
Legal Age Limits for Children's Use of Social Media: A Research Study of Pakistan's Regulatory Gap and the Question of Parental Consent

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Abstract

The increasing participation of children in social media has generated a difficult regulatory question in Pakistan: at what age should a child be legally permitted to create and operate a social-media account, and what role should parental consent play below that threshold? Pakistan possesses a substantial body of child-protection, cybercrime, criminal, constitutional, and telecommunications law, yet, as of September 2026, it does not have an enacted nationwide statute establishing a general minimum age for social-media account ownership or a comprehensive parental-consent regime governing children's access to social platforms. The Prevention of Electronic Crimes Act 2016, as amended, criminalizes child sexual exploitation, online grooming, cyberbullying, and other harmful conduct and gives regulatory authorities powers concerning online safety, but it does not itself create a general age gate for social-media use. The Personal Data Protection Bill published by the Ministry of Information Technology and Telecommunication in 2023 proposed age verification and parental consent for processing children's personal data, but the Ministry continues to list that instrument as a draft rather than enacted legislation. A separate Social Media (Age-Restricted Users) Bill introduced in the Senate in July 2025 proposed an under-sixteen access restriction but was withdrawn in August 2025. The issue returned prominently in 2026 through parliamentary resolutions, judicial petitions, and federal-level policy consideration. This study distinguishes four questions that are often conflated: legal majority, contractual capacity, consent to personal-data processing, and eligibility to hold a social-media account. It then compares Pakistan's emerging debate with Australia's under-sixteen account restriction, the European Union's age-of-digital-consent framework, and the United States' COPPA parental-consent model. The study concludes that the central legal gap is not merely the absence of a numerical age threshold but the absence of an integrated regime defining age assurance, parental authority, children's evolving capacities, platform responsibility, privacy safeguards, remedies, and differentiated protections for younger and older adolescents.

Keywords: Children, Social Media, Minimum Age, Parental Consent, Pakistan, Child Online Protection, Age Verification, Data Protection, PECA 2016, Digital Rights

Introduction

Children's participation in digital environments has become an ordinary component of education, communication, entertainment, creativity, social interaction, and access to information. At the same time, social-media services expose children to distinctive risks arising from cyberbullying, grooming, sexual exploitation, harmful content, manipulative

platform design, commercial profiling, behavioural advertising, privacy loss, and contact with unknown adults.

The legal difficulty is that “children’s social-media use” is not a single regulatory issue. At least four separate questions arise.

The first concerns access: at what age may a child independently create an account?

The second concerns contract: can a minor legally accept a platform’s terms of service?

The third concerns data protection: who may consent to the collection and processing of a child’s personal data?

The fourth concerns parental authority: should parental approval make otherwise restricted access lawful, or should some age restrictions apply irrespective of parental consent?

Pakistani law currently answers parts of these questions without providing a unified answer to all of them.

The Prevention of Electronic Crimes Act 2016, including later amendments, regulates harmful online conduct and creates specific protections for minors. The Majority Act 1875 determines general legal majority. The Contract Act 1872 governs contractual competence. Provincial and federal child-protection laws protect minors against abuse and exploitation. Yet these instruments were not designed as a comprehensive statutory regime for children’s access to contemporary social-media platforms.

This distinction has become increasingly visible in public institutions. In 2025, senators introduced legislation proposing a nationwide under-sixteen restriction. That bill was subsequently withdrawn. In 2026, the Punjab Assembly adopted a resolution seeking federal legislation concerning under-sixteen social-media accounts, litigation was brought seeking restrictions, and an official Senate report recorded that a high-powered committee was considering proposals concerning children’s social-media use. These developments represent policy activity, but they do not themselves establish a presently enforceable nationwide age threshold.

The research problem is therefore broader than the apparently simple question, “Should the legal age be thirteen or sixteen?” A functioning framework must also determine how age would be verified, whether verification would compromise privacy, how parental consent would be authenticated, whether parental consent could override an access limit, how older adolescents’ autonomy would be respected, what duties would rest on platforms, and how children excluded from formal accounts would be prevented from migrating to less regulated online spaces.

Section One: The Present Legal Position in Pakistan

Pakistan’s existing legislation contains substantial protection against online harms to children, but protection from harmful conduct is legally different from regulating the age at which a child may open a social-media account. This distinction explains why Pakistan can possess child cyber-safety offences while still having a separate regulatory gap concerning age of access.

1. Absence of a General Statutory Minimum Age for Social-Media Accounts

The 2025 amendments to PECA created the Social Media Protection and Regulatory Authority and assigned it a broad online-safety mandate. The consolidated Act authorizes the Authority to:

“ensure online safety and rights of persons on social media platforms.”¹

¹ Pakistan, *Prevention of Electronic Crimes Act, 2016*, Act XL of 2016, as amended by the Prevention of Electronic Crimes (Amendment) Act, 2025, § 2B(1)(d), Pakistan Code, Ministry of Law and Justice, <https://www.pakistancode.gov.pk/pdf/files/administrator6a061efe0ed5bd153fa8b79b8eb4cba7.pdf>.

This language is significant because it places social-media safety within a statutory regulatory mandate. It permits regulatory attention to harms suffered by users, including children. Yet an online-safety mandate does not itself determine the age at which a child may lawfully register an account. The Act contains no general provision declaring that a person below thirteen, sixteen, or eighteen is legally prohibited from holding a social-media account. The distinction is central: Parliament has created institutional authority over social-media safety without yet legislating a comprehensive age-of-access rule.

As of September 2026, the current PECA text, the Ministry of IT's legislation register, and the parliamentary history of the 2025 age-restriction bill do not disclose an enacted nationwide age-gating statute. The Ministry's official legislation page continues to list the Personal Data Protection Bill 2023 as a draft, while the Senate records that the dedicated Social Media (Age-Restricted Users) Bill 2025 was withdrawn.

The practical result is that children's access is presently shaped by a mixture of platform terms, parental practices, safety tools, cybercrime law, and general child-protection measures rather than by one statutory minimum age applicable across platforms.

This also means that private platform age rules must not be confused with Pakistani legislation. A service may independently require users to be at least thirteen, but violation of such a contractual platform rule is not the same thing as violation of a Pakistani statutory age restriction.

2. Legal Majority and Contractual Capacity Are Different from Social-Media Eligibility

The Majority Act 1875 establishes the general age of majority for most persons domiciled in Pakistan. It provides that a person attains majority upon having:

“completed his age of eighteen years and not before.”²

This rule is legally relevant because many social-media services are accessed through terms of service that purport to create contractual relationships between the user and the platform. However, the age of civil majority does not automatically become the minimum legal age for every digital activity. A legal system may treat a person as a minor until eighteen while still permitting particular activities at younger ages. Social-media regulation therefore requires a specific legal inquiry rather than simply importing the age of majority.

The Contract Act 1872 further provides:

“Every person is competent to contract who is of the age of majority.”³

This creates a separate private-law issue. If account creation depends upon acceptance of contractual terms, a minor's capacity to enter a binding agreement may differ from an adult's. Yet contractual incapacity does not automatically amount to a public-law prohibition on using the underlying service. A platform-access statute and the law of contractual capacity perform different legal functions. The former regulates who may access a service; the latter regulates enforceability and validity of contractual obligations. Treating them as identical would obscure the precise legal gap in Pakistan.

The distinction becomes especially important between the ages of thirteen and seventeen. Many international social platforms permit teenage users under their own policies, even though those users remain minors under Pakistani majority law. Consequently, a Pakistani regulatory framework would need to clarify whether account use by such minors depends on consent, supervision, independent adolescent capacity, or a specific statutory exception.

² Pakistan, *Majority Act, 1875*, Act IX of 1875, § 3, Pakistan Code, Ministry of Law and Justice, <https://pakistancode.gov.pk/pdf/files/administrator48b083e7f2c44e28f6eb0a73477e8297.pdf>.

³ Pakistan, *Contract Act, 1872*, Act IX of 1872, § 11, Pakistan Code, Ministry of Law and Justice, <https://pakistancode.gov.pk/english/sHyuRsF?query=Contract+Law+No&search=1&type=and>.

3. PECA Protects Children from Online Harm but Does Not Create a General Access Gate

Pakistan's cybercrime legislation contains substantial child-specific protections. PECA criminalizes child sexual abuse material, online grooming and solicitation, commercial sexual exploitation, technology-facilitated trafficking-related conduct, cyberstalking, and cyberbullying. The law therefore addresses what may happen to children once digital interaction occurs rather than categorically preventing all children from entering digital spaces.

Section 24A illustrates this protective structure by allowing:

“A minor through his guardian”⁴

to apply for removal or blocking of cyberbullying material.

This provision recognizes both the legal vulnerability of the child and the representative role of the guardian. Yet it does so in the context of a remedy after harmful communication has occurred. It does not make guardian consent a condition for initial social-media account creation. The distinction demonstrates why PECA cannot presently be read as a complete parental-consent regime for social-media use. Guardian participation appears in particular remedial procedures, not as a universal gateway to digital participation.

The National Commission on the Rights of Child's national situation analysis reaches a broader institutional concern under the heading:

“Self Regulation and Voluntarily Measures are not Sufficient.”⁵

The importance of this observation lies in the regulatory gap between criminalizing individual offenders and shaping the architecture of platforms themselves. Child safety cannot depend entirely on parents discovering harms after they occur or companies voluntarily adopting safeguards. At the same time, stronger platform regulation does not necessarily require a total age prohibition. Regulatory instruments can include default privacy protections, contact restrictions, advertising rules, reporting mechanisms, age assurance, safer recommendation systems, and differentiated experiences for younger users.

Section Two: Parental Consent and the Unfinished Data-Protection Framework

The question of parental consent is often treated as if it has a simple binary answer: either parents should control children's online access or children should decide independently. Modern child-rights law is more complicated. Parental authority, age, developmental capacity, privacy, personal-data processing, and access to beneficial digital services must be distinguished.

1. The Draft Personal Data Protection Bill and the Proposed Parental-Consent Model

Pakistan's 2023 draft Personal Data Protection Bill directly confronted the issue of children's data. Its proposed section 14 required a controller, before processing a child's personal data, to:

“verify his age and seek the consent of his parent.”⁶

⁴ Pakistan, *Prevention of Electronic Crimes Act*, § 24A(2).

⁵ National Commission on the Rights of Child (NCRC), *Situation Analysis of Child Online Protection in Pakistan* (Islamabad: NCRC, 2024), 83–84, <https://ncrc.gov.pk/wp-content/uploads/2025/03/situation-analysis-of-Child-Online-Protection.pdf>.

⁶ Ministry of Information Technology and Telecommunication, Government of Pakistan, *Personal Data Protection Bill, 2023* (draft, May 2023), § 14(2), <https://moitt.gov.pk/SiteImage/Misc/files/Final%20Draft%20Personal%20Data%20Protection%20Bill%20May%202023.pdf>.

This proposal is highly relevant because social-media platforms necessarily process substantial personal information. Had the provision been enacted in this form, it would have created an explicit statutory relationship between age verification and parental authorization for child-data processing. It also proposed restrictions concerning harmful processing, tracking, behavioural monitoring, and targeted advertising involving children.

The central legal limitation is its status. The Ministry of Information Technology and Telecommunication continues to list the May 2023 Personal Data Protection Bill as “Draft”. It therefore illustrates a proposed regulatory model rather than a currently enforceable nationwide parental-consent obligation.⁷

The distinction between data consent and social-media access must also be preserved. A statute might require parental authorization to process particular categories of child data without prohibiting the child from accessing all social-media functions. Conversely, an age-access law might bar an account even where a parent is willing to consent to data processing. The two regimes can overlap without being legally identical.

2. Parental Consent Is Conditioned by Children’s Evolving Capacities

International child-rights law does not conceptualize parental authority as permanently identical from early childhood until the eighteenth birthday. General Comment No. 25 of the Committee on the Rights of the Child addresses digital consent by stating:

“consent is informed and freely given by the child or ... by the parent or caregiver.”⁸

The omitted qualification is important: the appropriate consent-giver depends upon age and evolving capacity. This approach avoids treating a six-year-old and a seventeen-year-old as possessing identical legal agency. A regulatory model based upon children’s rights therefore has to account for developmental progression rather than relying exclusively upon a single concept of parental control.

The same General Comment requires states to consider children’s evolving capacities when designing digital protections and emphasizes that parental monitoring should be proportionate to those capacities. It also recognizes children’s rights to information, participation, privacy, education, expression, and beneficial digital access alongside the duty to protect them from exploitation and harm.⁹

This creates a fundamental legal tension in any age-gating proposal. Parental consent can function as a safeguard for younger children, but an unlimited parental veto over older adolescents may interfere with privacy, access to information, confidential support, or participation. Conversely, removing parents entirely from the process may ignore legitimate protective responsibilities. A nuanced regime therefore needs to specify where parental authority begins, where it diminishes, and where the child’s independent digital agency becomes legally meaningful.

⁷ Ministry of Information Technology and Telecommunication, “Legislations,” Government of Pakistan, accessed September 20, 2026, <https://www.moitt.gov.pk/Legislations>.

⁸ United Nations Committee on the Rights of the Child, *General Comment No. 25 (2021) on Children’s Rights in Relation to the Digital Environment*, CRC/C/GC/25 (March 2, 2021), para. 71, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGC%2F25.

⁹ Committee on the Rights of the Child, *General Comment No. 25*, paras. 19–21, 84–86.

3. Platform Rules Currently Fill Part of the Gap, but They Are Not Public Law

In the absence of a comprehensive Pakistani age statute, social-media companies apply their own eligibility rules. TikTok, for example, states:

“TikTok accounts are available for people at least 13 years old.”¹⁰

Its teenage accounts are then subjected to differentiated privacy and feature settings according to age. The importance of such a rule is practical rather than legislative. It determines eligibility under the platform’s private terms, but the number thirteen is not thereby transformed into Pakistan’s national legal age for social-media use. A different platform may apply different restrictions, supervision tools, or age categories.

Pakistan’s National Cyber Crime Investigation Agency advises parents to:

“Check age restrictions for websites or social networks.”¹¹

This guidance confirms the practical significance of platform rules while also illustrating the present regulatory structure: parents are expected to examine individual platform policies rather than rely upon one clear statutory threshold applicable nationwide. Guidance and parental literacy may reduce risk, but they do not resolve questions of legal enforceability, age verification, parental authentication, or consistent platform duties.

A further difficulty is that self-declared birth dates are easily circumvented. If a child can enter a false date without meaningful age assurance, a nominal minimum age may function primarily as a contractual disclaimer rather than an effective protective measure. More intrusive verification can improve enforcement but creates its own privacy and data-security concerns.

Section Three: Pakistan’s Recent Legislative and Policy Debate

Pakistan’s regulatory gap has increasingly become the subject of parliamentary, administrative, and judicial attention. The most significant developments since 2025 reveal disagreement not only over the appropriate age threshold but also over whether parental consent should function as an exception to an age restriction.

1. The Social Media (Age-Restricted Users) Bill 2025

The Social Media (Age-Restricted Users) Bill 2025 was introduced in the Senate on 21 July 2025. It defined an:

“Age-Restricted user” [as] “a person who is under the age of sixteen.”¹²

This proposed threshold was legally significant because it departed from the widely used private-platform threshold of thirteen and instead selected sixteen as the dividing line for independent social-media account ownership. The proposed age did not correspond to Pakistan’s general age of majority, which is eighteen. The bill therefore treated social-media access as a distinct regulatory subject capable of having its own age threshold.

The same bill required a provider to:

“prevent an age restricted user from being an-account holder.”¹³

The proposed model placed primary responsibility on platform providers rather than merely punishing children. It required consideration of privacy and the reliability of the method used

¹⁰ TikTok, “Privacy and Safety Settings for Users under Age 18,” TikTok Support, accessed September 20, 2026, <https://support.tiktok.com/en/account-and-privacy/account-privacy-settings/privacy-and-safety-settings-for-users-under-age-18>.

¹¹ National Cyber Crime Investigation Agency, “Cyber Safety,” Government of Pakistan, accessed September 20, 2026, <https://dev.nccia.gov.pk/cyber-safety.php>.

¹² Senate of Pakistan, *The Social Media (Age-Restricted Users) Bill, 2025*, introduced July 21, 2025, § 2(iii), https://www.senate.gov.pk/uploads/documents/1753245303_175.pdf.

¹³ Senate of Pakistan, *Social Media (Age-Restricted Users) Bill, 2025*, § 3.

for age assurance, contemplated financial penalties against providers, and proposed liability for persons facilitating circumvention. Notably, the bill's published text did not create a general parental-consent exception allowing a parent simply to authorize an under-sixteen account. This placed it closer to an access-prohibition model than a parental-authorization model.

The bill's statement of objects referred to cyberbullying, harmful content, exploitation, privacy, and commercial risks as reasons for intervention. These concerns mirror international debates but do not themselves resolve whether sixteen is the appropriate age or whether different platform functions should receive different treatment.

2. Withdrawal of the 2025 Bill and the Continuing Legislative Gap

The Senate's official legislative record states that the Social Media (Age-Restricted Users) Bill was:

"withdrawn by the Movers ... on 18th August 2025."¹⁴

Withdrawal is legally decisive. A bill can indicate legislative concern and provide a model for future debate, but a withdrawn bill creates no enforceable statutory obligation. Consequently, the under-sixteen threshold contained in that bill should not be described as current Pakistani law.

The withdrawal also left unresolved the relationship between age restriction and parental consent. The proposed bill largely excluded under-sixteen account ownership rather than constructing a system under which parental authorization legitimized access. Later public proposals, however, have sometimes framed the issue differently, including calls for restrictions on under-sixteens unless parental consent is present. This demonstrates that Pakistan's debate currently encompasses more than one regulatory model.

A crucial research distinction is therefore necessary: "under-sixteen restriction" and "under-sixteen parental-consent requirement" are not interchangeable. The first gives legal priority to a fixed age barrier. The second makes parental authorization the legal mechanism through which a minor may access the service.

3. Developments in 2026: Parliamentary Resolutions, Government Consideration and Litigation

By September 2026, the issue had returned to the legislative agenda. The Senate reported that the Ministry of Interior had informed a committee that:

"a high-powered committee was working on proposals"¹⁵

to regulate children's social-media use.

This is evidence of active policy consideration, not completed legislation. It indicates that the federal government is examining regulatory options while the statutory position remains unsettled.

A different policy emphasis was publicly expressed in February 2026 by Federal Parliamentary Secretary Barrister Danyal Chaudhry, who stated:

"providing them with guided protection is the sustainable solution."¹⁶

¹⁴ Senate of Pakistan, "Bill Summary: The Social Media (Age-Restricted Users) Bill, 2025," parliamentary record, noting withdrawal by the movers on August 18, 2025, <https://senate.gov.pk/en/billsummary.php?bid=1682>.

¹⁵ Senate of Pakistan, "Senate Interior Committee Passes Key Criminal Law Amendments, Raises Concerns Over Official Passports for Former Parliamentarians," committee news, September 7, 2026, https://senate.gov.pk/en/news_content.php?id=Nzg3MA%3D%3D.

¹⁶ Press Information Department, Government of Pakistan, "Parliamentary Secretary Barrister Danyal Chaudhry Connects Safe Digital Spaces for Youth with Pakistan's Long-Term Technological Development Goals," PR No. 123, February 10, 2026, https://pid.gov.pk/site/press_detail/31900.

His remarks presented a policy perspective emphasizing guided digital participation rather than complete exclusion and referred to learning and expression interests alongside safety concerns. This position is analytically relevant because it shows that the current policy debate does not have only one governmental framing: safety may be pursued through bans, age conditions, platform redesign, supervision, literacy, or combinations of these measures.

The Punjab Assembly subsequently passed a resolution in September 2026 seeking federal legislation concerning social-media accounts for children under sixteen and stronger age-verification measures.¹⁷ A resolution of this kind expresses the Assembly's policy position but does not itself create a federal social-media prohibition.

Separate litigation has also sought judicial intervention concerning unrestricted social-media use by children under sixteen. The Islamabad High Court issued notices to federal ministries and regulators in proceedings concerning the matter.¹⁸ Pending litigation likewise does not establish a statutory age threshold unless and until a legally operative judgment or legislation creates one.

The combined effect of these developments is therefore one of active regulatory consideration amid continuing legal uncertainty.

Section Four: Comparative Legal Models

Comparative law demonstrates that “minimum social-media age” can refer to fundamentally different regulatory architectures. Australia regulates account access directly. European Union data law regulates the age at which a child may independently consent to particular personal-data processing. United States federal law focuses upon collection of data from children under thirteen. These systems should therefore not be treated as versions of one identical rule.

1. Australia: A Platform Duty to Prevent Under-Sixteen Accounts

Australia's social-media minimum-age rules became operational on 10 December 2025. The eSafety Commissioner states that covered platforms must:

“take reasonable steps to prevent Australians under the age of 16”¹⁹
from creating or keeping accounts.

The Australian model places the compliance obligation principally upon regulated platforms. It does not simply tell parents to monitor children or impose a criminal penalty upon the child. This shifts regulatory responsibility toward the entity controlling account creation, platform design, and age-assurance technology.

Another important feature is that parental permission does not operate as a general exception allowing an under-sixteen user to maintain a covered account. The legal structure therefore treats the age threshold as an independent platform obligation rather than merely a default rule that parents can waive.

This has direct comparative relevance for Pakistan. A Pakistani law based on parental consent would be conceptually different from Australia's model even if it selected the same age of sixteen. The legal question is not only what number appears in the statute but who possesses authority to override that number.

¹⁷ Amjad Mahmood, “Punjab Assembly Passes Resolution Seeking Ban on Social Media for Under-16s,” *Dawn*, September 1, 2026, <https://www.dawn.com/news/2026657>.

¹⁸ Malik Asad, “IHC Seeks Replies from Ministries, Pemra, PTA on Plea Seeking to Regulate Children's Social Media Use,” *Dawn*, August 31, 2026, <https://www.dawn.com/news/2026379/ihc-seeks-replies-from-ministries-pemra-pta-on-plea-seeking-regulation-of-social-media-use-by-children>.

¹⁹ eSafety Commissioner, Australian Government, “Social Media Age Restrictions,” updated 2026, accessed September 20, 2026, <https://www.esafety.gov.au/about-us/industry-regulation/social-media-age-restrictions>.

2. European Union: Age of Consent to Data Processing Rather than a General Social-Media Ban

Article 8 of the General Data Protection Regulation provides that, for specified consent-based information-society processing, a child's consent is independently sufficient at:

“at least 16 years old.”²⁰

Below sixteen, consent must generally be given or authorized by the holder of parental responsibility, although EU Member States may legislate for a lower threshold not below thirteen.

The legal significance of the GDPR model lies in what it does not do. Article 8 is not a general European prohibition preventing every person below sixteen from using social media. It regulates the lawfulness of particular personal-data processing where consent is the legal basis. Other lawful bases and national contract rules remain legally relevant.

This distinction is especially important for Pakistani reform discussions because copying the number sixteen from European data law without copying its legal context would produce a misleading comparison. An age of digital consent, a minimum age to contract, and a minimum age to hold a social-media account are separate legal constructs.

3. United States COPPA: Verifiable Parental Consent Below Thirteen

The United States Children's Online Privacy Protection framework applies to covered services involving children under thirteen. The Federal Trade Commission explains that operators must:

“obtain verifiable parental consent”²¹

before collecting specified personal information from children under thirteen, subject to limited exceptions.

COPPA therefore provides an example of a parental-consent model rather than a broad federal prohibition on all social-media use by persons under thirteen. Its core concern is privacy and data collection. A child-directed service may continue to operate, but the processing relationship becomes subject to parental notice, consent, access, and data-protection duties.

For Pakistan, the comparative lesson is descriptive rather than prescriptive. COPPA demonstrates one way of using parents as gatekeepers for data processing; Australia demonstrates a stricter account-access rule; the GDPR combines age-based consent with Member State flexibility. These models reflect different legal objectives and cannot be evaluated solely by comparing their numerical age thresholds.

Section Five: The Legal Question of Parental Consent

Parental consent appears attractive because it preserves family authority while avoiding a complete statutory ban. Yet it generates difficult questions of verification, children's autonomy, family inequality, parental digital literacy, and the allocation of responsibility between families and technology companies.

²⁰ European Parliament and Council, Regulation (EU) 2016/679 of April 27, 2016 (General Data Protection Regulation), art. 8(1), *Official Journal of the European Union* L 119 (May 4, 2016), <https://eur-lex.europa.eu/eli/reg/2016/679/oj>.

²¹ Federal Trade Commission, “Complying with COPPA: Frequently Asked Questions,” Children's Online Privacy Protection Rule guidance, accessed September 20, 2026, <https://www.ftc.gov/business-guidance/resources/complying-coppa-frequently-asked-questions>.

1. Whether Parental Consent Should Operate as Permission, Safeguard or Exception

UNICEF has cautioned that:

“Age restrictions alone won't keep children safe online.”²²

This statement does not reject age limits categorically. Its significance lies in identifying the limitations of treating a numerical threshold as the entire child-safety framework. A child excluded from one regulated platform may use another service, a shared device, a false date of birth, or a less regulated online environment. A parental-consent requirement faces similar circumvention risks if platforms do not verify both the child's age and the parent's identity.

Parental consent can play several different legal roles.

It can operate as authorization: a child below the normal age may use a platform if a parent agrees.

It can operate as additional protection: access remains lawful, but certain data processing, purchases, contacts, or public-posting features require parental approval.

It can operate as supervision: the child may hold an account, while the parent receives specified oversight tools.

Or the law may make parental consent irrelevant below an absolute statutory age, as in Australia's current account-access framework.

Each model allocates authority differently between the child, parent, platform, and state. The legal question cannot therefore be resolved simply by inserting the phrase “with parental consent” into an age-limit statute.

2. Age Assurance and the Privacy Paradox

Pakistan's NCRC report explains age verification as procedures that may use:

“official documents ... or a biometric face.”²³

This illustrates a paradox at the centre of child online-safety law. In order to collect less information from children or exclude underage users, platforms may first need to collect highly sensitive information proving age. Government identification documents, facial analysis, biometric estimation, or third-party identity services may themselves create privacy and cybersecurity risks.

The legal design of age assurance therefore requires attention to data minimization. A platform may need to know that a user is “over sixteen” without retaining the user's full identity, date of birth, identity-card number, or biometric template.

Parental verification adds another layer. A genuine consent regime must distinguish actual parents or lawful guardians from adults merely claiming parental status. Verification can increase reliability but also increases the amount of family data processed.

Thus, stronger age enforcement and stronger privacy protection can sometimes pull in opposite directions. A regulatory framework would need to specify what information may be collected, for how long it may be retained, whether it may be reused for advertising or profiling, and who bears liability if age-verification databases are compromised.

3. Parental Responsibility Cannot Entirely Replace Platform Responsibility

The Constitution permits:

“special provision for the protection of women and children.”²⁴

This constitutional authority provides a legal basis for child-specific protections but does not determine the precise content of those protections. Measures could focus on parents,

²² UNICEF, “Age Restrictions Alone Won't Keep Children Safe Online,” statement, December 10, 2025, <https://www.unicef.org/press-releases/age-restrictions-alone-wont-keep-children-safe-online>.

²³ NCRC, *Situation Analysis of Child Online Protection in Pakistan*, 93.

²⁴ Pakistan, *Constitution of the Islamic Republic of Pakistan*, 1973, art. 25(3), as amended up to November 21, 2025, National Assembly of Pakistan, <https://na.gov.pk/en/downloads.php>.

platforms, advertisers, age verification, content design, or other regulatory actors. The constitutional clause does not itself resolve whether sixteen, thirteen, or another age is appropriate.

A framework that places nearly all responsibility on parents may also encounter practical limitations. Parents differ substantially in digital literacy, time, resources, education, and technical knowledge. Pakistan's NCRC has documented generational and knowledge gaps affecting caregivers' ability to supervise children effectively.²⁵

Platform architecture can create risks that parents cannot observe directly: recommender systems, behavioural profiling, addictive interface design, targeted advertising, contact suggestions, and opaque content-ranking systems operate beyond the ordinary visibility of caregivers.

Parental consent therefore answers the question "Who authorizes the child?" but not the separate question "What obligations does the platform owe after authorization?"

Section Six: Children's Rights Beyond Protection

Any legal age framework also affects children's access to information, education, communication, association, participation, creativity, and privacy. A child-rights analysis therefore considers protection and participation simultaneously rather than assuming that restriction always increases welfare.

1. Protection and Evolving Autonomy

General Comment No. 25 requires states to take into account the developing competence and agency of children in digital environments.²⁶

This principle is particularly relevant to older adolescents. An absolute regime treating a fifteen-year-old identically to a very young child may offer simple administration but may not reflect differences in maturity, educational need, political awareness, social relationships, or ability to understand digital risk.

Conversely, a system relying only upon individual maturity assessments would be difficult for platforms to administer consistently at scale.

Age thresholds therefore function partly as legal proxies for developmental capacity. Their advantage is certainty; their limitation is that chronological age does not perfectly correspond to maturity.

A tiered framework is one possible regulatory architecture: younger children may require stronger parental involvement and restricted platform functions, while older adolescents may receive increasing independent control together with age-appropriate safeguards. This describes one design option rather than a conclusion that one threshold is legally required.

2. The Best Interests of the Child and the Risk of Over-Restriction

The Committee on the Rights of the Child treats best interests and evolving capacities as guiding considerations in digital parenting and regulation.²⁷

Over-restriction can itself create consequences. Social media may provide educational resources, peer support, creative opportunities, access to emergency information, disability communities, and connections for geographically or socially isolated children.

UNICEF's current global position therefore argues that age restrictions should operate within a wider safety system involving platform responsibility, safer design, effective moderation, age-appropriate experiences, and children's participation in policymaking.

²⁵ NCRC, *Situation Analysis of Child Online Protection in Pakistan*, 78–80.

²⁶ Committee on the Rights of the Child, *General Comment No. 25*, paras. 19–21.

²⁷ Committee on the Rights of the Child, *General Comment No. 25*, paras. 85–86.

The legal objective is consequently not reducible to maximizing either access or restriction. Child-protection law must mediate between several rights and risks that vary by age, platform function, and individual circumstances.

Section Seven: Core Legislative Questions for Pakistan

The present Pakistani debate can be organized around a set of unresolved legal choices rather than a single yes-or-no question about banning social media.

1. What Exactly Should the Age Threshold Regulate?

An age limit could apply to:

- creating an account;
- operating a public profile;
- direct messaging adults;
- receiving algorithmic recommendations;
- livestreaming;
- targeted advertising;
- monetized content;
- location sharing;
- commercial transactions;
- or processing specified categories of personal data.

These are legally different activities.

An access regime may therefore prohibit the entire account or permit access while restricting higher-risk functions. The 2025 Senate bill largely adopted the former structure by proposing that under-sixteen users be prevented from becoming account holders. The draft Personal Data Protection Bill, by contrast, focused primarily on processing children's data.²⁸

Clarity concerning the regulatory object is essential. Without it, debates about a "social-media age limit" may compare legal models that actually regulate different conduct.

2. Should Parental Consent Override the Minimum Age?

Three principal legal structures are visible in comparative practice and Pakistan's own proposals.

Under an absolute-threshold model, parental consent cannot override the statutory age.

Under a consent-gateway model, parental authorization permits access below the threshold.

Under a layered model, parental approval may authorize some activities but not others.

The withdrawn 2025 Senate bill leaned toward the first approach. The 2023 draft data law contemplated parental authorization for child-data processing. Public debate in 2026 has included proposals that refer to parental consent in connection with under-sixteen access. These differences show that the parental-consent question remains unresolved rather than settled by current Pakistani law.

3. Who Should Bear the Duty to Verify Age?

A law could place duties on children, parents, social-media companies, app stores, internet-service providers, identity-verification intermediaries, or some combination of them.

Platform-based responsibility has one institutional advantage: the platform controls account registration and can apply a uniform system to all users. However, cross-border platforms may use different technical systems, and overly intrusive verification can expose users to new privacy risks.

²⁸ Senate of Pakistan, *Social Media (Age-Restricted Users) Bill, 2025*, §§ 2–3; Ministry of Information Technology and Telecommunication, *Personal Data Protection Bill, 2023*, § 14.

Parent-based responsibility recognizes family authority but may be difficult to enforce and may not protect children whose caregivers lack digital literacy or themselves facilitate risky exposure.

Government identity-based verification may improve accuracy but can produce significant surveillance and data-security concerns.

The legal design therefore requires a proportionality judgment between reliability and privacy rather than assuming that the most intrusive verification is automatically the most protective.

Findings of the Study

The study produces the following principal findings.

First, as of September 2026, Pakistan does not have an enacted nationwide statute establishing a general minimum age for social-media account ownership.

Second, Pakistan's general age of majority is eighteen, but legal majority should not be conflated with a specific statutory minimum age for digital-platform access.

Third, contractual competence under section 11 of the Contract Act 1872 creates a separate legal issue concerning minors' acceptance of platform terms but does not itself establish a national social-media age threshold.

Fourth, PECA contains extensive protections against online harms involving children, including grooming, cyberbullying, sexual exploitation, and child sexual abuse material, but those provisions primarily regulate harmful conduct rather than initial platform access.

Fifth, the current PECA framework recognizes guardian involvement in specific child-protection remedies without creating a universal parental-consent requirement for opening social-media accounts.

Sixth, the 2023 draft Personal Data Protection Bill proposed both age verification and parental consent before processing children's personal data, but it remains listed by the Ministry as draft legislation.

Seventh, the Social Media (Age-Restricted Users) Bill 2025 proposed an under-sixteen restriction and platform age-assurance duties but was withdrawn in August 2025 and therefore never became law.

Eighth, the withdrawn bill did not create a general parental-consent exception to its under-sixteen account restriction.

Ninth, the issue remains active in 2026 through parliamentary resolutions, government policy consideration, and litigation, but these developments have not yet generated a single enacted federal age-of-access regime.

Tenth, private platform rules currently perform a substantial practical role. Some major platforms permit accounts from age thirteen while applying enhanced restrictions to teenage users, but these rules are contractual platform policies rather than Pakistani statutory law.

Eleventh, comparative systems regulate different legal questions. Australia regulates access to covered social-media accounts below sixteen; the GDPR regulates consent to specified data processing; COPPA regulates collection of personal information from children under thirteen.

Twelfth, parental consent is not a complete substitute for platform regulation because many risks arise from platform architecture, recommendation systems, advertising, data collection, and contact design rather than the simple act of account creation.

Thirteenth, strong age verification can itself threaten children's privacy if it requires unnecessary collection of identity documents or biometric data.

Fourteenth, international child-rights standards favour consideration of evolving capacities, meaning that parental authority and children's independent agency need not remain legally identical throughout childhood.

Fifteenth, the core legal gap in Pakistan consists not merely of the absence of a number but of the absence of an integrated statutory framework governing age assurance, parental consent, child autonomy, platform duties, privacy, remedies, and enforcement.

Legal and Policy Options

1. Parliament could enact an absolute minimum account age under which parental permission would not override the restriction.
2. A parental-consent model could permit younger users to maintain accounts where verifiable authorization is obtained.
3. A tiered model could distinguish younger children from older adolescents and progressively increase digital autonomy according to age.
4. The law could regulate high-risk platform functions rather than prohibit entire accounts.
5. Age-assurance rules could require privacy-preserving proof of age without unnecessary retention of identity documents.
6. Parental authorization procedures could require verification that consent comes from an actual parent or lawful guardian.
7. Social-media companies could be required to provide child accounts with protective default settings, restricted adult contact, reduced profiling, and limited targeted advertising.
8. Data collected specifically for age verification could be legally prohibited from being repurposed for advertising, profiling, or unrelated commercial activity.
9. A statutory framework could distinguish account-access age from the age at which a child may independently consent to personal-data processing.
10. Children's views and developmental capacities could be incorporated into future legislative consultation, consistent with Pakistan's child-rights obligations.
11. Regulators could require periodic independent audits of age-assurance systems for both effectiveness and privacy impact.
12. Any future statutory threshold could be reviewed after implementation using evidence concerning circumvention, online harm, educational access, privacy, and movement toward less regulated platforms.

Conclusion

The legal question of children's social-media age in Pakistan remains unresolved because the country's present legal framework was developed primarily to address online offences, communications regulation, contractual capacity, and child protection rather than to establish a single age-based system governing social-media participation.

This creates an unusual legal landscape.

A Pakistani child below eighteen remains a minor for purposes of general majority law.

Many social-media companies nevertheless allow users from approximately thirteen years of age under their private rules.

PECA protects children from several serious forms of cyber harm but does not establish a comprehensive minimum account age.

A draft personal-data law has proposed parental authorization for child-data processing but has not become enacted law.

A 2025 parliamentary bill proposed an under-sixteen account restriction but was withdrawn.

By 2026, legislative resolutions, government consultations, and court proceedings had revived the issue without yet producing a binding nationwide access threshold.

The parental-consent question sits at the centre of this legal uncertainty.

Treating parental consent as sufficient respects family responsibility but may leave substantial platform-generated risks unresolved.

Treating parental consent as irrelevant below an absolute statutory age creates clearer enforcement but reduces parental discretion and adolescent autonomy.

Using age verification can improve compliance but can also increase the collection of sensitive identity information.

Permitting unrestricted access protects participation but may expose younger children to risks they are not developmentally equipped to manage.

Comparative experience demonstrates that the numerical age cannot be examined separately from the legal architecture surrounding it. Australia's sixteen-year rule is an account-access model. The GDPR's age rules concern data-processing consent. COPPA's under-thirteen system concerns privacy and parental authorization. They answer different legal questions.

For Pakistan, therefore, the central legislative task is not simply selecting between thirteen, sixteen, and eighteen.

The deeper task is defining what the chosen age regulates, whether and when parents can authorize access, how age and parental status will be verified, which data may be collected for verification, what obligations platforms owe after a child is admitted, how older adolescents' privacy and autonomy are protected, and what remedies are available when platforms fail to comply.

Until those questions are addressed in enacted legislation, Pakistan's child social-media framework will remain composed of strong protections against specific online harms but no unified legal rule governing the age at which children may enter the social-media environment.

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