

What is essential remains invisible: Reframing children's online safety in Canada beyond social media bans and age-verification measures

Júlia dos Santos Acerbi
Dublin, Ireland



“What is essential is invisible to the eye.”

Le Petit Prince — Antoine de Saint-Exupéry

More than 80 years after its publication, “The Little Prince” is entirely relevant in the age of social media: It suggests that what truly matters is not always apparent.

That same truism applies to the debate surrounding children’s online protection and the growing trend of social media bans being adopted as a solution to digital harms. What is essential — children’s rights — risks becoming invisible when regulatory responses focus on excluding children from the digital space rather than on addressing the structural causes of harm.

Amid legislative initiatives implementing social media bans in countries such as Australia, Canada, and France, which seek to restrict children’s access to social media platforms, this article focuses on the Canadian case. Bill C-34, the “Safe Social Media Act”, proposes new requirements for social media services and AI chatbot services, including age-verification or age-estimation measures to prevent users under 16 years old from having an account or otherwise being registered with the service.¹

Whether the Canadian social media age ban is compatible with international children’s rights law, especially the United Nations Convention on the Rights of the Child (UNCRC),² which Canada ratified in 1991 is the subject of this paper, which highlights the importance of respecting constitutional rights in the digital environment, and stresses the necessity of guaranteeing children’s digital participation.

To develop this discussion, this article will analyse the constitutional implications of the Canadian social media ban for those under 16 years old, particularly in light of the UNCRC and the General Comment No. 25 (2021) on children’s rights in relation to the digital environment, arguing that regulation should focus on platform design and harmful features rather than on restricting children’s access to social media.

¹ Safe Social Media Act, Bill C-34, First Session, Forty-fifth Parliament, First Reading, June 10, 2026. <<https://www.parl.ca/documentviewer/en/45-1/bill/C-34/first-reading>>

² United Nations. Convention on the Rights of the Child. <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>>

This work will also address the problems associated with social media bans in order to show why they fail to tackle the root causes of threats to children's online safety. Finally, it will highlight regulatory alternatives to digital exclusion.

1. Digital Constitutionalism, children's rights, and social media bans

Digital Constitutionalism is a concept that examines the protection of fundamental rights in light of the challenges posed by the digital environment, including the balance of power given its growing concentration within private platforms.

As a relatively recent field of study, the precise definition of the Digital Constitutionalism concept remains unsettled.³ The term is mobilized in several ways, including as a normative phenomenon, meaning a set of initiatives that articulate norms for the digital space and establish governance limits, and as a reorganization of constitutional protections in response to the challenges of protecting rights amid society's digital transformation.⁴ Celeste states that "digital constitutionalism is the ideology that adapts the values of contemporary constitutionalism to the digital society".⁵

Building on these perspectives, this article engages with the challenge of how constitutional guarantees can be reinforced to remain strong in digital environments. Constitutional rights are engaged whenever anyone uses social media, including children, and guaranteeing these constitutional rights at the same level as when those rights are exercised offline is a core democratic concern.

The digital space has a complex nature in the sense that it has amplified the possibility of exercising fundamental rights online, including by increasing public debate and opportunities for freedom of expression; but it has also introduced risks to the exercise of these rights, including the fact that private actors hold power over individual's access to and use of digital tools.⁶

Public discussions have shifted to the online space — an environment controlled by private actors — affecting how individuals are able to exercise their rights online. Therefore, it is relevant to examine the extent to which businesses contribute to difficulties people encounter in exercising these rights, since platforms are neither neutral nor passive in shaping

³ Jane Reis Gonçalves Pereira and Clara Iglesias Keller, 'Constitucionalismo Digital: contradições de um conceito impreciso' (2022) 13(4) *Revista Direito e Práxis*, p. 2667.

⁴ Ibid, p. 2669.

⁵ Edoardo Celeste, 'Digital Constitutionalism: A New Systematic Theorisation' (2019) 33 *International Review of Law, Computers & Technology*, p. 77 <<https://doi.org/10.1080/13600869.2019.1562604>>

⁶ Ibid, p. 78-79.

the organization of social media.⁷ Even though these private actors may not directly participate in practices that harm children's rights online, they can further the persistence of such harms through the design and management of digital platforms.⁸

Given the relevance of digital spaces to democracy and the exercise of rights, digital exclusion goes beyond disparities in digital technologies and internet access. Digital exclusion can also represent the inability to benefit from the possibilities these tools offer, such as access to information and spaces for exercising freedom of expression. Social media exclusion represents a specific form of digital exclusion, which occurs "when an individual is prevented from accessing social media platforms or parts of them".⁹

With social media having become a key space for the exercise of freedom of expression and other rights, restricting access to these platforms directly affects constitutional rights, as confirmed by the French Constitutional Council which struck article 1 of France's law introducing a social media ban for minors under 15 years old.¹⁰

Decision number 2026-911 of 14th August 2026 declared the referred article unconstitutional, finding that article 1 was not appropriate, necessary, or proportional to the goal pursued. The decision referred to the development of online communication services and their impact on opportunities for participation in democratic life, as well as on the expression of ideas and opinions.

The French Council's position considered the measure to be overly general, since it did not take into account the specific characteristics of the prohibited platforms or the fact that some of them may not present potential harm. The decision also noted the lack of consideration for children's differing levels of maturity according to their age, since a ban applying to all children under 15 does not account for different levels of maturity or for the possibility that families may assess the relevant risks.

Moreover, the measure was considered disproportionate because it limited children's enjoyment of their rights to freedom of expression and communication. The French Constitutional Council also deemed the measure a potential risk to all citizens, since everyone

⁷ Giovanni de Gregorio, 'The Rise of Digital Constitutionalism in the European Union' (2021) 19(1) *International Journal of Constitutional Law*, p. 50. <<https://academic.oup.com/icon/article/19/1/41/6224442>>

⁸ Committee on the Rights of the Child, United Nations, *General Comment no 25 (2021) on Children's Rights in Relation to the Digital Environment*, p. 7, para 37. <<https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-25-2021-childrens-rights-relation>>

⁹ Edoardo Celeste, 'Digital punishment : social media exclusion and the constitutionalizing role of national courts' (2021) 35 (2) *International Review of Law, Computers & Technology*, p. 164.

¹⁰ Conseil Constitutionnel, Décision 2026-911 DC du 14 août 2026. <<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000054743009>>

would be required to undergo age verification. This would create privacy risks without defining how such verification could be done, which data could be used, or what limits and safeguards would protect user's privacy. It reflects the same approach adopted in Canada's Bill C-34, which introduces a ban and age-verification measures before establishing safety requirements.¹¹

The French decision illustrates the constitutional relevance of the debates regarding the social media ban for children and the importance of examining what it means to exercise constitutional guarantees, such as freedom of expression, in light of the growing importance of the digital environment. This puts in perspective the effectiveness and the (un)constitutionality of the social media ban, giving other countries, including Canada, an opportunity to analyse whether the social media ban truly serves as a mean of protecting children or as a mean of protecting platforms from changing their structural features.

In Canada, the Canadian Charter of Rights and Freedoms (1982) guarantees the rights and freedoms of individuals.¹² Under section 2(b), the Charter establishes fundamental freedoms that everyone has, including freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication. Excluding children from social media under Bill C-34 has been proposed without proper consideration of its constitutional implications, since a ban on access to social media deprives children of the possibility to exercise their rights online, such as freedom of expression.

The establishment of a minimum age for exercising constitutional rights is framed as a way to protect minors from “decision-making responsibilities and from exercising rights considered to be beyond their capacity, particularly when doing so is likely to place them or others at risk”.¹³

In addition, age limits for restricting access to social media are usually framed around the principle of the best interests of the child — a principle that can be exploited to justify restrictive measures under the premise of ensuring children's protection.¹⁴ However, the best

¹¹ Michael Geist, ‘Thanks for Joining the Movement: French Constitutional Council Strikes Down Kids’ Social Media Ban’ Michael Geist, 17 August 2026 < <https://mgeist.substack.com/p/thanks-for-joining-the-movement-french> >

¹² Canadian Charter of Rights and Freedoms, Part I of the Constitution Act 1982, ‘The Constitution Acts 1867 to 1982’ < <https://laws-lois.justice.gc.ca/eng/const/> >

¹³ UNICEF CANADA, ‘Lowering the Voting Age in Canada: UNICEF Canada Policy Brief: Bill S-201’ (Unicef, October 2024) p. 4 <https://www.unicef.ca/sites/default/files/2024-10/UNICEF_Canada_Policy_Brief_Bill_S-201_Lowering_the_Voting_Age_2024.pdf>.

¹⁴ Timisha Dadhich and Therese Mortensen, ‘Age-Based Social Media Banning: Discrimination Based on Childhood?’ *Children’s rights under pressure in a digital world* (Digital Futures for Children Centre (DFC) 2026), p. 55. < <https://researchonline.lse.ac.uk/id/eprint/138632/> >

interests of the child can also be understood through the perspective of participatory rights, thereby decentring the discussion from a pure focus on protection.¹⁵ As proposed by Garayová, protection and participation can be interdependent rather than competing with each other, offering a strong basis for strengthening children's perspectives on topics that affect them.¹⁶

Setting an age limit may be rooted in presumptions about children's (in)capacity, as well as in dominant social and cultural values that vary across different countries and contexts, and specify which behaviours are deemed acceptable at a certain age. Scholarship also points out that establishing age limits is also difficult to justify when it comes to topics involving political and democratic participation.¹⁷

Within the debate of age limits exists an inconsistency in how children's legal capacity varies not only across different countries and contexts, but also depending on policy goals. For instance, in countries such as Brazil and Argentina, 16 year olds are eligible to vote, an act that implies active engagement in political and democratic life, much of which now takes place online.

Conversely, countries introducing social media bans for minors under 16, such as Canada, assume that youth lack the maturity to navigate online environments and assess the risks to which they are exposed. Consequently, while restrictive measures are enforced in certain spheres, other domains selectively acknowledge children's autonomy and decision-making maturity.

Capacity with respect to the social media ban should be also a nuanced debate, since risks and opportunities related to children's online experiences vary according to their age and development phase. This puts into question the coherence of the social media ban and the assumption that it is a one-size solution to fit all kinds of problems, not taking into account the myriad of challenges and opportunities children encounter online.

Nonetheless, since children's protection is also used as an argument for setting an age limit in the social media ban, it is important to examine the favourable and unfavourable arguments through an equality-based approach; and that indicates that the social media ban may not be proportionate or justifiable.¹⁸

¹⁵ Ibid, p. 57.

¹⁶ Lilla Garayová, 'Protected into Silence: How Digital Safety Discourses Undermine Children's Rights' *Children's rights under pressure in a digital world* (Digital Futures for Children Centre (DFC) 2026), p. 81-82 <<https://researchonline.lse.ac.uk/id/eprint/138632/>>.

¹⁷ Dadhich and Mortensen (n 14), p. 55.

¹⁸ Ibid, p. 56.

This is relevant because the problem may not be social media in itself, but rather the architecture of social media platforms, which capitalizes on children's digital culture — understood as the relationship between people and their use of digital technology.¹⁹ Instead of protecting youth, platforms benefit from children's participation by collecting and using data to classify, profile, and target them through surveillance and marketing practices.

To avoid that reality, the architecture of social media should be regulated in a way that allows children to enjoy their constitutional rights without subjecting their personal data to business purposes or targeting children ostensibly to regulate social media, given that social media bans regulate users rather than platforms.²⁰

Children's online presence increased significantly during the COVID-19 pandemic, when almost all spheres of life happened through digital media, most importantly school and education.²¹ Children's digital culture through social media is now central to their lives, including how they use social media as a tool for information, communication, and education. It is also part of their identity, community building, and search for support, particularly among vulnerable groups.²²

In addition, children's online presence has increased their public participation, enabling them to join campaigns related to the environment, social justice movements, and human rights advocacy.²³ For that reason, their civic participation in democracy can be affected by being banned from social media.

Research regarding Australia's social media ban (implemented in December 2025) has shown that, when young people are banned from using social media, they are prevented from accessing news about topics that matter to them, and from being able to express their views and act on them. This affects young people's ability and probability to take part in the community.²⁴

¹⁹ Pan-Canadian Public Health Network 'Digital Culture and Child and Youth Well-Being: Position Statement by the Council of Chief Medical Officers of Health'. < <https://www.phn-rsp.ca/en/position-statements/digital-culture-child-youth-well-being-position-statement-council-chief-medical-officers-health.html> >

²⁰ Karolin Rippich and Edoardo Celeste 'Queer Children's Digital Rights and Commission v Hungary' *MediaLaws* (2026). < <https://www.medialaws.eu/queer-childrens-digital-rights-and-commission-v-hungary/> >

²¹ Angela Katharina, 'Children's Rights in Digital Spaces: Emerging Legal and Societal Perspectives' (2025) 1 (1) *Stout in Law and Societal Studies*, p. 27. < <https://stoutjournals.org/index.php/SLSS/article/view/57/56> >

²² Benjamin Hanckel and Natalie Ann Hendry, 'Ontologies of Risk in Research with Young People: Interrogating Research Practices and de-Centring "Risk" in Youth Digital Media Research' [2026] *International Journal of Qualitative Studies in Education*, p. 2. < <https://doi.org/10.1080/09518398.2026.2698426> >

²³ Katharina, n (21), p. 30.

²⁴ Michael Dezuanni, Simon Chambers and Tanya Notley, 'Australian teens impacted by the social media ban are getting less news: new research' (*The Conversation*, 17 May 2026) < <https://doi.org/10.64628/AA.ayuwwwnmw> >

In addition, in the Australian context, scholarship indicates that the likelihood of children accessing traditional news sources is low, given that they do not feel represented by legacy media and find that these sources do not address the issues that are relevant to them.²⁵ As a result, children's potential to influence political processes is threatened not only by the ban itself, but also through the lack of access to information that bans create. This further marginalizes voices that already carry less weight and value as those of adults.²⁶

However, General Comment no. 25 (2021) of the UN Convention on the Rights of the Child (UNCRC) brings the necessity of ensuring that children's views are given due weight within the scope of the best interests of the child principle.²⁷ A broader discussion on how children are recognized as subject of rights within debates about their online presence and engagement with social media and technology becomes crucial.

Lupton and Williamson discuss the phenomenon of dataveillance (i.e., data surveillance), which characterizes the collection of information in the form of data.²⁸ One of the consequences of this phenomenon is that 'people are configured as digital data assemblages'²⁹ that affect both how people see themselves and how actors (i.e., social media platforms) use the data to influence or manipulate people. This involves the attempt to shape behaviours, including commercial behaviours online, with data being used to direct marketing and infer information.

Since children are now susceptible to data surveillance, given their presence in the digital space through their parents, school, and their own activities, their data have been collected since their birth, and actions that have a considerable impact on their lives — including banning them from social media — have been taken based on these data.

To analyse these dynamics, it is crucial to highlight the three dimensions of privacy proposed by Livingstone, Stoilova and Nandagiri: interpersonal privacy, institutional privacy and commercial privacy.³⁰ The interpersonal privacy dimension relates to individuals making choices regarding communication practices and information sharing within their networks,

²⁵ Ibid.

²⁶ Dadhich and Mortensen (n 14), p. 57.

²⁷ Committee on the rights of the Child, United Nations (n 8), p. 3, para 13.

²⁸ Deborah Lupton and Ben Willianson, 'The Datafied Child: The Dataveillance of Children and Implication for Their Rights' (2017) 19(5), *New Media & Society*, p. 782. <
<https://journals.sagepub.com/doi/abs/10.1177/1461444816686328>>

²⁹ Ibid, p. 783.

³⁰ Sonia Livingstone, Mariya Stoilova and Rishita Nandagiri, *Children's Data and Privacy Online: Growing up in a Digital Age: An Evidence Review*. p. 13. (London School of Economics and Political Science 2019) <<https://researchonline.lse.ac.uk/id/eprint/101283/>>.

reflecting their personal and digital identity.³¹ Institutional privacy concerns control over data held by government institutions and other agencies.³²

Finally, commercial privacy concerns data collection conducted by private companies, which track data, online footprints, and related behaviours, as well as cookies and location data, to be able to profile and target consumers. As highlighted by Livingstone, Stoilova and Nandagiri, evidence indicates that children may disclose their personal information unintentionally when using online services, including social media, as a result of platform design and default settings.³³

These three dimensions of privacy — especially commercial privacy — put into evidence that platform architecture matters for children’s actions online, as well as their possibilities online, such as the organization of knowledge made possible by the structure of search engines. For example, research has highlighted that search rankings, featured snippets, and sponsored results allow certain forms of knowledge to be more accessible than others.³⁴

For instance, youth-centered resources and practical guidance do not occupy the most visible search positions.³⁵ Hence, technical aspects of social media are key to allowing the effective exercise of rights on social media, such as access to information. Platform design is therefore closely connected to understanding children’s online experiences and the harms they face digitally, since it shapes how their data are collected, interpreted, and monetized.

The datafication of childhood allows profiling of children through the use of their data, yet inferences about children are often erroneous because they are “i) built from inaccurate and decontextualized data (algorithmic inaccuracy); ii) unexplainable and therefore cannot be held accountable (algorithmic explainability); and iii) always biased (algorithmic bias)”.³⁶ Fernandes also highlights the danger of the alternative proposed as a solution for this algorithmic incoherence, namely massive collection of data in order to obtain more trustworthy inferences, which results in a vicious circle.³⁷

³¹ *ibid.*

³² *ibid.*

³³ *Ibid.*, p. 15.

³⁴ Daniel Angus and others, ‘Children’s Information Environments and Digital Agency under Australia’s Social Media Age Ban’ *Children’s rights under pressure in a digital world* (Digital Futures for Children centre (DFC) 2026), p. 69. <<https://researchonline.lse.ac.uk/id/eprint/138632/>>.

³⁵ *ibid.*

³⁶ Elora Raad Fernandes, ‘Direitos de crianças e adolescentes por design: uma agenda regulatória para a ANPD’ in *Privacidade e Proteção de Dados de Crianças e Adolescentes* (Instituto de Tecnologia e Sociedade do Rio de Janeiro; Obliq 2021), p. 201. <<https://somos.itsrio.org/livro-privacidade-e-protecao-de-dados-de-criancas>>

³⁷ *Ibid.*, p. 202.

Biased, unfair, and inaccurate data collection raises concerns given the forms of discrimination that may arise in the use of the data, violating the principle of non-discrimination enshrined in the UNCRC General Comment No. 25 (2021).³⁸ Even when research on children's digital experience is conducted to understand the risks and opportunities to support effective State measures, data collection must not violate children's privacy and must exercise the highest ethical standards.³⁹

One issue is that children, through the datafication of childhood, are often seen as subjects only when they are to be targeted for profit, such as for profiling, algorithmic targeting, directing ads, and for commercial purposes, as they constitute a significant consumer group, creating a profit-centered perspective of the subject. As explained by Fernandes, the hyperconnectivity of life contributes to the datafication of childhood, in which children and teenagers are seen as collections of data to be exploited instead of being seen as subjects.⁴⁰

However, children are often not heard or even invited to the conversation when important decisions about them are made.⁴¹ For instance, information regarding social media bans for children is often focused on adults in its tone and articulation.⁴² This context highlights the lack of information available or provided to children when they are affected by a certain topic. In addition, measures designed in the area of children's online safety frequently use protection as rhetoric, since the discussion around the topic is built around adult preoccupations regarding "harm, liability and control".⁴³

Children's data are then analysed under the assumption that their digital data and digital traces speak for themselves. This assumption risks allowing this discussion to be used as an excuse to avoid foundational changes, such as platform accountability, privacy by design, privacy by default, the elimination of addictive features and dark patterns, and the implementation of public policies to benefit children, such as digital literacy programs and free public activities.

³⁸ Committee on the Rights of the Child, United Nations (n 8), p. 2, para 10.

³⁹ Committee on the Rights of the Child, United Nations (n 8), p. 5, para 30.

⁴⁰ Elora Raad Fernandes 'Tratamento de dados de adolescentes no Brasil e a necessária proteção de direitos por design' (2020) Artigos finais do IV Grupo de Pesquisa do ITS, p. 1. <https://itsrio.org/wp-content/uploads/2020/10/Tratamento-de-dados-de-adolescentes-no-Brasil-e-a-necessária-proteção-de-direitos-por-design_Elora_Fernandes.pdf>

⁴¹ Meghmala Mukherjee, 'Beyond Bans: Why Children's Participation Rights Matter in the Digital Age - Participate' (24 April 2025) <<https://msca-participate.eu/childrens-participation-rights-digital-age/>> accessed 13 July 2026.

⁴² Angus and others (n 34), p. 69.

⁴³ Garayová (n 16), p. 80.

Therefore, children's vulnerability is used to justify measures that do not consider that banning them from social media can contribute to intensifying their vulnerability, when they are not given the opportunity to understand the risks to which they might be exposed and learn how to make informed choices to protect themselves.⁴⁴ Accordingly, rather than regarding children as active digital citizens merely for consuming purposes and then treated as passive citizens when it comes to learning digital literacy skills, public policy ought to ensure their constitutional rights are fulfilled and their democratic participation guaranteed in all respects.

In this sense, digital constitutionalism is a valuable framework not only to reaffirm that children are entitled to constitutional rights, not merely as subjects whose online presence is merely a source of profit and an object of control; that children's rights must be equally guaranteed in the online space, but also to highlight the influence of corporate power in the exercise of those rights.

From this point of view, existing legal instruments, such as constitutional guarantees established in the Canadian Charter of Rights and Freedoms, should be reinforced so that they can be applied in the digital space without losing their strength. This includes enforcing the UNCRC General Comment no. 25 (2021), which would allow digital platforms, which are responsible for creating designs that generate profit while harming children, to be properly regulated.

Building on this, it is important to examine why harms embedded in the architecture of digital platforms persist and how regulatory initiatives legitimize this situation by shifting the focus away from the real issue. In the next section, the power accumulated by platforms, together with political dynamics, will be analysed to examine how it interferes with children's rights online, resulting in measures that fail to confront the risks created by platforms' ability to exercise power over the online enjoyment of fundamental rights, including those of children.

2. Bill C-34 and its compatibility with the UNCRC: Problems and Possibilities

The UN Convention on the Rights of the Child (UNCRC), ratified by Canada in 1991, continues to be the primary guidance for protecting the rights of children, and its provisions can also apply to digital space.⁴⁵ General Comment No. 25 (2021) on children's rights in

⁴⁴ Mukherjee (n 41).

⁴⁵ Katharina (n 21), p. 27.

relation to the digital environment provides an explanation on how ‘States parties’ can give effect to the Convention in the digital space.⁴⁶

Hence, General Comment No 25 (2021) is essential in affirming that children’s rights are applicable to the digital environment and must be protected and respected. In Section V of the General Comment, entitled “General measures of implementation by States parties”, the document identifies legislative measures among the actions required to realize children’s rights online. This highlights the importance of adopting national legislation that is compatible with international human rights standards and consistent with the rights enshrined in the Convention and Canada’s Charter of Rights and Freedoms.

However, the Canadian social media ban proposed in Bill C-34 does not align with the UNCRC and the General Comment No 25 (2021), since it does not respect the views of the child, their constitutional rights and the best interests of the child.

Article 13 of the UNCRC establishes that children have the right to seek and receive information through any medium of the child’s choice, which includes digital media, and stresses children’s right to freedom of expression. Article 17 of the UNCRC expresses the importance of ensuring that children have “access to information and material from a diversity of national and international sources”. Article 15 of the UNCRC recognizes the rights of the child to freedom of association and to freedom of peaceful assembly, which is also guaranteed by paragraph 2(b) of the Canadian Charter of Rights and Freedoms.

Clearly, the UNCRC brings a proactive perspective of children, since it recognizes their rights to seek information, access information, express their views in matters affecting them, and associate with whomever they choose. However, the Canadian social media ban, which assumes that children are passive agents regarding their online experiences, is in opposition to their empowerment, as enshrined in the UNCRC.

Considering children’s civic, social, and cultural participation online, it is clear that they are active participants online, who engage enthusiastically in social media. Moreover, children can influence each other’s experiences and can act as mediators for one another in the online space.⁴⁷ Therefore, discussions regarding children’s online safety should not merely view them as passive actors, since that framing may pose a greater risk than the risks initially identified as the problem.

⁴⁶ Committee on the Rights of the Child, United Nations (n 8).

⁴⁷ Meghmala Mukherjee, ‘Shifting the Power: Rethinking Digital Mediation Beyond Parents’ (*PARTICIPATE Project*, 22 May 2026) <<https://msca-participate.eu/shifting-the-power-rethinking-digital-mediation-beyond-parents/>>.

Scholarship shows that young people are often presumed to be risk-takers and to be at risk, unmindful of which risks carry greater weight, in what contexts, for whom and the reasons why they are characterised in that way.⁴⁸ Considering the political dynamics to be further analysed and the power platforms hold, this perspective is important to examine who benefits from placing children at the center of these risk narratives. Framing protection only around risk may obscure considerable digital harms and instrumentalize child protection to justify policies that are contrary to children's actual safety needs. Children are "right holders, not merely objects worthy of protection".⁴⁹

This shift in perspective also matters when a diverse group such as youth is treated as homogeneous, presumed to share the same risks and the same experiences while using social media, even though young people constitute a heterogeneous group shaped by their social, cultural, and geographical contexts.⁵⁰

For this reason, a social media ban will impact youth differently across regions and social contexts, as will age-verification and other proposed alternative solutions. The best interests of the child principle should serve as guidance for assessing local complexities of children's digital lives and their intersections, rather than as a principle that pushes countries to analyse an issue with the intention of solving it through solutions that may, in the end, be risky and problematic.

Moreover, the Canadian social media ban may encourage children to seek out other platforms that do not fall under "regulated services" — where children are exposed to content that the ban seeks to prevent them from accessing. Young people may be more apprehensive to be open with their parents or guardians about the challenges and harmful experiences they have had on those platforms if they anticipate negative consequences.⁵¹ As a result, children in a healthier family environment or equipped with more digital literacy skills have a better chance to identify these risks and ask for help.

Children can be equally reluctant to disclose negative online experiences to parents or guardians, both from activity on less protected platforms and on banned ones, since they may find ways to circumvent the ban and continue accessing social media. Evidence from Australia's social media ban for children calls into question the effectiveness of such a measure,

⁴⁸ Hanckel and Hendry (n 22), p. 3.

⁴⁹ Michael Geist, 'Why the Government's Plan for a Social Media Ban in Bill C-34 Is Unconstitutional' (*Michael Geist*, 16 July 2026) <<https://mgeist.substack.com/p/why-the-governments-plan-for-a-social>>

⁵⁰ Hanckel and Hendry (n 22), p. 3.

⁵¹ Katrina E Champion and others, 'Debate: Social Media in Children and Young People – Time for a Ban? Beyond the Ban – Empowering Parents and Schools to Keep Adolescents Safe on Social Media' (2025) 30 (4), *Child and Adolescent Mental Health*, p. 412. <<https://pmc.ncbi.nlm.nih.gov/articles/PMC12573062/>>

since 70% of children who had Snapchat, TikTok, Facebook, Instagram or YouTube accounts still have access to them despite the ban.⁵²

Another example of increasing children's vulnerability concerns LGBTQIA+ children, who often find support and community online, especially those who do not find support at home and rely on the digital space for their emotional support.⁵³ A social media ban would affect this vulnerable group directly, preventing them from relying on the digital space for information and seeking support.⁵⁴

Overall, it is concerning that proposed solutions to children's digital safety – such as the Canadian social media ban — are designed without grounding them in the social and economic realities that accurately reflect a broad cross-section of children's experiences, challenges and demands. The implications of disregarding children's viewpoints underscores the need to respect the best interests of the child and to actively include them, without participation-washing, in decision-making processes and public policy design.

Implementing a social media ban also violates the constitutional guarantee of equality before and under the law and equal protection and benefit of the law established in Section 15(1) of the Canadian Charter of Rights and Freedoms, as well as the principle of non-discrimination, since banning children from social media would not ensure equality, given that not all children would be equally affected.⁵⁵

In addition, the Canadian social media ban poses significant risks to privacy, given that all users would be required to provide their ID and sensitive information to third party providers to undergo age-verification procedures and be permitted to use social media. The majority of age verification providers are not Canadian-owned or located in Canada, and that brings challenges for enforcing Canadian privacy law, since security breaches could occur and significantly affect the privacy of Canadian users who might not be made aware of the breach, and who would have little (if any) recourse.⁵⁶

⁵² Joseph Sahyoun, 'eSafety Commissioner Was "Not Really Keen" on Social Media Ban' (*Nine.com.au*, 5 June 2026) <<https://www.nine.com.au/australia-news/esafety-commissioner-was-not-really-keen-on-social-media-ban-20260606-p604gj.html>>

⁵³ Michael Geist, 'The Illusion of Protection: Why Canada's Growing Push to Ban Social Media for Kids Won't Work - Michael Geist' (28 April 2026) <<https://www.michaelgeist.ca/2026/04/the-illusion-of-protection-why-canadas-growing-push-to-ban-social-media-for-kids-wont-work/>>

⁵⁴ Travis Gilly and Rene Mattheus, 'Harm Blindness in Digital Child Protection Policy: A Systematic Stakeholder, Sentinel and Legal Analysis of Australia's under-16 Social Media Ban' *Children's rights under pressure in a digital world* (Digital Futures for Children centre (DFC) 2026, p. 63. <<https://researchonline.lse.ac.uk/id/eprint/138632/>>.

⁵⁵ Committee on the Rights of the Child, United Nations, (n 8), p. 2, para 11.

⁵⁶ Geist (n 49).

It is essential to highlight that privacy is a necessary condition for the effective realization of other fundamental rights.⁵⁷ This is increasingly relevant because data-driven decision-making has increased in areas such as access to public healthcare and public education, underscoring the importance of safeguarding privacy and avoiding the restrictions on the realization of other rights. As stated by Frazão, vigilance through data is problematic because it allows for individuals to be classified, which can significantly affect the opportunities available to them in the digital world.⁵⁸

Therefore, there are concerns regarding the fact that the Canadian social media ban has been considered as a one-size-fits-all solution, adopted following an international trend without considering its weakness and risks. Hence, the discussion around children's online safety, which involves privacy and numerous other rights, is overshadowed by an inadequate solution. At the same time, this approach avoids enacting laws that could challenge a business model designed around platforms and social media features that generate profit while affecting children.⁵⁹

The lack of regulation that addresses the design of platforms reveals a corporate influence over the discussion, which is being replicated in other countries including Canada. This demonstrates the transnational power of technology companies, which can sideline discussions and weaken attempts to strengthen children's protection online.

Although 'States parties' of the UNCRC — including Canada — must meet UNCRC's provisions, effective implementation lacks a key element: the political will to resist corporate lobbying and foreign and domestic interference in public policies. International cooperation on this issue is crucial to guarantee the enforcement of corporate responsibility initiatives and prevent regulatory arbitrage.⁶⁰

Law and business can influence each other, particularly as transnational corporations, including big tech companies, accumulate significant power. Political and economic choices guide whether technology owned by these companies is produced incorporating rights-oriented

⁵⁷ Philippe Dufresne, 'A vision for privacy: rights, trust and public interest' (2022) Office of the Privacy Commissioner of Canada. <https://www.priv.gc.ca/en/opc-news/speeches-and-statements/2022/sp-d_20221104/>

⁵⁸ Ana Frazão, 'Dever Geral de Cuidado Das Plataformas Diante de Crianças e Adolescentes' (2020), p. 126. <<https://criancaeconsumo.org.br/wp-content/uploads/2021/11/dever-geral-de-cuidado-das-plataformas.pdf>>.

⁵⁹ Ibid, p. 216.

⁶⁰ Matthew WR Stevens, Marcela Radunz, Orsolya Király, Mark D Griffiths, Paul Delfabbro, Zsolt Demetrovics, Andrea Czako and Daniel L King, 'Beyond the debate: toward pragmatic evaluation of Australia's social media age restrictions' (March 2026), p. 68 *The Lancet Regional Health – Western Pacific*, 3. <[Beyond the debate: toward pragmatic evaluation of Australia's social media age restrictions - The Lancet Regional Health – Western Pacific](#)>

design or profit-oriented design, and have enabled big tech companies to use their available technological resources to create addictive design, endless-scrolling platforms, and targeted marketing, instead of changing the architecture of their platforms to respect children's rights. In addition, they use their political strength and economic influence to try to shape national regulation according to their interests through different strategies.⁶¹

Current initiatives, such as the Canadian proposal, betray commitments that 'States parties' have made in the UNCRC. Therefore, the current legislative trend toward imposing a social media ban on children — instead of regulating platforms — demonstrates the weakening of international values reflected in and by the UNCRC. In the Business and Human Rights (BHR) agenda, Kampourakis and Lanes explain that it is law itself, and not the absence of law or the so called 'governance gaps', that allows the foundation of inequalities and many forms through which exploitation is practiced in supply chains.⁶²

Such critique aligns with Eller's arguments, which state that the regulation of transnational corporate responsibility is now facing an overlapping sequence of regulatory initiatives which, instead of being complementary and making the agenda stronger, actually reveal a rupture and structural problems, especially due to the complexity of regulating value chains in a transnational context that is embedded in political dynamics.⁶³

The parallel with the BHR agenda offers a lens through which similarities with the children's online protection agenda can be identified. In both cases, the issue is not simply the absence of regulation, but rather the design of legal responses in a way that maintains private power structures and does not consider political dynamics while offering an illusion of protection.

In addition, the BHR agenda is relevant to this discussion given the importance of companies having human rights responsibilities across all the countries, both due to the UNCRC and the United Nations Guiding Principles on Business and Human Rights (UNGPs), highlighting the importance of a child rights-centered framework.⁶⁴

⁶¹ Robert Gorwa, Grzegorz Lechowski and Daniel Schneiß, 'Platform lobbying: Policy influence strategies and the EU's Digital Services Act' (June 2024) 13 (2), *Internet Policy Review*, p. 2. <
<https://policyreview.info/articles/analysis/platform-lobbying-digital-services-act>>

⁶² Ioannis Kampourakis and Lottie Lane, 'The Law and Political Economy of Business and Human Rights: From Governance Gaps to Root Causes' (2025) 38, *Leiden Journal of International Law*, p. 432.
<https://www.cambridge.org/core/product/identifier/S0922156524000517/type/journal_article>

⁶³ Klaas Hendrik Eller, 'The Information Architecture of Corporate Accountability: Inside Corporate Reporting Regimes in Global Value Chains' in Hila Shamir and others (eds), *Modern Slavery and the Governance of Global Value Chains* (1st edn, Cambridge University Press) (2025), p. 41-42.

⁶⁴ Ian Levine "Without a Child Rights Framework, Meta's \$17.1bn Settlement Will Only Go So Far" *Tech Policy Press* <<https://www.techpolicy.press/without-a-child-rights-framework-meta-settlement-will-only-go-so-far/>>

Corporate obligations were inferred as Meta successfully reached a settlement in the US on August 26, 2026, agreeing to pay USD \$17.1 billion and to put into place changes on its platforms to better protect teen users, settling claims regarding its active role in designing social media in a way that contributes to children's social media addiction.⁶⁵ Given that these harms exist everywhere, not only in the US, national legislation is required to give effect to requirements based on the UNCRC rather than focusing on regulating children.⁶⁶

Hence, the power dynamics present in the children's online safety debate suggests that children's constitutional rights are being used as a shield to delay effective changes and to create ineffective regulation, as social media is being vilified as the only issue affecting children's mental and physical health. As explained by Whelan, a social media ban can actually contribute to youth isolation instead of providing actual help.⁶⁷

Children should be regarded as active actors who should be involved in decision-making regarding their online safety, as well as being seen as subject of rights within the digital space. As guaranteed in the respect for the views of the child principle, "States should promote awareness of, and access to, digital means for children to express their views and offer training and support for children to participate on an equal basis with adults, anonymously where needed, so that they can be effective advocates for their rights, individually and as a group."⁶⁸

3. Children's Rights by Design

One of the important shifts that this discussion should take is focusing on the design of platforms tailored to children. According to Fernandes, platform design regulation has the potential to facilitate the realization of the rights of children enshrined in the UNCRC.⁶⁹ Kalliomeri et al. developed a child-centered design guide based on the UNCRC rights, seeking to actively involve children in design processes.⁷⁰

⁶⁵ Varsha Bansal "What's in Meta's Teen Social Media Settlement - and what hinges on its rivals" <<https://www.techpolicy.press/whats-in-metas-teen-social-media-settlement-and-what-hinges-on-its-rivals/>>

⁶⁶ Ibid

⁶⁷ Jade Wilson, 'Social Media Ban Not a "Logical Starting Point" for Wellbeing of Young People, Academics Say' (*The Irish Times*) <<https://www.irishtimes.com/ireland/2026/02/19/social-media-ban-not-a-logical-starting-point-for-wellbeing-of-young-people-academics-say/>>

⁶⁸ Committee on the rights of the Child, United Nations, (n 8), p. 3, para 16.

⁶⁹ Elora Raad Fernandes (n 36), p. 204-205.

⁷⁰ Reetta Kalliomeri, Katja Mettinen Anna-Maija Ohlsson, Sonja Soini, Hanna Tulensalo, 'Child-Centered Design, Save the Children.' <https://resourcecentre.savethechildren.net/pdf/save_the_children_child-centered_design.pdf>

Rocha highlights that, in user-centred design focused on children, it is essential to recognize that listening to children is not merely a method of information collection. It requires effort to understand their needs and perspectives, in order to develop digital solutions that are truly targeted at children and are safe, inclusive and accessible.⁷¹

Hartung advocates that Children's Rights by Design should guide the use of data by technology companies.⁷² Children's Rights by Design should include the design, development, and implementation of online services or products offered to children. Therefore, platform design that is guided by the UNCRC is a tool that considers children's rights in all spheres and processes, including its initial development stages as well as their implementation.

Leite Monteiro discusses the regulatory implications of interface choices in AI systems, highlighting the importance of design in law.⁷³ According to him, the most important regulatory decisions related to AI are produced in product design and internal corporate meetings. Hence, he also highlights research opportunities within this field, which we suggest can also be applied to the discussion of children's online safety, such as privacy-preserving interaction design, which can be explored to analyse how interface design could minimize data collection, which is fundamental for children's privacy rights.⁷⁴

Leite Monteiro also proposes practical recommendations to deal with AI regulation issues through design. One of his proposals is to document design decisions that have legal implications, which means that interaction tools, consent interfaces, and other elements of an AI system must be accompanied by an explanation of why they were built the way they were.⁷⁵

Applied to the architecture of social media and the discussion of children's online safety, Leite Monteiro's proposal is an important solution to tackle the root causes of online harms. This not only facilitates institutional knowledge and makes it easier for companies to respond to regulatory inquiries, but also creates the possibility of understanding, anticipating, and preventing negative impacts of platform design. Requiring effective design could strengthen the duty imposed on the operators of regulated services in Canada regarding the

⁷¹ Beatriz Matos dos Reis Rocha, 'Crianças Nas Redes Sociais: Controle Parental e Design Centrado Na Criança Em Plataformas Digitais' Pontifícia Universidade Católica de São Paulo (2025), p. 47. <<https://repositorio.pucsp.br/jspui/handle/handle/44065>>.

⁷² Pedro Hartung, 'The children's rights-by-design standard for data use by tech companies'. Good Governance of Children's Data Project, Office of Global Insight and Policy, Unicef (November 2020), p. 5. <<https://www.unicef.org/innocenti/media/1096/file/%20UNICEF-Global-Insight-DataGov-data-use-brief-2020.pdf>>

⁷³ Renato Leite Monteiro, 'Design is Law: Regulatory Consequences of Interface Choices in AI Systems' (2026) 33(2) Interactions, p. 39. <[Design Is Law: Regulatory Consequences of Interface Choices in AI Systems](#)>

⁷⁴ Ibid, p. 42-43.

⁷⁵ Ibid, p. 43.

integration into services design features set out in the regulation; as well as improving the duty to be transparent.⁷⁶

On his comments concerning the Brazilian data protection authority (ANPD) decision issued on August 25 (2026) to fine TikTok for processing children's data without a valid legal basis, as well as Meta's agreement on August 26 (2026) - Leite Monteiro reinforced how design decisions are closely linked with legal compliance.⁷⁷ Therefore, he highlighted how research focused on design practices and their influence on users could enable the creation of products and services that comply with the legal requirements, which is essential for children's online safety.

4. Educational Advantages

Effective privacy-preserving design is only one necessary component to protect children. Empowering children with knowledge about privacy in order to equip them with an understanding enables them to participate in discussions about the subject and make informed decisions.

Therefore, the dimensions of interpersonal, institutional, and commercial privacy, are important concepts to present to children and to their parents and guardians, so they all are able to critically assess whether the data collection is excessive, and give them the opportunity to consider whether they are being encouraged (or manipulated) to share more information than necessary, and thereby risk their privacy. Providing appropriate and sufficient education would follow the recommendations of the principle of right to life, survival and development of General Comment no 25 (2021), which brings the importance of training and advice on the appropriate use of digital devices to parents, caregivers, educators and other relevant actors.⁷⁸

In addition, the principle of right to life, survival and development also highlights the importance of in-person interactions both between children and with their parents or caregivers, which are key to children's cognitive, emotional and social development. Public policies should therefore ensure that children are not hampered from accessing free non-digital activities that can encourage a healthier relationship of children with digital tools and decentring technology as their only source of leisure time.

⁷⁶ Safe Social Media Act, Bill C-34, (n 1), p, 24-25.

⁷⁷ Renato Leite Monteiro. 'When Design Becomes Liability: Why Current Compliance and Governance Strategies Need to be Updated' (2026) <<https://www.linkedin.com/pulse/when-design-becomes-liability-why-current-compliance-leite-monteiro-jgjh/?trackingId=H4rlR8jOopZaxN9LNFYX3A%3D%3D>>

⁷⁸ Committee on the rights of the child, United Nations, (n 8), p. 3, para 15.

Considering that not every child has access to the same activities, such as painting, sports and music, mainly due to economic disparities, technology might be used by some of them as the only source of recreation offered to children; and that can influence the amount and quality of children's screen time. This gap can be closed with inclusive, accessible, and age-appropriate programs offered by public bodies at no cost.

Since technology changes quickly and, with it, children's risks and opportunities within the digital space, it is important to ensure a periodical assessment and monitoring of the effectiveness, suitability, and up-to-datedness of the design and architecture of platforms changing measures. This would follow the provision in General Comment no. 25 (2021), which brings the necessity of States parties taking measures to ensure compliance by business and the encouragement for them being transparent to support children's online safety.⁷⁹

The same action should be taken regarding the digital literacy and public activities measure, that could be achieved in partnership with civil society organisations, which could participate in this process, aligning with the cooperation of States with civil society present in the General Comment no. 25 (2021).⁸⁰

In light of these considerations, children's online protection requires an approach that considers the need to limit the power of online platforms, particularly their ability to influence children's rights through their design and profit-oriented features. In addition, the discussion should incorporate public policies that seek to promote children's and adults' digital literacy, ensure children's participatory rights and opportunities to participate actively in decisions concerning them, as well as promote free public activities that could benefit their development and foster a healthier relationship with digital tools.

Most importantly, discussions about children's online safety should shed light on the importance of adopting a genuine regard to children that considers them as active citizens rather than passive subjects who are considered only when they serve corporate interests. This perspective enables the realization of the rights enshrined in the UNCRC and the constitutional rights guaranteed by the Canadian Charter of Fundamental Rights.

5. Making the essential visible: building new perspectives on children's rights

Implementing the participatory and protection rights articulated in the UNCRC should

⁷⁹ Committee on the rights of the child, United Nations, (n 8), p. 7, para 36.

⁸⁰ Committee on the rights of the child, United Nations, (n 8), p. 6, para 34.

contribute to ensure children's rights while limiting the continuation of platform designs that cause digital harms.

Social media bans and age-verification measures need to be regarded as solutions that carry benefits not for the public they are supposedly meant to address - children - but for those actors who will not have to take measures that require technical effort and political will.

Therefore, this article sought to highlight the importance of approaching the discussion of children's online safety in Canada without ignoring children - those who are at the centre of the discussion, but remain invisible under layers of speech that cover their voices, their perspectives and do not address the true root causes of digital harms.

The design of platforms is an impactful tool for shaping behaviours and creating risks for children. Indeed, its strength is not only based on this power, but also on the fact that it acts invisibly, being frequently sidelined rather than brought to the table as a central topic in the discussion of the promotion of children's rights online. Rather than considered as unchangeable, a given in the debate, the design of platforms is biased and operates, today, invisibly prioritizing profit over privacy and over children's rights.

Hence, children's perspectives must be brought to light, heard and included to make what is essential (children's rights) visible through political will, corporate accountability and international cooperation. This attentive regard to children's participatory rights enables not only their visibility, but also the discussion and improvement of tools that operate while invisible to the eye - such as harmful design features. This would unveil the accumulation of power embedded in political dynamics that influence regulatory choices.

The UNCRC and the General Comment no 25 (2021) should be followed by Canada to shape its digital regulatory framework, and to reinforce existing constitutional rights so that they are respected in the digital space as well. Instead of insisting on chasing solutions that may seem effective and comprehensive - such as the social ban - policymakers should turn to visible and existing instruments (constitutional rights and UNCRC rights) and regulate platform's designs so as to make them reinforced and ensure children's rights online.

6. BIBLIOGRAPHY

1. Ana Frazão, 'Dever Geral de Cuidado Das Plataformas Diante de Crianças e Adolescentes' (2020) <<https://criancaeconsumo.org.br/wp-content/uploads/2021/11/dever-geral-de-cuidado-das-plataformas.pdf>>. Accessed 1 july 2026.
2. Angela Katharina, 'Children's Rights in Digital Spaces: Emerging Legal and Societal Perspectives' (2025) 1 (1) *Stout in Law and Societal Studies*. Accessed 5 july 2026.
3. Beatriz Matos dos Reis Rocha, 'Crianças Nas Redes Sociais: Controle Parental e Design Centrado Na Criança Em Plataformas Digitais' Pontifícia Universidade Católica de São Paulo (2025). <<https://repositorio.pucsp.br/jspui/handle/handle/44065>>. Accessed 26 july 2026.
4. Benjamin Hanckel and Natalie Ann Hendry, 'Ontologies of Risk in Research with Young People: Interrogating Research Practices and de-Centring "Risk" in Youth Digital Media Research' (2026) *International Journal of Qualitative Studies in Education*. <<https://doi.org/10.1080/09518398.2026.2698426>> Accessed 14 July 2026.
5. Canadian Charter of Rights and Freedoms, Part I of the Constitution Act 1982, 'The Constitution Acts 1867 to 1982' <<https://laws-lois.justice.gc.ca/eng/const/>> Accessed 1 july 2026.
6. Committee on the Rights of the Child, United Nations, *General Comment no 25 (2021) on Children's Rights in Relation to the Digital Environment*. <[General comment No. 25 \(2021\) on children's rights in relation to the digital environment | OHCHR](#)> Accessed 3 july 2027.
7. Conseil Constitutionnel, Décision 2026-911 DC du 14 août 2026. <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000054743009> Accessed 18 august 2026.
8. Daniel Angus and others, 'Children's Information Environments and Digital Agency under Australia's Social Media Age Ban' *Children's rights under pressure in a digital world* (Digital Futures for Children centre (DFC) 2026). <<https://researchonline.lse.ac.uk/id/eprint/138632/>>. Accessed 14 july 2026.
9. Deborah Lupton and Ben Willianson, 'The Datafied Child: The Dataveillance of Children and Implication for Their Rights' (2017) 19(5), *New Media & Society*. <<https://journals.sagepub.com/doi/abs/10.1177/1461444816686328>> Accessed 5 july 2026.
10. Edoardo Celeste, 'Digital Constitutionalism: A New Systematic Theorisation' (2019) 33 *International Review of Law, Computers & Technology*, 77 <<https://doi.org/10.1080/13600869.2019.1562604>> accessed 8 december 2025.
11. Edoardo Celeste, 'Digital punishment : social media exclusion and the constitutionalizing role of national courts' (2021) 35 (2) *International Review of Law, Computers & Technology*. Accessed 23 june 2026.

-
12. Elora Raad Fernandes, 'Direitos de crianças e adolescentes por design: uma agenda regulatória para a ANPD' in *Privacidade e Proteção de Dados de Crianças e Adolescentes* (Instituto de Tecnologia e Sociedade do Rio de Janeiro; Obliq 2021). <<https://somos.itsrio.org/livro-privacidade-e-protecao-de-dados-de-criancas>> Accessed 25 June 2026.
 13. Elora Raad Fernandes 'Tratamento de dados de adolescentes no Brasil e a necessária proteção de direitos por design' (2020) Artigos finais do IV Grupo de Pesquisa do ITS. <https://itsrio.org/wp-content/uploads/2020/10/Tratamento-de-dados-de-adolescentes-no-Brasil-e-a-necessaria-protecao-de-direitos-por-design_Elora_Fernandes.pdf> Accessed 5 July 2026.
 14. Giovanni de Gregorio, 'The Rise of Digital Constitutionalism in the European Union' (2021) 19(1) *International Journal of Constitutional Law*. <<https://academic.oup.com/icon/article/19/1/41/6224442>> Accessed 10 July 2026.
 15. Ian Levine "Without a Child Rights Framework, Meta's \$17.1bn Settlement Will Only Go So Far" *Tech Policy Press* <<https://www.techpolicy.press/without-a-child-rights-framework-meta-settlement-will-only-go-so-far/>> Accessed 8 September 2026.
 16. Ioannis Kampourakis and Lottie Lane, 'The Law and Political Economy of Business and Human Rights: From Governance Gaps to Root Causes' (2025) 38 *Leiden Journal of International Law*. <https://www.cambridge.org/core/product/identifier/S0922156524000517/type/journal_article> Accessed 13 July 2026.
 17. Jade Wilson, 'Social Media Ban Not a "Logical Starting Point" for Wellbeing of Young People, Academics Say' (*The Irish Times*) <<https://www.irishtimes.com/ireland/2026/02/19/social-media-ban-not-a-logical-starting-point-for-wellbeing-of-young-people-academics-say/>> accessed 13 July 2026.
 18. Jane Reis Gonçalves Pereira and Clara Iglesias Keller, 'Constitucionalismo Digital: contradições de um conceito impreciso' (2022) 13(4) *Revista Direito e Práxis*. <<https://www.e-publicacoes.uerj.br/revistaceaju/article/view/70887>> Accessed 19 July 2026.
 19. Joseph Sahyoun, 'eSafety Commissioner Was "Not Really Keen" on Social Media Ban' (*Nine.com.au*, 5 June 2026) <<https://www.nine.com.au/australia-news/esafety-commissioner-was-not-really-keen-on-social-media-ban-20260606-p604gj.html>> Accessed 19 July 2026.
 20. Karolin Rippich and Edoardo Celeste 'Queer Children's Digital Rights and Commission v Hungary' *MediaLaws* (2026). <<https://www.medialaws.eu/queer-childrens-digital-rights-and-commission-v-hungary/>> Accessed 1 September 2026.
 21. Katrina E Champion and others, 'Debate: Social Media in Children and Young People – Time for a Ban? Beyond the Ban – Empowering Parents and Schools to Keep Adolescents Safe on Social Media' (2025) 30 (4), *Child and Adolescent Mental Health*. <<https://doi.org/10.1111/camh.70032>> accessed 14 July 2026.
 22. Klaas Hendrik Eller, 'The Information Architecture of Corporate Accountability: Inside Corporate Reporting Regimes in Global Value Chains' in Hila Shamir and others (eds), *Modern Slavery and the Governance of Global Value Chains* (1st edn, Cambridge University Press 2025). Accessed 4 July 2026.

-
23. Lilla Garayová, 'Protected into Silence: How Digital Safety Discourses Undermine Children's Rights' *Children's rights under pressure in a digital world* (Digital Futures for Children Centre (DFC) 2026). < <https://researchonline.lse.ac.uk/id/eprint/138632/>>. Accessed 2 July 2026.
 24. Matthew WR Stevens, Marcela Radunz, Orsolya Király, Mark D Griffiths, Paul Delfabbro, Zsolt Demetrovics, Andrea Czakó and Daniel L King, 'Beyond the debate: toward pragmatic evaluation of Australia's social media age restrictions' (March 2026) 68 *The Lancet Regional Health – Western Pacific*. < [Beyond the debate: toward pragmatic evaluation of Australia's social media age restrictions - The Lancet Regional Health – Western Pacific](#)> Accessed 13 July 2026.
 25. Meghmala Mukherjee, 'Beyond Bans: Why Children's Participation Rights Matter in the Digital Age - Participate' (24 April 2025) <<https://msca-participate.eu/childrens-participation-rights-digital-age/>> accessed 13 July 2026.
 26. Meghmala Mukherjee, 'Shifting the Power: Rethinking Digital Mediation Beyond Parents' (*PARTICIPATE Project*, 22 May 2026) <<https://msca-participate.eu/shifting-the-power-rethinking-digital-mediation-beyond-parents/>>. Accessed 13 July 2026.
 27. Michael Dezuanni, Simon Chambers and Tanya Notley, 'Australian teens impacted by the social media ban are getting less news: new research' (*The Conversation*, 17 May 2026) <<https://doi.org/10.64628/AA.ayuwwnmw>> accessed 18 July 2026.
 28. Michael Geist, 'Thanks for Joining the Movement: French Constitutional Council Strikes Down Kids' Social Media Ban' (Michael Geist, 17 August 2026) < <https://mgeist.substack.com/p/thanks-for-joining-the-movement-french> > Accessed 1 September 2026.
 29. Michael Geist, 'The Illusion of Protection: Why Canada's Growing Push to Ban Social Media for Kids Won't Work - Michael Geist' (28 April 2026) <<https://www.michaelgeist.ca/2026/04/the-illusion-of-protection-why-canadas-growing-push-to-ban-social-media-for-kids-wont-work/>> accessed 17 July 2026.
 30. Michael Geist, 'Why the Government's Plan for a Social Media Ban in Bill C-34 Is Unconstitutional' (*Michael Geist*, 16 July 2026) <<https://mgeist.substack.com/p/why-the-governments-plan-for-a-social>> accessed 17 July 2026.
 31. Pan-Canadian Public Health Network 'Digital Culture and Child and Youth Well-Being: Position Statement by the Council of Chief Medical Officers of Health'. < <https://www.phn-rsp.ca/en/position-statements/digital-culture-child-youth-well-being-position-statement-council-chief-medical-officers-health.html> > Accessed 16 August 2026.
 32. Pedro Hartung, 'The children's rights-by-design standard for data use by tech companies'. Good Governance of Children's Data Project, Office of Global Insight and Policy, Unicef (November 2020). < <https://www.unicef.org/innocenti/media/1096/file/%20UNICEF-Global-Insight-DataGov-data-use-brief-2020.pdf>> Accessed 14 July 2026.
 33. Philippe Dufresne, 'A vision for privacy: rights, trust and public interest' (2022) Office of the Privacy Commissioner of Canada. <https://www.priv.gc.ca/en/opc-news/speeches-and-statements/2022/sp-d_20221104/> Accessed 1 September 2026.
-

-
34. Reetta Kalliomäki, Katja Mettinen Anna-Maija Ohlsson, Sonja Soini, Hanna Tulensalo, 'Child-Centered Design, Save the Children. < https://resourcecentre.savethechildren.net/pdf/save_the_children_child-centered_design.pdf> Accessed 1 august 2026.
 35. Robert Gorwa, Grzegorz Lechowski and Daniel Schneiß, 'Platform lobbying: Policy influence strategies and the EU's Digital Services Act' (June 2024) 13 (2), Internet Policy Review. < <https://policyreview.info/articles/analysis/platform-lobbying-digital-services-act>> Accessed 29 august 2026.
 36. Renato Leite Monteiro, 'Design is Law: Regulatory Consequences of Interface Choices in AI Systems' (2026) 33(2) Interactions. < <https://dl.acm.org/doi/epdf/10.1145/3797289> > Accessed 23 july 2026.
 37. Renato Leite Monteiro. 'When Design Becomes Liability: Why Current Compliance and Governance Strategies Need to be Updated' (2026) <<https://www.linkedin.com/pulse/when-design-becomes-liability-why-current-compliance-leite-monteiro-jgjh/?trackingId=H4rlR8jOopZaxN9LNFYX3A%3D%3D>> Accessed 2 september 2026.
 38. Safe Social Media Act, Bill C-34, First Session, Forty-fifth Parliament, First Reading, June 10 2026. < <https://www.parl.ca/documentviewer/en/45-1/bill/C-34/first-reading> > Accessed 20 june 2026.
 39. Sonia Livingstone, Mariya Stoilova and Rishita Nandagiri, Children's Data and Privacy Online: Growing up in a Digital Age: An Evidence Review. (London School of Economics and Political Science 2019) <<https://researchonline.lse.ac.uk/id/eprint/101283/>>. Accessed 14 july 2026.
 40. Timisha Dadhich and Therese Mortensen, 'Age-Based Social Media Banning: Discrimination Based on Childhood?' *Children's rights under pressure in a digital world* (Digital Futures for Children centre (DFC) 2026). < <https://researchonline.lse.ac.uk/id/eprint/138632/> >Accessed 2 july 2026.
 41. Travis Gilly and Rene Mattheus, 'Harm Blindness in Digital Child Protection Policy: A Systematic Stakeholder, Sentinel and Legal Analysis of Australia's under-16 Social Media Ban' *Children's rights under pressure in a digital world* (Digital Futures for Children centre (DFC) 2026) <<https://researchonline.lse.ac.uk/id/eprint/138632/>>. Accessed 2 july 2026.
 42. UNICEF CANADA, 'Lowering the Voting Age in Canada: UNICEF Canada Policy Brief: Bill S-201' (Unicef, October 2024) 4 <https://www.unicef.ca/sites/default/files/2024-10/UNICEF_Canada_Policy_Brief_Bill_S-201_Lowering_the_Voting_Age_2024.pdf>. Accessed 15 july 2026.
 43. United Nations. Convention on the Rights of the Child. <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>> Accessed 21 june 2026.
 44. Varsha Bansal "What's in Meta's Teen Social Media Settlement - and what hinges on its rivals" <<https://www.techpolicy.press/whats-in-metas-teen-social-media-settlement-and-what-hinges-on-its-rivals><https://www.unicef.org/innocenti/media/1096/file/> UNICEF-Global-Insight-DataGov-data-use-brief-2020.pdf Accessed 8 september 2026.

