



Age Verification Laws Limit Free Speech Online

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By *Allison Grossman PhD*

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The goal of age verification laws is to limit minors' access to online sexual content, in an effort to ensure children's safety.¹ However, age verification legislation is ineffective, insecure, or both. These laws require proof of age or parental consent² via disclosure of personal information, identification document uploads, or facial recognition software before accessing websites with sexual material. Courts and free speech advocates have challenged these laws on the grounds that they hinder First Amendment rights for both users and websites,^{3,4} and often fail to keep consumers' personal information safe.

Historically, courts have rejected age verification laws because they placed too many limits on adults' right to free speech.^{5,6} However, the Supreme Court has recently upheld Texas's new age verification laws, marking a shift from earlier rulings.

In June 2025, the Supreme Court reversed its previous decisions from lower courts and declared that age verification was a lawful way to protect kids from harmful online content, even if some adults lose access as a result.⁷ This decision creates tension between efforts to protect minors and long-standing First Amendment concerns about restricting lawful speech. The ruling also sets a precedent that could make it easier for lawmakers to pass similar censorship laws in the future. Supporters see this as a step toward stronger protections for minors, while critics warn it could open the door to broader restrictions on free speech online.

¹ Stardust, Zahra, Abdul Obeid, Alan McKee & Daniel Angus

² Athey, Philp

³ Free Speech Coalition

⁴ Free Speech Coalition.

⁵ Free Speech Coalition

⁶ Electronic Frontier Foundation

⁷ Free Speech Coalition.

Can you protect freedom of expression while requiring age verification online?

No, you cannot protect freedom of expression when you require age verification online. The Constitution protects freedom of expression, which gives people the right to seek, receive, and access legal content. Age verification makes it difficult for all consumers, regardless of age, to access sexual or erotic material. Material at risk from age verification restrictions includes anything the government deems harmful or obscene to minors. This could include pornography or erotic content, information about sex education and sexual health, and spaces where LGBTQ+ individuals, sex workers, and other sexuality-based communities connect or share information.

Age verification laws are framed as a way to protect minors, but inevitably affect all internet users and prohibit access to information for adults.⁸ While these policies will pose obstacles or deter some adults from accessing certain websites, age verification will also completely block adults who do not have the necessary identification to pass the requirements. Those least likely to have necessary identification include people without financial means to purchase replacements of lost IDs, those without citizenship, and adults with disabilities who do not have driver's licenses, causing unequal access to sexual content based on various privileges.^{9 10}

Another challenge is the use of facial recognition software instead of requiring ID uploads. This technology has been found to have biased accuracy depending on the users' gender, race, age,¹¹ and facial features.¹² As a result, it could incorrectly restrict adult users from accessing content.

Even adults who are able to provide accurate age verification have to give up their privacy to view legal content online. The right to remain nameless and anonymous is a firmly established First Amendment right,¹³ but age verification requires all users to forgo this right when accessing legal content online.

⁸Electronic Frontier Foundation

⁹ Blake

¹⁰Free Speech Coalition

¹¹Stardust et al

¹²Thomas, 2025

¹³Cyberspace Communication, Inc v Engler

Finally, permitting age verification laws for some sites risks setting a precedent to implement similar laws for social media platforms, as many states have already begun to propose and some have adopted.¹⁴ This effort runs the risk of blocking access to LGBTQ+ affirming spaces and reproductive and sexual health information,¹⁵ which have been shown to elevate safety for people without access to these communities or information offline.^{16 17}

Is age verification the most effective way to ensure online safety?

No, age verification is not the most effective way to ensure the safety of minors online. Age verification software often fails to keep minors away from explicit content, fails to keep minors' or adults' personal information safe, and overlooks alternative methods that are more effective.^{18 19} Content restrictions on individual devices or networks allow for tailored and effective parental control without exposing the general public to censorship and potential data breaches.

Age verification software often fails to effectively stop minors from accessing pornographic content online because age verification software is relatively easy to bypass. Firstly, age verification can be bypassed by utilizing an older friend's identification to obtain approval from a third-party verifier. Secondly, many consumers simply utilize a Virtual Private Network (VPN) and select a different state or country where age verification isn't required to view the material. In fact, searches for VPNs notably spiked in states after age verification or bans on pornographic websites were announced.²⁰ Most recently, VPN demand increased 334% in France after their age verification laws passed, with one company reporting a 1,000% increase in new sign-ins within the first 30 minutes following the ban.²¹ Similarly, a VPN company reported a 1800% spike in new users in the UK just days after their age verification ban was implemented. In fact, more than half of the top downloaded free Apple apps in the UK were also VPNs. This introduced an additional

¹⁴ Fire Free Speech Coalition

¹⁵ Bhatia

¹⁶ Berger

¹⁷ Craig et al

¹⁸ Weisman

¹⁹ Kapersky

²⁰ Cole

²¹ Dana

concern because not all VPNs offer the same degree of security, and the average user likely does not know how to vet different apps for safety.²²

AV also fails to keep all users' data secure. No age verification software in use in 2025 provides protection from data breaches and hackers, no matter how rigorously they implement security measures.^{23 24 25} Even if the AV provider is able to keep the information secure, it must pass through numerous online intermediaries before reaching the provider, with the threat of a data breach present at each point. Even companies that immediately delete data could be hacked in the time between a user's ID being uploaded and the vendor company removing the private information from their data.²⁶

Several courts have determined that age verification requirements for access to a website deter users because they do not trust that their information and identity will be safe.²⁷ Other countries have found similar safety concerns with age verification tools. Australia's eSafety Commissioner, for example, recommended increased media literacy and education instead of relying on age verification after finding that age verification poses risks to security and privacy.²⁸ The UK reports that age verification technologies are ineffective at guaranteeing citizens' privacy, given the inability to eliminate data breaches.²⁹ France stated that it was unable to identify a third-party service that accurately verifies age while respecting the privacy and security of users.³⁰

An alternative age verification method that utilizes filters or parental controls implemented at the user end would enable selective restrictions for minors without imposing a universal restriction that could prohibit adults from accessing content and speech protected by the First Amendment.

For example, Android and iPhones allow parents to implement controls on content, screen time, and privacy for their children's devices.³¹ Broadband companies also provide the option for parental controls to be used on any device connected to the home Wi-Fi

²²McMahon

²³ Weissman

²⁴ Lively

²⁵ Roth

²⁶ Athey

²⁷ American Civil Liberties Union v. Gonzales

²⁸ eSafety Commissioner

²⁹ Yar

³⁰ Weissman

³¹ Pinola

network, ensuring any computers or tablets being used at home are also secure for minors. ASACP.org allows the free use of its “RTA” (Restricted to Adults) tag to label adult sites that end-user filters can recognize, thereby preventing access by minors.

Interestingly, these alternatives to age verification software seem to be aligned with parents’ preferences. Globally, nearly 90% of parents believe it is primarily their responsibility to regulate their children’s digital behavior.³² More so, the vast majority of parents set limits on their children’s digital habits and discuss safe online behaviors with them.³³ However, only about half of American parents use parental control apps, while others utilize less automated oversight, such as checking their children’s digital history, providing digital education, and/or enforcing supervised screen time.³⁴ Most parents surveyed believe this approach is working, as only 1% of these surveyed report their child is not using their device as expected.

Overall, the research suggests that clear communication between parents and children about digital safety, combined with device- or network-side controls, would significantly increase the safety of minors online without affecting the individual First Amendment rights.

See Also:

- [How to Use the Parental Controls on a Smartphone](#)
- [How to keep your child safe on their smartphone – the definitive guide](#)

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³² Kaspersky

³³ IBID

³⁴ IBID

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