



Protecting Young Users Online: Evaluating Australia's Under-16 Social Media Ban

By Maxime Erika Zwart Sánchez

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Abstract

This blog examines the first social media ban, Australia's Online Safety Amendment Act 2024, prohibiting social media access to users under the age of 16. While the Australian government has expressed the legislation aims to safeguard young users from harmful online content, addictive algorithms and many mental health risks, its effectiveness is strongly contested. Applying a human right lens and Mousmouti's framework for legal effectiveness, this blog argues that Australia's prohibition-based approach has thus far failed to demonstrate legal effectiveness and is unlikely to achieve its intended objectives without significant reform. Conflicting rights of expression, information and privacy, as well as enforcement challenges and age verification limitations demonstrate many challenges that limit the law's effectiveness. An alternative such as a regulatory model, like the EU's Digital Service Act, may provide a more balanced approach to safeguarding rights and achieving effectiveness.

Key words: Social Media regulation, Human Rights, Australia, Legal Effectiveness, Online Safety, Platform liability, Online Safety Amendment Act 2024

Introduction

Concern for minors' rights over the use of social media has become a prominent issue, prompting states to take action, raising an important question; *What form of regulation can most effectively protect minors from the harms associated with social media?* The harmful effects of social media have become increasingly evident, particularly through the vast increase of worsening mental health issues and disorders.¹ Especially affecting vulnerable groups, whose developmental stage increases their susceptibility to these influences.² The Australian government in November 2024 recently passed the [Online Safety Amendment \(social media minimum age\) Act 2024](#), which came into effect in December 2025,³ making Australia the first country to pass a law that bans social

¹ Shannon H and others, 'Problematic Social Media Use in Adolescents and Young Adults: Systematic Review and Meta-Analysis'

² Laaninen T and Bol J, 'Youth and Social Media'

³ Online Safety Amendment (Social Media Minimum Age) Act 2024



media for anyone under the age of 16 years old.⁴ Consequently, the law has sparked major debate in the international community, gaining prominence in the current political agenda with several countries drafting and considering regulation.⁵ However, this issue raises controversy around balancing personal freedoms while simultaneously protecting users, respecting their rights, and addressing the jurisdictional complexity posed by the global context of the internet.⁶ Thus, this calls for an analysis of whether the law is effective, specifically regarding the prohibition-based approach under socio legal perspectives and human rights law.

Australia's under-16 social media ban in practice

The Act adopts a platform liability model requiring platforms to abide by the law and implement measures to prevent children under 16 from being able to access the restricted social media platforms,⁷ [regardless of parental consent](#).⁸ As a consequence, platforms can be held liable for civil penalties of up to AUD [50 million dollars](#) if they do not take reasonable steps to ensure compliance with the law.⁹ The Australian Government explains that the law is necessary to protect Australian children and adolescents from the risks and consequences associated with social media, subsequently shifting the burden of responsibility to platforms rather than to parents and young users.¹⁰

In practice, this liability approach appears challenging to enforce given the [limitations of current age verification mechanisms](#).¹¹ While the law aims to pursue a legitimate objective, the platform's age verification mechanisms have not managed to effectively achieve banning young users from these platforms.¹² Teenagers have demonstrated the possibility to bypass age controls due to inaccurate age estimations by AI or by falsifying their age.¹³ This raises the question of whether platform liability and the enforcement measures are appropriate for the issue at stake.¹⁴

The problem: conflicting rights

⁴ Reuters, 'From Australia to Europe, Countries Move to Curb Children's Social Media Access

⁵ Ibid

⁶ Blackwood F, 'Desperate for Social Media Ban to Work, but Parents Say It's "Impossible"'

⁷ BBC News, 'How Does Australia's Under-16 Social Media Ban Work?'

⁸ UNICEF Australia, "Social Media Ban"

⁹ UNICEF Australia, "Social Media Ban"

¹⁰ Australian Human Rights Commission, 'Explainer: Social Media Ban for Under-16s in Australia'

¹¹ BBC News, 'How Does Australia's Under-16 Social Media Ban Work?'

¹² Ibid

¹³ Ibid

¹⁴ Ibid



The Australian Human Rights Commission (AHRC) explains that the [ban aims to protect young people from harmful content](#), consistent with the requirements of Article 17 of the Convention on the Rights of a Child (CRC) which is to protect children from information and harmful material¹⁵ and Article 19 CRC requiring governments to protect children from violence, abuse and maltreatment.¹⁶ Although Australia's intention to regulate social media may be necessary, the prohibition-based approach of the law raises the question of whether it is proportionate in terms of safeguarding other rights.

Social media can expose young users to sexually explicit material, misinformation, hate speech, unrealistic body image ideals and other harmful content.¹⁷ [Studies have demonstrated this can be harmful to mental health](#), increasing anxiety, depression, distress etc.¹⁸ Additionally, with addictive algorithms [young users exhibit addiction-like symptoms](#), such as a lack of control over usage, neglecting other activities and experiencing withdrawal symptoms.¹⁹ As a result, this creates a need for states to develop regulation in order to guarantee young users protection.

Controversially, the UN and [other civil society groups](#) argue a ban conflicts with [freedom of expression and access to information](#), under Article 19 International Covenant on Civil and Political Rights (ICCPR) and Article 13 CRC.²⁰ Whereas, in agreement with the Australian government, others counter argue that the ban safeguards Article 19 CRC, as young users will be protected against cyberbullying, harmful and inappropriate content and online predators.²¹ Further, the implementation of measures that estimate and verify user age have also been critiqued with regards to the [right to privacy under Article 17 ICCPR and Article 16 CRC](#), due to data collection required for age verification.²² On this point, it raises concerns for young users' access to social media, [violates their right to privacy](#) due to young people's limited capacity to comprehend why data is collected or monetised.²³ Such a strict prohibition highlights how, despite having the intention to safeguard certain rights, it may [ultimately negatively affect other rights](#).²⁴ These competing considerations demonstrate the need for other forms of regulatory measures that

¹⁵ Australian Human Rights Commission, 'Explainer: Social Media Ban for Under-16s in Australia'

¹⁶ Ibid

¹⁷ Laaninen T and Bol J, 'Youth and Social Media'

¹⁸ Shannon H and others, 'Problematic Social Media Use in Adolescents and Young Adults: Systematic Review and Meta-Analysis'

¹⁹ World Health Organisation, 'Teens, Screens and Mental Health'

²⁰ Ibid

²¹ UNICEF Australia, "Social Media Ban"

²² Ibid

²³ Australian Human Rights Commission, 'Explainer: Social Media Ban for Under-16s in Australia'

²⁴ United Nations, 'Social Media: Age-Related Bans Won't Keep Kids Safe, Unicef Warns | UN News'



guarantee the best protection and rights for minors.

Other emerging approaches to social media regulation

Australia is the first country to enact stringent legislation concerning children's social media use, however, other countries are indicating their intention to create similar laws. Nevertheless [UNICEF has expressed its opposition to such laws](#), and is conducting research into finding suitable mechanisms for states and platforms to ensure young users' protection.²⁵ The organisation essentially claims that the ban misunderstands fundamental realities that will inhibit guaranteeing greater protection for young users.²⁶ For instance, marginalised children and adolescents who rely on the platforms to socialize and connect. Further, the UN asserts that young users will find “workarounds” and thus continue to be exposed to the risks and harms of social media.²⁷

An alternative approach to a ban is the [European Union's Digital Service Act \(DSA\)](#), which utilizes a risk-based regulatory approach creating minimum standards for EU member states.²⁸ This framework theoretically sets various safeguards through high levels of privacy, security and safety as well as bans targeted advertisement to minors on online platforms.²⁹ Additionally, the EU Commission has introduced investigations to monitor whether big platforms are meeting the requirements that ensure minors protection.³⁰ The DSA's regulation requires platforms to act rather than applying a prohibition-based system upon users. This framework is consistent with the [United Nations approach](#), as it creates an obligation for platforms to implement safeguards for users, rather than restricting their rights to enhance protection.³¹ Nevertheless, there is strong criticism by Eurochild of risk assessment reports, who argue the DSA insufficiently protects young users due to insufficient safeguarding measures.³²

This criticism has resulted in Australia's prohibition-based approach inspiring several EU member states to draft similar legislation. For instance, [French lawmakers recently approved a bill banning social media](#) for users under 15 years old,³³ and similar bills have been proposed in other countries

²⁵ UNICEF Innocenti, 'Children's Best Interests in a Digital World'

²⁶ Ibid

²⁷ United Nations, 'Social Media: Age-Related Bans Won't Keep Kids Safe, Unicef Warns | UN News'

²⁸ European Commission, 'The Digital Services Act'

²⁹ Ibid

³⁰ European Commission, 'Protecting and Empowering Young People Online'

³¹ United Nations, 'Social Media: Age-Related Bans Won't Keep Kids Safe, Unicef Warns | UN News'

³² Eurochild, 'Online Platforms' Risk Assessment Reports under the DSA Fall Short on Children's Protection'

³³ Ulea A, 'Will France Be next to Ban Social Media for Children under 15?'



like Portugal and Slovenia.³⁴ Such as, [Estonia which has been the only European state to openly oppose such a ban](#), expressing it undermines the reality of the issue, and that users will work around it.³⁵

Testing the effectiveness of australia's social media ban

To further analyse whether the Australian law is effective, a social legal perspective can be applied, such as Mousmouti's 'effectiveness test'.³⁶ This test is proposed as a practical tool that is applicable during a law's inception and lifecycle and consists of four elements. The first stage identifies the purpose of the legislation.³⁷ In this case, the *Social Media minimum age* law aims to protect minors from the risks and harms of social media.³⁸ The second step looks at the substantive content of the law, including the mechanism to achieve the objective.³⁹ Here, the Australian ban utilizes platforms to incorporate age verification mechanisms with the aim of restricting access to anyone below the age of 16.⁴⁰ The third step assesses the law in practice, including whether monitoring and supervising measures are in place.⁴¹ With respect to this, the Australian eSafety Commissioner published a report on *Social Media Minimum Age: Compliance update*.⁴² The report demonstrated that ["7 out of 10 children" still have access](#) to social media.⁴³ Nonetheless, the report assures investigations are being conducted to improve enforcement mechanisms and acknowledges the challenges and realities that limit the law from achieving effectiveness.⁴⁴ In short, the law is not achieving its intended effect to prohibit young users from social media; it indicates that enforcement measures may not be suitable to achieve the desired objective.⁴⁵

The final element considers the law in a wider legal context.⁴⁶ A significant factor to consider is

³⁴ Trindade Pereira I, 'Which European Countries Are Bringing in Social Media Bans for Minors?'

³⁵ Ibid

³⁶ Mousmouti M, "Making Legislative Effectiveness an Operational Concept: Unfolding the Effectiveness Test as a Conceptual Tool for Lawmaking"

³⁷ Ibid

³⁸ Australian Human Rights Commission, 'Explainer: Social Media Ban for Under-16s in Australia'

³⁹ Mousmouti M, "Making Legislative Effectiveness an Operational Concept: Unfolding the Effectiveness Test as a Conceptual Tool for Lawmaking"

⁴⁰ BBC News, 'How Does Australia's Under-16 Social Media Ban Work?'

⁴¹ Mousmouti M, "Making Legislative Effectiveness an Operational Concept: Unfolding the Effectiveness Test as a Conceptual Tool for Lawmaking"

⁴² Australian eSafety Commissioner, *Social Media Minimum Age Compliance Update: March 2026*

⁴³ Ibid

⁴⁴ Ibid

⁴⁵ Mousmouti M, "Making Legislative Effectiveness an Operational Concept: Unfolding the Effectiveness Test as a Conceptual Tool for Lawmaking"

⁴⁶ Ibid



that social media functions beyond jurisdictional borders.⁴⁷ The Australian ban creates mechanisms that only apply in Australia, enabling users to circumvent restrictions by using VPNs or creating several accounts, fundamentally undermining the enforceability of the law.⁴⁸

Examining the Australian ban through the lens of Mousmouti's legal effectiveness framework, the Australian social media ban appears unlikely to achieve its intended objectives through its platform liability mechanism.⁴⁹ However, the monitoring measures in place provide research and data that is valuable for legislators when improving the law and ensuring it achieves its intended objective.⁵⁰

This conclusion is further reinforced by different socio-legal perspectives, such as Griffiths' theory of legal pluralism, which suggests that law operates parallel to social norms rather than independently of them.⁵¹ Accordingly, legal rules may generate indirect behavioural responses rather than direct compliance, as individuals adapt their behaviour in response to the law rather than strictly complying with it.⁵² In this context, restrictive measures may encourage young users to adapt or conceal their behaviour to circumvent legal requirements, thus undermining the law's intended purpose and effectiveness.⁵³

Conclusion

To conclude, the regulation of social media is necessary to address harmful effects on young users. As the analysis describes, Australia's prohibition-based approach has not yet demonstrated to be an effective regulation that provides protection for children and adolescents. This conclusion is supported by an analysis of the law using Mousmouti's effectiveness framework, which indicates it has not achieved its intended outcome. The chosen socio-legal perspective highlights the gap between the objectives of the legislation, accompanying enforcement mechanisms, and practical outcomes. Furthermore, the lack of effectiveness is emphasized by the ban's intended objective to safeguard human rights, which has demonstrated to achieve a contrary effect by harming other rights. As the United Nations has previously stated, the focus should shift to companies whose obligation it should be to design greater safety practices on their platforms. The evidence indicates

⁴⁷ BBC News, 'How Does Australia's Under-16 Social Media Ban Work?'

⁴⁸ Ibid

⁴⁹ Mousmouti M, "Making Legislative Effectiveness an Operational Concept: Unfolding the Effectiveness Test as a Conceptual Tool for Lawmaking"

⁵⁰ Ibid

⁵¹ Griffiths J, "The Social Working of Legal Rules"

⁵² Ibid

⁵³ Ibid



that prohibition-based regulation may not be effective in achieving the objective to safeguard children's rights; therefore it is fundamental that such regulation is carefully crafted to ensure fairness and proportionality to safeguard young user's rights.

***Maxime Erika Zwart Sánchez** (she/her) is a Spanish-Dutch student at the Vrije Universiteit Amsterdam, where she is currently completing a bachelors degree in Law in Society and writes for the Amsterdam Law Forum. Growing up in diverse international environments across different countries has shaped her interests in human rights and the role of law as a tool for protecting them.*



Bibliography

ABC News, Blackwood F, ‘Desperate for Social Media Ban to Work, but Parents Say It’s “Impossible”’ (18 April 2026) <https://www.abc.net.au/news/2026-04-18/parents-say-social-media-ban-for-under-16s-ineffective/106573126> accessed 9 June 2026.

Australian eSafety Commissioner, *Social Media Minimum Age Compliance Update: March 2026* (Australian Government, March 2026) <https://www.esafety.gov.au/sites/default/files/2026-03/SocialMediaMinimumAgeComplianceUpdateMarch2026.pdf> accessed 14 June 2026.

Australian Human Rights Commission, ‘Explainer: Social Media Ban for Under-16s in Australia’ (21 November 2024) <https://humanrights.gov.au/about-us/news/proposed-social-media-ban-under-16s-australia> accessed 9 June 2026.

BBC News, ‘How Does Australia’s Under-16 Social Media Ban Work?’ *BBC News* (21 November 2024) <https://www.bbc.com/news/articles/cwyp9d3ddqyo> accessed 9 June 2026.

European Commission, ‘Protecting and Empowering Young People Online’ (Shaping Europe’s Digital Future) <https://digital-strategy.ec.europa.eu/en/policies/protecting-young-people-online> accessed 9 June 2026.

European Commission, ‘The Digital Services Act’ (Shaping Europe’s Digital Future) <https://digital-strategy.ec.europa.eu/en/policies/digital-services-act> accessed 9 June 2026.

Eurochild, ‘Online Platforms’ Risk Assessment Reports under the DSA Fall Short on Children’s Protection’ <https://eurochild.org/news/online-platforms-risk-assessment-reports-under-the-dsa-fall-short-on-childrens-protection/> accessed 9 June 2026.

Euronews, Trindade Pereira I, ‘Which European Countries Are Bringing in Social Media Bans for Minors?’ <https://www.euronews.com/my-europe/2026/04/17/instagram-tiktok-and-facebook-which-european-countries-want-to-ban-social-media-for-minors> accessed 9 June 2026.



Euronews, Ulea A, ‘Will France Be Next to Ban Social Media for Children under 15?’

<https://www.euronews.com/next/2026/01/26/france-could-ban-under-15s-from-social-media-within-months-heres-what-we-know> accessed 9 June 2026.

Griffiths J, ‘The Social Working of Legal Rules’ (2003) 35 *The Journal of Legal Pluralism and Unofficial Law* 1, <https://www.tandfonline.com/doi/abs/10.1080/07329113.2003.10756567> accessed 14 June 2026.

Laaninen T and Bol J, *Youth and Social Media* (European Parliamentary Research Service Briefing PE 779.235, December 2025)

[https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/779235/EPRS_BRI\(2025\)779235_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/779235/EPRS_BRI(2025)779235_EN.pdf) accessed 9 June 2026.

Mousmouti M, ‘Making Legislative Effectiveness an Operational Concept: Unfolding the Effectiveness Test as a Conceptual Tool for Lawmaking’ (2018) 9 *European Journal of Risk Regulation* 445, <https://www.jstor.org/stable/26614489> accessed 14 June 2026.

Online Safety Amendment (Social Media Minimum Age) Act 2024 (Cth).

Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act) [2022] OJ L 277/1.

Reuters, ‘From Australia to Europe, Countries Move to Curb Children’s Social Media Access’ (8 June 2026) <https://www.reuters.com/legal/government/australia-europe-countries-move-curb-childrens-social-media-access-2026-06-08/> accessed 14 June 2026.

Shannon H and others, ‘Problematic Social Media Use in Adolescents and Young Adults: Systematic Review and Meta-Analysis’ (*JMIR Mental Health*, 14 April 2022) <https://pmc.ncbi.nlm.nih.gov/articles/PMC9052033/> accessed 9 June 2026.



‘Social Media: Age-Related Bans Won’t Keep Kids Safe, UNICEF Warns’ (*UN News*)

<https://news.un.org/en/story/2025/12/1166557> accessed 9 June 2026.

UNICEF Australia, ‘Social Media Ban Explainer’ (UNICEF Australia)

<https://www.unicef.org.au/unicef-youth/staying-safe-online/social-media-ban-explainer> accessed 9 June 2026.

UNICEF Innocenti, ‘Children’s Best Interests in a Digital World’ (UNICEF Innocenti)

<https://www.unicef.org/innocenti/projects/childrens-best-interests-digital-world> accessed 9 June 2026.

World Health Organization, ‘Teens, Screens and Mental Health’ (World Health Organization)

<https://www.who.int/europe/news/item/25-09-2024-teens--screens-and-mental-health> accessed 9 June 2026.