

[FR] Ban on social media for under 15s ruled unconstitutional

IRIS 2026-8:1/10

*Amélie Blocman
Légipresse*

On 21 July, the French Parliament adopted, in a joint committee, the law aimed at protecting minors from the risks posed by the use of social media. Shortly afterwards, more than 60 MPs referred Article 1 of the act to the Constitutional Council; this article provided for the insertion into the Act of 21 June 2004 on confidence in the digital economy a new Article 6-9 prohibiting minors under the age of 15 from accessing online social media services.

The MPs bringing the petition criticised the principle of a blanket ban on access to social media without distinction between the services concerned, on the grounds that such a ban would constitute a disproportionate infringement of the freedom of expression and communication guaranteed by Article 11 of the Declaration of the Rights of Man and of the Citizen (*Déclaration des droits de l'homme et du citoyen* - DDHC), as well as the right to privacy.

The Constitutional Council reiterates that, given the essential role played by online public communication services to facilitate participation in democratic life and the expression of ideas and opinions, freedom of communication entails the freedom to access these services and to express oneself on them. Any restriction must therefore be necessary, appropriate and proportionate to the objective pursued.

The Constitutional Council recognises the legitimacy of the objectives pursued by the legislature: the protection of minors against the risks of addiction and isolation, as well as against exposure to pornography, harassment or fraud, meets the constitutional requirement to protect the best interests of the child and the constitutional objective of preventing breaches of public order. It notes, however, that the ban applies to all platforms enabling users to log in and communicate with one another, to share content or to discover it. Its application depends neither on the features and content offered, nor on the actual risks to which the service exposes minors, nor on the inadequacy of the protective measures put in place.

Furthermore, the limitations provided for are deemed too limited. Whilst online encyclopaedias, certain educational or scientific directories, and open-source software sharing platforms are exempt, this is not the case for many collaborative

leisure, information or mutual-aid services, communication apps, games with a social dimension, or social networks linked to educational activities. The measure may therefore prevent children under the age of 15 from accessing services where the risks to their health or safety have not been established.

Furthermore, the ban applies indiscriminately to all minors under the age of 15. The Constitutional Council notes that there is no mechanism to take into account the minor's age and level of maturity, their family circumstances or the nature of the service being used. Nor does the law allow holders of parental authority or legal representatives, once informed of the risks and safeguards associated with a service, to lift the ban, impose limitations on its scope or authorise access to certain services in the child's best interests.

By thus depriving minors of access to numerous services without taking into account their individual circumstances or the risks specific to each of these services, the Constitutional Council finds that the legislature has infringed upon the freedom of expression and communication in a manner that is neither appropriate, nor necessary, nor proportionate to the objective pursued. It is therefore not the actual principle of restricting minors' access to social media that is being criticised, but the overly general nature of the measure.

Finally, the Constitutional Council notes the absence of sufficient legal safeguards to ensure respect for privacy. Indeed, the ban provided for in the act implies that any user, including adults, may be required to prove their age. However, the act does not specify either the conditions or the limitations of such age verification.

The article has therefore been struck down. Published in the Official Journal on 25 August, the law – with Article 1 removed – amends, in particular, Article L. 511-5 of the Education Code to extend the ban on the use of mobile phones during school hours ("digital break") to sixth-form colleges from the start of the 2026–2027 academic year. This ban has already applied to nursery, primary and lower secondary schools since 2018.

Emmanuel Macron has instructed the government to draw up, as soon as possible, a new "legally robust" bill. On 16 September, Ursula von de Leyen provided guidance on the regulation of platforms for minors, whereas, on 26 August, Meta reached an agreement with a coalition of US attorneys general aimed at bringing to an end legal proceedings in which the company is accused, amongst other things, of designing Facebook and Instagram in such a way as to encourage compulsive use amongst children and teenagers. Meta has agreed, subject to court approval of the agreement, to cap minors' use of Instagram and Facebook at two hours a day, to block access at night, to disable certain notifications and features designed to encourage usage, and to strengthen age verification. Certain restrictions may also be modified with parental consent.

Décision n° 2026-911 DC du 14 août 2026 ; Loi n° 2026-813 du 24 août 2026 visant à protéger les mineurs des risques auxquels les expose l'utilisation des réseaux sociaux

<https://www.conseil-constitutionnel.fr/decision/2026/2026911DC.htm>

Decision No. 2026-911 DC of 14 August 2026; Act No. 2026-813 of 24 August 2026 aimed at protecting minors from the risks posed by the use of social media

