status (database)	Basis for classification
HIGH INTENT — binding measure adopted, or bill before the legislature (19 countries)			
Australia	Under 16	Implemented	Act in force 10 Dec 2025; eSafety enforcing; codes phased to Mar 2026; two High Court challenges pending.
China	Under 18	Implemented	Binding regulations (2024) and minors' mode guidelines (Apr 2025) in force across devices, apps and app stores.
Indonesia	Under 16	Implemented	GR 17/2025 in effect Mar 2026; three age bands; enforcement begun (Meta and Google summoned within days).
Malaysia	Under 16	Implemented	Online Safety Act effective Jan 2026; MCMC enforcing; fines to RM10 million.
Brazil	Under 16 (coded)	Passed	ECA Digital (Lei 15.211/2025) in effect Mar 2026; ANPD enforcing; tiered age-verification decree.
France	Under 15	Passed	Both chambers approved (Jan/Apr 2026) in differing versions; reconciliation and EU notification pending; target Sep 2026.
Turkey	Under 15 (tiered to 17)	Passed	Parliament passed Apr 2026; awaiting presidential sign-off; six-month compliance period.
United Arab Emirates	Under 15	Passed	Cabinet Resolution 106/2026 issued Jun 2026; 12-month transition; enforcement expected mid-2027.
Canada	Under 16	Proposed	Bill C-34 (Safe Social Media Act) introduced 10 Jun 2026; Digital Safety Commission to be created.
Costa Rica	Under 14	Proposed	Bill 25366 approved unanimously in committee Apr 2026; before the full Assembly.
Ecuador	Under 15	Proposed	Reform bill under formal analysis by the Assembly's child-protection commission.
Greece	Under 15	Proposed	Government bill with Kids Wallet verification; parliamentary vote expected summer 2026; effective 1 Jan 2027.
New Zealand	Under 16	Under discussion	Member's bill introduced 23 Oct 2025 with PM support; coalition partner ACT opposed, so not a government bill.
Norway	Under 16 (coded; 15 in proposal text)	Proposed	Draft Social Media Act through consultation (Jun 2025); introduction targeted end-2026.
Philippines	Under 14 (coded; bills range 12–18)	Proposed	Five Senate bills at committee hearing (Feb 2026), plus an addictive-design bill.
Portugal	Under 16	Proposed	Bill 398/XVII/1 passed first parliamentary vote 12 Feb 2026; in committee before final vote.
Republic of Korea	Under 16	Proposed	Three bills tabled, incl. subcommittee consideration Mar 2026; deliberately graduated, algorithm-focused approach.
United Kingdom	Under 16	Proposed	Ban announced 15 Jun 2026 via amendments to the Children's Wellbeing and Schools Bill; first regulations end-2026; in place early 2027.
United States	Under 13 (federal bills)	Proposed	KOSMA and KOSA before Congress (KOSA with 75 co-sponsors); eight state bans enacted, five enjoined in whole or part.

MODERATE INTENT — government commitment with defined threshold, or active drafting (14 countries)			
Austria	Under 14	Under discussion	Government announced comprehensive draft law (Mar); bill to be introduced by end-Jun 2026.
Czech Republic	Under 15	Under discussion	PM publicly committed (Feb 2026); target 2026; school-phone companion measure rejected in Mar 2026 on drafting grounds.
Denmark	Under 15	Under discussion	Cross-party majority agreed (three governing + two opposition parties); bill to be tabled mid-to-end 2026; national digital-ID verification planned.
Fiji	Under 16	Under discussion	PM-mandated Taskforce on Social Media Deferment; bill targeted for Parliament in 2026.
Finland	Under 15	Under discussion	PM support announced (Jan 2026); ministry working group established Mar 2026; national agency recommended under-13 restriction.
Germany	Under 14 (proposals to 16)	Under discussion	Government backs a ban; CDU and SPD adopted formal models; expert commission reports autumn 2026.
India	No threshold; graded framework	Under discussion	Centre developing graded age-band framework (blanket ban ruled out); parliamentary committee backing; target 2026.
Netherlands	Under 15	Under discussion	2026–2030 coalition agreement commits to enforceable minimum age of 15 and an EU-wide push, plus design-duty and school-phone measures.
Poland	Under 15	Under discussion	Government announced legislation; bill targeted Apr–May 2026; enforcement early 2027.
Slovenia	Under 15	Under discussion	Deputy PM announced draft legislation in preparation (Feb 2026).
Spain	Under 16	Under discussion	PM announced a five-measure legislative package including the under-16 ban (Feb 2026); co-founder of EU coalition.
Sweden	Under 15	Under discussion	Government inquiry appointed on raising the consent age; interim report Jun 2026; PM called for a 15-year limit.
Thailand	Under 14	Under discussion	DES ministry drafting rules: hard floor of 14, consent tier 14–16, usage caps, smart-ID linkage.
Vietnam	No threshold yet	Under discussion	Directive No. 57 signed Jan 2026 requiring identity checks and age-restriction mechanisms; Decree 147/2024 already mandates parental registration under 16.
EMERGING/NASCENT INTENT — exploratory statements or consultations without a settled threshold (7 countries)			
Switzerland	No threshold	Under discussion	Interior Minister "open" to a ban; platform-transparency law being drafted; federal child/youth commission opposes a blanket ban; strong petition activity.
Egypt	No threshold	Under discussion	Presidential urging and a House statement of intent (Jan 2026); no bill or threshold yet.
Japan	No threshold	Under discussion	Ministry developing plans for automatic age-based filtering at app download; no threshold or bill.
Nigeria	No threshold	Under discussion	Ministry consultations opened Mar 2026 on possible age restrictions; separate child online-access protection bill passed Dec 2025 targets harmful content, not access age.

Pakistan	Contested (16 vs 18)	Under discussion	2025 Senate bill withdrawn; Jan 2026 calling-attention notice proposes under-18; High Court has directed regulators to report options.
South Africa	No threshold	Under discussion	Minister confirmed government is considering age restriction; 2025 draft White Paper imposes general safety duties without an access age.
Zimbabwe	Under 18 (stated)	Under discussion	Minister announced policy formulation in progress (Apr 2026); no draft instrument yet.

8.3 Reading the classification

Three patterns deserve note. First, high intent is globally distributed with the nineteen high-intent countries spanning every region in the Database 2026: Asia Pacific (six), Europe (five), the Americas (five), and Middle East and North Africa (two, Turkey and the UAE), with Sub-Saharan Africa the only region without a high-intent entry, though Nigeria, South Africa and Zimbabwe are all in motion and the African Union has supplied the continental policy scaffolding. Second, the moderate tier is dominated by Europe (eleven of fourteen), reflecting the strategic choice several European governments have made to legislate nationally while simultaneously pressing for an EU-wide threshold through the Digital Fairness Act, like, the Netherlands' coalition agreement states this dual track explicitly, and Spain leads the six-country coalition while its own bill matures. National classification therefore understates European intent: a binding EU instrument would convert eleven moderate entries at a stroke. Third, the nascent tier is not a tier of indifference: every one of the seven has a named minister, president or court actively engaging the question, and Vietnam's and Nigeria's adjacent instruments show that access-age regulation is often preceded by content-safety and identity-verification regulation. Advocacy planning should treat the nascent tier as the highest-leverage audience for the framework in Section 5. These are the governments whose instruments are not yet drafted, and for whom the hybrid template can be adopted whole rather than retrofitted.

9

Consolidated Policy Recommendations

The twenty-eight recommendations of Sections 5 and 6, restated for policy guidance based on the Database 2026. Recommendations 1 - 5 constitute Pillar I; 6 -10 Pillar II; 11 -13 Pillar III; 14 -19 Pillar IV 14-20; Pillar V 21-24 Pillar V; and 25 -28 the school smartphone bright-line restriction.

Pillar I: Evolving Capacities Framework with a Tiered Age Architecture

1. **Statutory contractual obligations and parental consent conditional for contractual validity** through privacy-respecting mechanisms instead of self-declaration.
2. **Three-band age architecture:** floor at 15 (or 16), supervised parental-consent band to 16, design protections to 18.
3. **Functional service definition** with statutory exemptions (messaging, marketplaces, education, health, closed civic groups, certified child-safe versions) and a designation power for new formats.
4. **Statutory protections for the supervised band:** private by default, non-searchable, non-addictive recommendations, hidden social metrics, stranger-contact limits, supervision tools, meaningful and revocable consent.
5. **All obligations and penalties on providers;** none on children or parents; phased deactivation of under-age accounts with data return.

Pillar II: Design Duties: Prevention by Design as the Centre of Gravity

6. **Absolute prohibition on profiling minors** for targeted advertising or behavioural profiling.
7. **Statutory duty to disable compulsive-use design** for minors: infinite scroll, autoplay, pull-to-refresh, streaks and reward loops, engagement notifications, dark patterns.
8. **Recommender-system regulation for minors:** off by default, full opt-out to chronological and parent consent gated feeds, auditable logic.
9. **Safety-by-default; Privacy-by-default:** most protective settings as the default on every minor's account, with contact, privacy, geolocation, deletion and time-management tools.
10. **Mandatory, audited child rights due diligence** and public risk reporting above a user threshold; grooming detection; notice-and-takedown for criminal content involving children without court order, with emergency response deadlines.

Pillar III: Privacy-Preserving Age Assurance

11. **Age assurance beyond self-declaration**, assessed on a reasonable-steps standard, with binding regulator guidance.
12. **Double-blind verification architecture;** digital-ID systems may disclose an age token only.
13. **Statutory data rules for verification:** strict minimisation, no centralised child-identity databases, mandatory destruction with penalty parity, plural methods, assurance preferred to identification.

Pillar IV: Enforcement Architecture

14. **Independent online-safety regulator,** co-regulating with the data protection authority where identity systems are engaged.
15. **Invoke mandatory national reporting duty** for platforms/ intermediaries with explicit timeliness, national/domestic receiving authority, and that international reporting does not discharge domestic reporting obligations
16. Uniform, statutory duty on law enforcement authorities paired with statutorily mandated standard operating procedure cross-cutting the accountability chain.
17. **Deterrent, revenue-linked penalties** (fixed-sum-or-percentage-of-turnover), banded to company size.
18. **Graduated enforcement ladder** with judicial oversight of access-affecting steps, redesign orders, and compliance incentives.
19. **Cross-border cooperation provisions,** with information-sharing on enforcement, verification technologies and platform compliance, and harmonisation of extraterritorial jurisdiction ground.

Pillar V: Participation, Equity, Literacy and Review

20. **Child-accessible remedy:** direct child complaints, parent and educator channels, victim-initiated takedown, collective redress, victim support, cross-border cooperation.
21. **Institutionalised child participation** in design, guidance and review, through a standing council including children.
22. **Equity impact duty** for children at commencement and every review, with health and support services exempted from the ban.
23. **Digital literacy investment** and parental guidance paired with every restriction; adjacent rules on child-directed marketing.
24. **Independent review within two years**, statutory evidence programme, annual regulator reporting, and an expressly reviewable threshold.

Recommendations on school smartphones

25. **National legislative school smartphone ban** for the full school hours in primary and lower secondary education, with funded storage.
26. **Statutory exceptions** for medical need, disability-related assistive use, and teacher-directed educational use.
27. **Upper-secondary extension** as the default trajectory, or statutory physical-separation minimums with a legislated review date; never punitive, enforcement.
28. **Integration of the school rule** with the digital literacy curriculum in a single legislative package.

10

Limitations and the Evidence Agenda

Five limitations qualify everything above, and honesty about them is part of the C-LAB method.

(1) **The dataset is proposal-heavy:** thirty-three of forty-one entries are not law in force, and announced positions routinely soften in drafting. France's two chambers have already passed materially different versions requiring compromise. The observed convergence is partly a convergence of stated intent.

(2) **There is no outcome evidence:** no entry demonstrates that any regulation has reduced harm to children, and the first significant read-out. Australia's mandated independent review lies ahead. The recommendations are therefore designed for correction (Recommendation 24), not asserted as settled evidence.

(3) **Coverage reflects selection:** the Database 2026 tracks countries with active debates; global momentum may be overstated, and the regions thinnest in the data (Sub-Saharan Africa in particular) are those where the digital-inclusion stakes of restriction are highest, a point the Nigerian entry makes forcefully.

(4) **Several coded values carry flagged inconsistencies** (Norway's 15-versus-16, the Philippine coded threshold, Brazil's, and US KOSA's classification as an access law), and opponent columns are unevenly populated, with empty opposition cells in several MENA and African entries more plausibly reflecting source availability and civic space than consensus.

(5) **Children's own voices are almost absent from the record,** appearing mainly as survey fragments and post-hoc opposition.

The forward evidence agenda, in order of leverage: the Australian High Court ruling and two-year review (the single most consequential pending data point for the ban-versus-design question); EU DSA and ECA Digital enforcement outcomes (whether design-duty regulations change platform behaviour, or merely generate process); measured circumvention and displacement rates (testing the UNICEF caution); equity impacts on children in the first implementing countries; and the trajectory of the graduated regulations now drafting (India, South Korea, Thailand) as the test of whether tiered models can pass, not merely be praised.

Annex A. Country-by-Country Summary Table

Source: Database 2026 country-wise legal database (last updates 14 April – 24 June 2026). Coded thresholds carrying flagged inconsistencies are marked ∗ (see Section 3.2). Intent classification per Section 8.

Country	Region	Threshold	Status	Intent	Legal challenge
Australia	Asia Pacific	Under 16	Implemented	High	Two joined High Court cases pending
Austria	Europe	Under 14	Under discussion	Moderate	None yet
Brazil	Americas	Under 16∗	Passed / in effect	High	None yet
Canada	Americas	Under 16	Proposed (Bill C-34)	High	None yet
China	Asia Pacific	Under 18 (graduated)	Implemented	High	None yet
Costa Rica	Americas	Under 14	Proposed	High	None yet
Czech Republic	Europe	Under 15	Under discussion	Moderate	None yet
Denmark	Europe	Under 15 (opt-in 13)	Under discussion	Moderate	None yet
Ecuador	Americas	Under 15	Proposed	High	None yet
Egypt	MENA	None yet	Under discussion	Nascent	None yet
Fiji	Asia Pacific	Under 16	Under discussion	Moderate	None yet
Finland	Europe	Under 15	Under discussion	Moderate	None yet
France	Europe	Under 15	Passed (versions differ)	High	EU notification required
Germany	Europe	Under 14 (models to 16)	Under discussion	Moderate	None yet
Greece	Europe	Under 15	Proposed	High	None yet
India	South Asia	Graded framework	Under discussion	Moderate	None yet
Indonesia	Asia Pacific	Under 16 (3 bands)	Implemented	High	None yet
Japan	Asia Pacific	None yet	Under discussion	Nascent	None yet
Malaysia	Asia Pacific	Under 16	Implemented	High	None yet
Netherlands	Europe	Under 15	Under discussion	Moderate	None yet
New Zealand	Asia Pacific	Under 16	Bill introduced	High	None yet
Nigeria	Sub-Saharan Africa	None yet	Under discussion	Nascent	None yet
Norway	Europe	Under 16∗	Proposed	High	None yet
Pakistan	South Asia	Contested (16/18)	Under discussion	Nascent	None yet
Philippines	Asia Pacific	Under 14∗	Proposed (5 bills)	High	None yet

Country	Region	Threshold	Status	Intent	Legal challenge
Poland	Europe	Under 15	Under discussion	Moderate	None yet
Portugal	Europe	Under 16 (consent 13–15)	Proposed (first vote passed)	High	None yet
Republic of Korea	Asia Pacific	Under 16	Proposed (3 bills)	High	None yet
Slovenia	Europe	Under 15	Under discussion	Moderate	None yet
South Africa	Sub-Saharan Africa	None yet	Under discussion	Nascent	None yet
Spain	Europe	Under 16	Under discussion	Moderate	None yet
Sweden	Europe	Under 15	Under discussion	Moderate	None yet
Switzerland	Europe	None yet	Under discussion	Nascent	None yet
Thailand	Asia Pacific	Under 14 (consent 14–16)	Under discussion	Moderate	None yet
Turkey	MENA	Under 15 (tier 15–17)	Passed (sign-off pending)	High	None yet
United Arab Emirates	MENA	Under 15 (safeguards 15–16)	Passed	High	None yet
United Kingdom	Europe	Under 16	Proposed	High	None yet
United States (KOSMA)	Americas	Under 13	Proposed	High	State analogues enjoined
United States (KOSA)	Americas	Under 13∗ (duty of-care law)	Proposed	High	None yet
Vietnam	Asia Pacific	None yet	Under discussion	Moderate	None yet
Zimbabwe	Sub-Saharan Africa	Under 18 (stated)	Under discussion	Nascent	None yet

Annex B. Penalty and Enforcement Architecture Comparison

Jurisdiction	Monetary penalties (as recorded)	Enforcement features
Australia	Up to A$49.5m per systemic breach of the age obligation; same maximum for failure to destroy verification data; up to 30,000 penalty units otherwise.	eSafety Commissioner; OAIC privacy co-regulation; no penalties on minors or parents; regulatory guidance issued Sep 2025.
Turkey	Up to 3% of prior-year global turnover for critical obligations.	BTK escalation ladder: fine → advertising ban → court-ordered 50% then up to 90% bandwidth throttling; compliance reduces fine to one quarter and voids orders.
Canada (Bill C-34)	Administrative penalties up to the greater of C$10m or 3% of gross global revenue; criminal fines to the greater of C$20m or 5% (indictment) / C$15m or 4% (summary).	New Digital Safety Commission enforcing a Digital Safety Act; due-diligence defence; victim-support mandate.
Brazil	Up to 10% of economic group's revenue (last fiscal year) OR R$10–R$1,000 per registered user (if no revenue)	ANPD enforcement; Federal Police screening centre; takedown without court order on notification.
Portugal (bill)	€10,000 – €2m, scaled to company size.	ANACOM and CNPD co-enforcement; self-declared age prohibited.
Ecuador (bill)	Up to 5% of annual local revenue.	Four designated enforcing bodies; 18-month statutory compliance period.
Malaysia	Up to RM10m.	MCMC investigation, instruction and data-seizure powers; Online Safety Committee and Appeal Tribunal.
Indonesia	Written reprimand, administrative fines (set by ministerial regulation), temporary suspension.	Structured administrative escalation; Meta and Google summoned within days of commencement.
EU (DSA)	Up to 6% of global annual turnover.	Commission enforcement against VLOPs; Meta found in breach Apr 2026 over under-13 accounts; Snapchat under investigation.
Costa Rica (bill)	15–50 base salaries (first violation), 30–50 (recidivism), 10 per day for order non-compliance (~US$1,000 per base salary).	SUTEL sanctions incl. cease-and-desist, mandatory redesign, feature suspension for minors' accounts, publication of sanction, remediation plans.
New Zealand (bill)	Maximum court-ordered penalty NZ$2m.	Court-imposed on application by the chief executive; reasonable-steps standard weighing privacy and reliability.
China	Up to ¥1m; responsible staff ¥10,000–¥100,000; multiples of unlawful gains; licence revocation with 5-year re-application bar.	CAC enforcement across device makers, apps and app stores; three-party technical linkage mandated.
United States (bills)	FTC Act civil penalties (~US$51,000 per violation per day); no bill-specific amounts.	FTC enforcement; state attorneys-general parens patriae actions.

Annex C. International and Regional Instruments Relied Upon

Instrument	Year	Contribution to the framework
CRC General Comment No. 16	2013	The mandate: state duty to regulate business; self-regulation not a substitute; legislative inaction a potential breach; due diligence and child-accessible remedy obligatory. Grounds Pillars II, IV and Recommendation 10 and 19.
ITU Child Online Protection Guidelines	2020	Distributed responsibility across platforms, governments, educators, parents and children. Grounds Recommendation 23.
CRC General Comment No. 25	2021	The constraint: protection–participation balance; evolving capacities; safety by design over exclusion; exclusion itself can violate rights; data minimisation; child participation. Grounds Pillars I, II, III and V.
UNGA Resolution A/RES/78/187	2023	193-state affirmation that children's rights require protection in digital spaces; call to strengthen legal frameworks.
UNESCO Platform Regulation Guidelines	2023	Platform responsibilities toward children within a freedom-of-expression framework.
SRSG Violence against Children reports	2023-24	Urgency of legal frameworks; mandatory child safety by design; equitable access.
UN Global Digital Compact	2024	State commitment to legal frameworks for children's rights online; corporate accountability and remedy per the UN Guiding Principles.
UN Convention Against Cybercrime	2025	International cooperation and legislation; international cross-border cooperation, cross-border enforcement cooperation. Grounds Recommendation 16 - 20.
HRC resolutions (2024; 59/23 of 2025)	2025	International cooperation, technical assistance and capacity building.
AU Child Online Safety and Empowerment Policy	2024	First continental framework; whole-of-government approach; literacy and empowerment as counterweight to pure restriction. Grounds: Recommendations 23 and 28.
EU Digital Services Act + 2025 minor-protection guidelines	2022-25	Binding design duties in force: Art. 28 advertising ban, systemic risk assessment, default privacy, double-blind age assurance. Grounds Recommendations 6, 9, 10, 12.
OECD Age Assurance Landscape Report	2025	Verification architecture: minimisation non-negotiable; no centralised child databases; assurance vs verification; technology limits for teenagers; interoperability. Grounds Recommendation 13.
UNICEF, Drawing a Line in Digital Spaces	2025	The cautions internalised as design requirements: bans alone insufficient; marginalised children; circumvention; child participation; contested evidence. Grounds Recommendations 3, 19, 218, 23.
European Parliament resolution on a minimum age of 16	2025	Political legitimation of the 15–16 band and the 13–16 consent tier; demonstration that consensus needs binding instruments to become regulation.
WeProtect Model National Response	2025	Five-pillar national template (governance, legislation, investigation, victim support, prevention) situating access rules within a full protective ecosystem.

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Contributions

This paper was developed through a collaborative process involving conceptualisation, research, analysis, drafting and review. **Priyanka Ribhu** led the study, including the conceptual framing, overall methodology, interpretation of findings, development of the policy recommendations and preparation of the report. **Kanika Mahajan** and **Vikas Bhaduaria** contributed to data collection, document review, source compilation, coding and synthesis of findings. **Rachna Tyagi** and **Dr Sampurna Behura** supported legal and policy analysis. **Dr Purujit Praharaj** provided editorial review of the final report. The design team was led by **Vijay Singh** and The Right Tech.

Preferred citation: Centre for Legal Action and Behaviour Change. (2026). Prevention by Design: Building a Child-Safe Digital Environment through Access Rules, Design Duties and Ecosystem Accountability, and Bright Line School Rules. India Child Protection. (https://www.clab.org.in/_files/ugd/aeb656_87ae0805d40c40afa82372934bff0563.pdf)

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Graphics & Design by The Right Tech