BIG BROTHER WATCH

Briefing on Amendment 94A of the Children's Wellbeing and Schools Bill for Report Stage in the House of Lords

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About Big Brother Watch

Big Brother Watch is a civil liberties and privacy campaigning organisation, fighting for a free future. We're determined to reclaim our privacy and defend freedoms at this time of enormous technological change. We're a fiercely independent, non-partisan and non-profit group who work to roll back the surveillance state and protect rights in Parliament, the media or the courts if we have to. We publish unique investigations and pursue powerful public campaigns. We work relentlessly to inform, amplify and empower the public voice so we can collectively reclaim our privacy, defend our civil liberties and protect freedoms for the future.

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Big Brother Watch briefing on the Children's Wellbeing and Schools Bill for Report Stage in the House of Lords

Big Brother Watch is deeply concerned that the social media ban for under-16s proposed by amendment 94A in the Children's Wellbeing and Schools Bill would severely undermine the rights to privacy and free speech for children and adults alike. The measures in the amendment would force over-16s to undergo mandatory age-assurance to access 'user-to-user' services. These range far beyond traditional social media, including messaging services like WhatsApp and websites such as Wikipedia and hobby forums. The draconian proposal is based on minimal scientific evidence and would have a catastrophic effect on the state of privacy, democracy, and freedom of expression for both under and over-16s.

We urge members of the House of Lords to reject this amendment (94A) in the name of Lord Nash, Baroness Cass, Baroness Berger, and Baroness Benjamin:

Effect

Rejecting amendment 94A would prevent the government from imposing mandatory age-assurance requirements for people accessing user-to-user services.

Briefing:

A ban on social media for under-16s **does not guarantee the safety of children**, but does guarantee serious threats to everyone's right to privacy and freedom of speech.

Because amendment 94A uses the Online Safety Act's definition of 'user-to-user' service, **any website on which users can upload content (not just 'social media') falls within its scope.** Additionally, clause 5 allows the Secretary of State to change that definition via statutory instrument. This means that amendment 94A would give the government the power to age-gate any online platform it chooses, potentially making it impossible for anyone to avoid having to submit to age assurance via biometric scans or ID uploads.

This amendment would prevent under-16s from accessing educational sources like Wikipedia, messaging platforms like WhatsApp, or music-sharing sites like Spotify. Where the Online Safety Act age-gates only certain types of 'harmful' content, amendment 94A would do so to entire platforms, even when the content they contain is child-friendly.

Under amendment 94A, a 70-year old accessing their neighbourhood news forum, a 50-year-old looking up the history of golf on Wikipedia, a 30-year-old small business owner responding to customers on Instagram, and a 17-year-old wanting to message their parents on the way home from school would all be required to verify their age either by uploading a form of ID, submitting to a biometric face scan, or another "highly- effective age assurance" measure. Not only is this highly intrusive, but it would **effectively exclude large sections of the British population from significant portions of the internet**,

either because they lack access to scannable identification or a device with a front-facing camera, or because age-assurance technologies are unreliable, frequently misjudge users' ages (particularly children), and often fail to recognise people with disabilities.[1]

Normalising this level of intrusive age and ID checks does not make children safer, but it does create significant privacy risks by concentrating vast amounts of sensitive personal data in systems vulnerable to misuse and large-scale breaches.

There is currently no conclusive evidence that social media causes the widespread and significant harm to children that supporters of amendment 94A allege. Even the study mentioned in amendment 94A **'does not present evidence'** of a causal relationship between social media use and the mental and psychosocial wellbeing of young people and children. On the contrary, an Oxford University study of nearly 12,000 children showed no correlation between their screentime (including social media) and mental wellbeing, and suggested that the way in which children engage with social media is what determines its impact. Where social media was used to connect with friends or find new communities, the study even found a 'positive effect on a person's psychological wellbeing'. Where it was used passively, there was neither a positive or negative effect.[2] It may well be that future research identifies a stronger relationship between social media and the wellbeing of children. But as the evidence stands now, amendment 94A rests on weak empirical grounds rather than a nuanced understanding of the realities of how under-16s engage with the online world.

A blanket ban on user-to-user services for under-16s would remove a critical lifeline for many children who use social media to access support. For many children experiencing abuse or control at home, the mental and practical hurdle to accessing services like Childline is already high. This is why charities and safeguarding organisations working with children actively use social media as part of their outreach strategy, providing an alternative route for children to seek help on their own terms when reaching out through parents or school is not an option.

User-to-user platforms including social media also allow children to find and build communities where they can access peer support when facing issues such as bullying or social isolation in their immediate environment. From children rejected at school due to their sexual identity, to those questioning their parents' religion or cultural practises – social media, messaging services, song-sharing platforms, and educational resources all make up a network of

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[1] Jasleen, C. *Big Brother Watch's Response to Ofcom's Consultation on Illegal Online Harms*, 23 February 2024, pp. 23–30: https://bigbrotherwatch.org.uk/wp-content/uploads/2024/07/Big-Brother-Watch-Response-to-Ofcom-Consultation.pdf; Burgess, M., *When Face Recognition Doesn't Know Your Face Is a Face*, *WIRED*, 15 October, 2025: https://www.wired.com/story/when-face-recognition-doesnt-know-your-face-is-a-face/;

[2] Miller J, Mills KL, Vuorre M, Orben A, Przybylski AK. Impact of digital screen media activity on functional brain organization in late childhood: Evidence from the ABCD study. *Cortex*. 2023;169:290–308

spaces where children can explore the world and their place in it. The social and psychological importance of these spaces cannot be overstated particularly for vulnerable, children. **An overnight blanket-ban on user-to-user services for under-16s would leave under-16s with fewer ways to seek help and cut them off from information that could keep them safe or help them thrive.**

User-to-user services also serve as spaces where children can informally and independently explore new interests, skills, hobbies, and languages, which are both personally enriching and can also form the basis of a child's future career. While their peers across the world will be continuously learning the social and economic skills they will need to be successful in a digitally interconnected world, amendment 94A would deny under-16s the opportunity to develop in the same way. **Upon entering the free digital world at the age of 16, British children will be significantly behind** in communication and media literacy skills compared to their global peers, putting them at a disadvantage in a global job market that heavily relies on these abilities**.**

Big Brother Watch is deeply concerned that amendment 94A would have a serious chilling effect on the freedom of speech and democratic involvement of adults and under-16s alike. The right to freedom of speech falls under Articles 10 and 11 of the European Convention of Human Rights (ECHR), and this includes both the right to impart and receive information. Even with the strongest assurances of the safety of age-assurance technology, the willingness of journalists, whistleblowers, and dissidents to speak out on social media, and similarly the number of Britons who would feel comfortable receiving this information, would decrease significantly.

Children's right to free speech is also explicitly guaranteed by the UNHCR, which grants them the right to organise politically, for instance through grassroot demonstrations. Research shows that children already face hurdles when exercising their right to protest, which amendment 94A would exacerbate. **Not only would the current proposal make youth-led political movements, such as the Climate Marches near impossible, but it would also cut children off from observing and participating in legitimate grassroots political discourse altogether.** Rather than being able to listen first-hand to the experiences of people across the world facing political repression, under-16s would be forced to get all their news from state-sanctioned media organisations. Given plans to give 16-year-olds the vote by 2029, these proposals would be entirely counterproductive, undermining civic competence and political literacy for young voters.

We strongly urge peers to **reject amendment 94A** in the name of Lord Nash, Baroness Cass, Baroness Berger, and Baroness Benjamin.