Your response

Questions for industry	Your response
Question 1: Are you providing a UK-established service that is likely to meet the AVMSD definition of a VSP? **Please provide details of the service where relevant. The establishment criteria under the AVMSD are set out in annex 5.**	No
Question 2: Is your service able to identify users based in specific countries and do you provide customised User Interfaces (UI), User Experience (UX) functionality or interaction based on perceived age and location of users?	No
Question 3: How does your service develop and enforce policies for what is and is not acceptable on your service? (including through Ts&Cs, community standards, and acceptable use policies) **In particular, please provide information explaining:** • **what these policies are and whether they cover the categories of harm listed in the AVMSD (protection of minors, incitement to hatred and violence, and content constituting a criminal offence – specifically Child Sexual Exploitation and Abuse, terrorist material, racism and xenophobia);** • **how your service assesses the risk of harm to its users;** • **how users of the service are made aware of Ts&Cs and acceptable use policies; and** • **how you test user awareness and engagement with Ts&Cs.**	No
Question 4: How are your Ts&Cs (or community standards/ acceptable use policies) implemented?	Not applicable

In particular, please provide information explaining: • **what systems are in place to identify harmful content or content that may breach your standards and whether these operate on a proactive (e.g. active monitoring of content) or reactive (e.g. in response to reports or flags) basis;** • **the role of human and automated processes and content moderation systems; and** • **how you assess the effectiveness and impact of these mechanisms/ processes.**	Not applicable
Question 5: Does your service have advertising rules? **In particular, please provide information about any advertising rules your platform has, whether they cover the areas in the AVMS Directive, and how these are enforced. See Annex 5 for a copy of the AVMSD provisions.**	Not applicable
Question 6: How far is advertising that appears on your service under your direct control, i.e. marketed, sold or arranged by the platform? **Please provide details of how advertising is marketed, sold and arranged to illustrate your answer.**	Not applicable
Question 7: What mechanisms do you have in place to establish whether videos uploaded by users contain advertising, and how are these mechanisms designed, enforced, and assessed for effectiveness?	Not applicable
Question 8: Does your service have any reporting or flagging mechanisms in place (human or automated)?	Not applicable

In particular, please provide information explaining: • **what the mechanisms entail and how they are designed;** • **how users are made aware of reporting and flagging mechanisms;** • **how you test user awareness and engagement with these mechanisms;** • **how these mechanisms lead to further action, and what are the set of actions taken based on the reported harm;** • **how services check that any action taken is proportionate and takes into account Article 10 of the European Convention of Human Rights (freedom of expression);** • **how users (and content creators) are informed as to whether any action has been taken as a result of material they or others have reported or flagged;** • **whether there is any mechanism for users (including uploaders) to dispute the outcome of any decision regarding content that has been reported or flagged; and** • **any relevant statistics in relation to internal or external KPIs or targets for response.**	Not applicable
Question 9: Does your service allow users to rate different types of content on your platform? **Please provide details of any rating system and what happens as a result of viewer ratings.**	Not applicable
Question 10: Does your service use any age assurance or age verification tools or related technologies to verify the age of users? **In particular, please provide information explaining:** • **how your age assurance policies have been developed and what age group(s) they are intended to protect;** • **how these are implemented and enforced;** • **how these are assessed for effectiveness or impact; and**	Not applicable

• if the service is tailored to meet age-appropriate needs (for example, by restricting specific content to specific users), how this works.	
Question 11: Does your service have any parental control mechanisms in place? **In particular, please provide information explaining:** • **how these tools have been developed;** • **what restrictions they allow;** • **how widely they are used; and** • **how users of the service, and parents/ guardians if not users themselves, are made aware of and encouraged to use the parental control mechanisms that are available.**	Not applicable
Question 12: Does your service have a complaints mechanism in place? Please describe this, including how users of your service can access it and what types of complaint they can make. **In particular, please provide information explaining:** • **any time limits for dealing with complaints;** • **how complainants are informed about the outcomes of complaints;** • **any appeals processes, how they work, and whether they are independent from the complaints processes; and** • **the proportion of complaints which get disputed or appealed.**	Not applicable
Question 13: What media literacy tools and measures are available on your service? **In particular, please provide any relevant information about:** • **how you raise awareness of media literacy tools and measures on your service;** • **how you assess the effectiveness of any media literacy tools and measures provided on your service; and**	Not applicable

• how media literacy considerations, such as your users' ability to understand and respond to the content available to them feature in your thinking about how you design and deliver your services, for example in the user interfaces, flagging content and use of nudges.	
Question 14: Do you publish transparency reports with information about user safety metrics? **Please provide any specific evidence and examples of reports, information around the categorisation and measurements used for internal and external reporting purposes, and whether you have measures in place to report at country/ regional level and track performance over time.**	Not applicable
Question 15: What processes and procedures do you have in place to measure the impact and effectiveness of safety tools or protection measures? **If not already captured elsewhere in your response, please provide information relevant to all of the measures listed above explaining:** • **how you test and review user awareness and engagement with each measure (including any analysis or research that you would be willing to share with Ofcom);** • **how often policies and protection measures are reviewed, and what triggers a review; and** • **how you test the impact of policies on users and the business more generally, such as how you balance the costs and benefits of new tools.**	Not applicable
Question 16: How do you assess and mitigate the risk of inadvertent removal of legal or non-harmful content? **In particular, please provide any information on:**	Not applicable

• **how freedom of expression is taken into account during this assessment;** • **how appeals are handled and what proportion are successful; and** • **audits of automated removal systems and, if you have them, any metrics that relate to their effectiveness.**	
Question 17: Have you previously implemented any measures which have fallen short of expectations and what was your response to this? **Please provide evidence to support your answer wherever possible.**	Not applicable
Question 18: How does your service develop expertise and train staff around different types of harm? (e.g. do you have any partnerships in place?)	Not applicable

Questions for all stakeholders	Your response
Question 19: What examples are there of effective use and implementation of any of the measures listed in article 28(b)(3) the AVMSD 2018? **The measures are terms and conditions, flagging and reporting mechanisms, age verification systems, rating systems, parental control systems, easy-to-access complaints functions, and the provision of media literacy measures and tools. Please provide evidence and specific**	Video-sharing platforms' Terms of Service and policies to remove harmful and illegal content are crucial to the platforms adhering to the AVMSD 2018 but importantly they can have a lasting impact on communities offline which suffer hate through content consumed online. It is important to note that policies develop over time and so using something like YouTube as a model is helpful, as it has had longer to understand some harms caused through its platform and how to address them (though it is obviously not perfect). YouTube's comprehensive Terms of Service restricts content and gives the platform the right to remove content that "may cause harm to YouTube, our users, or third parties" allowing for the removal of

examples to support your answer.	both illegal and legal online harms.[1] Videos and comments that violate YouTube's Terms of Service also include any content that violates the law or "the direction of a legal enforcement authority."[2] The terms also stipulate when accounts that are in breach of the Terms of Service may be suspended or terminated. YouTube specifically has a policy relating to hate speech, which stipulates that content promoting violence or hatred against individuals or groups based on protected characteristics, including ethnicity, gender, religion amongst others, will be removed.[3] In order for platforms to be effective in removing content which violates local law, the AVMSD 2018 and other harmful content, the platforms need to ensure users are able to report content effectively and quickly. YouTube has implemented a user notification system for harmful content, allowing users to report content which violates both YouTube's terms of service and policies. Regarding videos, a user is easily directed to report, based on the violation of the video, such as harmful and abusive content or promoting terrorism. Regarding comments on videos, users are also directed to report such content, based on the type of violation which has occurred. Of course, the nature of the platforms is that many examples which we might usefully cite do not become public. That is to be celebrated. YouTube transparency reports indicate hundreds of thousands of videos and more channels and comments have been flagged and removed. However, there are some very positive results from appropriate application of Terms and Services. After YouTube announced algorithmic and policy changes seeking to minimise exposure to

[1] https://www.youtube.com/static?gl=GB&template=terms
[2] https://www.youtube.com/static?gl=GB&template=terms
[3] https://support.google.com/youtube/answer/2801939?hl=en-GB&ref_topic=9282436

racist or extreme content or that opposing well documented historical fact (including Holocaust denial), there has been a significant and documented (https://www.isdglobal.org/wp-content/uploads/2020/08/Hosting-the-Holohoax.pdf) drop in the spread of Holocaust denial. Furthermore, removal of accounts contravening hate speech rules, has meant that antisemitic white supremacists like David Duke, have been prevented from spreading hateful content known to radicalise young people amongst others.

Another measure listed in article 28(b)(3) is 'ratings systems'. The British Board of Film Classification (BBFC) operates a trusted and transparent ratings system based on decades of experience. While perhaps still primarily recognised from cinema and home entertainment formats, the BBFC's age ratings symbols are increasingly visible online, on popular video-on-demand platforms like Netflix and Amazon Prime amongst others. We have worked closely with the BBFC and respect its well-informed understanding of harmful content and the significant contribution that BBFC age ratings and accompanying content advice make to online safety and consumer empowerment.

The BBFC is also expert in age verification, another measure listed in article 28(b)(3), and it is regrettable that their planned regime to prevent children's access to online pornography was not brought into force. We believe the BBFC will have a valuable contribution to make on age-verification measures.

| **Question 20: What examples are there of measures which have fallen short of expectations regarding users' protection and why?**

Please provide evidence to support your answer wherever possible. | The European Code of Conduct on countering illegal hate speech, which sets out minimum standards for tackling illegal online harms, engages non-governmental groups from across European member states to monitor, for a set period, the platforms' adherence to the code. Such illegal material would include user generated-content contravening Article 28b (b) of the AVMSD 2018. YouTube is the main platform being monitored which falls within the remit of video-sharing platforms. |

Despite the positive steps YouTube has taken to implement terms of service and appropriate reporting systems, to ensure adherence to AVMSD, it falls short on enforcement. The most recent monitoring of adherence to the European Code of Conduct, which took place in December 2019, revealed that YouTube, the largest of the online video platforms, removed 79.7% of illegal content across Europe from the platform,[4] allowing at least 20.3% of content that is deemed illegal to be seen by users. Although this is a substantial increase from the removal rate of 48.5% recorded in December 2016. However, in the United Kingdom, across all platforms including YouTube, the removal rate for December 2019 was 42.5%, substantially lower than the overall removal rate, meaning that over 55% of content deemed illegal by monitoring groups remained on the platform, meaning users were allowed to view illegal harmful content in the UK through the platform. This problem of the accessibility of illegal content is a longstanding one which has been highlighted during Parliamentary Select Committee hearings and elsewhere (https://www.bbc.co.uk/news/technology-43387354).

This failure to enforce policies underlines the rationale against self-regulation of VSPs. There are several specific cases in the United Kingdom in which YouTube has fallen short of its requirements to protect users from illegal harmful content, as set out in Article 28b (b) of the AVMSD 2018:

- In June 2018 far-right blogger Alison Chabloz was convicted under Section 127 of the Communications Act 2003 for using an electronic communications network to send grossly offensive messages.[5] The videos she posted included songs denying and mocking the Holocaust.[6] Despite the conviction, the songs

[4] https://ec.europa.eu/info/sites/info/files/codeofconduct_2020_factsheet_12.pdf
[5] https://www.thejc.com/comment/opinion/why-alison-chabloz-s-conviction-should-be-celebrated-1.465666
[6] https://cst.org.uk/antisemitism/prosecutions

remained active and accessible on YouTube. YouTube claimed the videos had initially been removed but were re-uploaded and had avoided detection.[7] Jewish groups heavily criticised YouTube for its original inaction on the videos, and their continuing inaction on the re-uploaded videos, which should have been detected using machine learning and AI and swiftly removed. The videos were viewed hundreds of times, meaning users were exposed to illegal content for which the poster, Chabloz, had been found guilty in a British court of law.

- In July 2020, grime artist, Richard Kylea Cowie Jr, otherwise known as Wiley, went on an antisemitic rant on several social media platforms, before posting his offensive, harmful and anti-Jewish content onto YouTube. Initially YouTube demonetised his account and banned him from posting new videos, prompted by their policies to prohibit hate speech against religious groups.[8] However, Wiley was initially able to get around this ban by uploading content to a new channel.[9] Posts on the video platform included bigoted stereotypes about Jews, antisemitic conspiracy theories, and calling on users to tell him whether a Twitter user was Jewish, in order to know how much power they supposedly had.[10] He later had his account terminated by YouTube, but the platform was criticised for its delay in fully removing him from its services.

BitChute, another video-sharing platform, is a fairly new platform. Created in 2017, it allows for user generated video content to be uploaded and hosted on the service. Bitchute is a United Kingdom-based platform,[11] and is often used as an alternative to YouTube,

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[7] https://www.standard.co.uk/news/uk/jewish-groups-slam-youtube-over-racist-songs-after-blogger-sentence-a3858516.html

[8] https://metro.co.uk/2020/08/05/wiley-removed-youtube-mounting-pressure-following-anti-semitic-comments-13089678/

[9] https://metro.co.uk/2020/08/05/wiley-removed-youtube-mounting-pressure-following-anti-semitic-comments-13089678/

[10] https://antisemitism.uk/wiley-finally-banned-from-youtube-following-appeal-by-caa/

[11] https://www.hopenothate.org.uk/wp-content/uploads/2020/07/BitChute-Report_2020-07-v2.pdf

	with many users banned from the latter company for a variety of offenses, including hate speech. These users then move to BitChute, where content moderation is minimal to non-existent. It has been described by Hope Not Hate as a vehicle to "circumvent the moderation of mainstream platforms."[12] In terms of the harm presented to users on the platform which would contravene AVMSD 2018 as well as the United Kingdom Terrorism Act 2000, this includes proscribed terrorist content in support of National Action and footage from, and glorifying, the recent terrorist attacks in New Zealand and Germany.[13] Channels found in a study by the Community Security Trust had names such as 'Good Night Jewish Parasite' and 'Holocaust Lies Exposed'.[14] Misinformation has also been allowed to fester on BitChute, such a surge in Coronavirus conspiracy theories, including claims blaming Jews for the pandemic.[15] The Antisemitism Policy Trust is the subject of one video in which an anonymous individual questions the Holocaust, uses antisemitic themes, engages in misogyny and homophobia. He directs people to this longer post using a short, less offensive clip on YouTube. Bitchute fails every test for having suitable Terms and Conditions and would certainly fall foul of AVMSD 2018 in the view of the Trust.
Question 21: What indicators of potential harm should Ofcom be aware of as part of its ongoing monitoring and compliance activities on VSP services?	Bigoted speech, and the feelings which motivate it, is viewed as a key indicator of motivation or bias behind hate crimes.[16] Anti-Jewish racism is one such indicator of harm. Therefore, due to the potential for wider societal harm, hate and incitement, based on protected characteristics, should be used as an indicator of the broader

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[12] https://www.hopenothate.org.uk/wp-content/uploads/2020/07/BitChute-Report_2020-07-v2.pdf

[13] Community Security Trust (2020) *BitChute: The British Social Media Platform Driving Hate*. Available on request.

[14] Community Security Trust (2020) *BitChute: The British Social Media Platform Driving Hate*. Available on request.

[15] Community Security Trust (2020) *BitChute: The British Social Media Platform Driving Hate*. Available on request.

[16] Paul Iganski, 'Hate Crimes Hurt More', *The American Behavioural Scientist*, Dec 2001

Please provide evidence to support your answer wherever possible.	harm of a piece of content, whether it be a video or comments left under a video, on a Video-sharing platform's platform.
	Looking at hate from a criminological perspective, crimes based on hostility, which can include those perpetrated on Video-sharing platforms, have been proven to have a greater a long-term impact on those affected. Victims of 'general' crimes have been affected by intrusive thoughts, feeling frightened or scared and show specific symptoms of distress.[17] Those affected by crimes specifically due to a hostility or hate aspect, which includes those perpetrated online and on Video-sharing platforms, are more likely to exhibit depression, nervousness, loss of confidence, sleep difficulties, reduced feelings of safety and further characteristics of post-victimisation distress.[18]
	In addition to antisemitism and other hate speech against protected characteristics, the context of a given situation should be reviewed including:
	• The seriousness of the incident (e.g. level of threat, reach etc)
	• If the user posting the harmful content is repeatedly committing the offence and if they have any criminal record for such behaviour offline
	• The age of the user posting harmful content
	• The impact this has on the individual, their community and wider society
	• The views of the victims and/or their community of the offence
Question 22: The AVMSD 2018 requires VSPs to take appropriate measures to protect minors from	Although online videos are exempt from classification by the British Board of Film Classification (BBFC),[19] if material in scope contains

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[17] Paul Iganski and Spiridoula Lagou, Hate crimes hurt some more than others: implications for the just sentencing of offenders, 2014

[18] Paul Iganski and Spiridoula Lagou, Hate crimes hurt some more than others: implications for the just sentencing of offenders, 2014

[19] https://www.bbfc.co.uk/industry-services/video/exemption

content which 'may impair their physical, mental or moral development'. Which types of content do you consider relevant under this? Which measures do you consider most appropriate to protect minors?

Please provide evidence to support your answer wherever possible, including any age-related considerations.

certain elements it should ideally be submitted to the BBFC for classification. This includes elements which could impact minors and impair their physical, mental or moral development. Such elements include legal but harmful content, which is recognised as having a negative impact:

- Promoting violence or the aftermath of violence on humans or animals
- Depicts a dangerous activity or promotes a dangerous activity that could endanger an individual
- Promoting misuse of drugs, tobacco or alcohol
- Promoting suicide or attempts
- Promoting self-harm
- Depicting techniques useful in an offense
- Depictions of sexual activities on various scales
- Includes words or images likely to or intended to cause offence on the grounds of a protected characteristic.[20]

At a minimum such content should be appropriately labelled and mechanisms put in place to restrict access by children. Content labelling should be consistent across all platforms in scope, as ratings systems work best if they are nationally established (taking into account local sensitivities) and widely understood. BBFC age ratings are the gold standard, as they are so well known and based on research with the UK public. We understand from our engagement with the BBFC that they are keen to explore with video-sharing platforms ways in which their classification model can be adapted to meet the scale of content on these sites. Once in place, ratings could be linked to parental control systems, allowing parents and platforms the ability to restrict children's access. Robust age-verification should be required for content appropriate for adults only, for example, pornography.

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[20] https://www.bbfc.co.uk/industry-services/video/exemption

YouTube's community guidelines include an age restriction feature which, in theory, should limit the exposure of minor's to potentially harmful content, including that outlined above.[21] However, YouTube asks channels to provide information on their content before uploading, including whether a video is suitable for minors, which will then provide the age restriction. Users engaging with the platform for nefarious purposes, such as to spread harm based on protected characteristics, will not choose this option and the content may be visible to minors. It is therefore important that platforms offer a crowd verification mechanism to ensure that user self-labelling is accurate and adjust accordingly if it is not. We know that the BBFC has developed a prototype tool, 'You Rate It', which offers this functionality. We would welcome a joint BBFC-YouTube initiative to develop this concept further and see it implemented, with appropriate tools to prevent gaming of the system.

YouTube additionally allows for content that includes harmful elements, if it is used for documentary, scientific or artistic purposes. However, this may have unintended consequences of allowing for minors to view harmful content, presented in an educational format.[22] For a long time, documentaries have been produced and distributed by individuals and organisations with a desire to spread messages of hate, such distribution has only been enhanced and increased with the development of online tools. There are many British examples of radicalisation through extremist propaganda – racist and antisemitic in the extreme - which has been distributed in DVD format. For example, the documentary 'Satanism – Satan's Bloody Teaching' by Harun Yahya included scenes depicting a devil strangling a human female and the reconstructed sacrifice of a baby, dripping with blood, by a devil figure. The entire documentary is presented in a frightening, horror-style aesthetic and a later chapter includes shocking scenes from Marilyn Manson music videos. The commentary covers the "pervasiveness of Satanism and the

[21] https://support.google.com/youtube/answer/146399?hl=en
[22] https://support.google.com/youtube/answer/2801964?hl=en

masons". Present day Satanists are said to be "materialists, atheists and those that deny the existence of G-d". Salvation, viewers are told, can be found in the Quran.

Another documentary DVD which was available to purchase in Britain was the 'National Front Archive DVD1' by Tyr services which features a racist prelude to camera bemoaning "coloured immigration, permitted on a massive scale" and the resultant changing face of Britain. Among the more spurious of the allegations are that immigrants are turning Brixton and Hackney into third-world slums and that they are responsible for murders. The rest of the video features National Front marches, with some scenes of crowd violence.

Both productions, presented in an educational, documentary format, should not be allowed on any video-sharing platform's service due to the harm they could cause minors. Even the radicalisation of one child can have severe consequences.

Question 23: What challenges might VSP providers face in the practical and proportionate adoption of measures that Ofcom should be aware of? **We would be particularly interested in your reasoning of the factors relevant to the assessment of practicality and proportionality.**	The global nature of many Video-sharing platforms brings obvious practical challenges in relation to enforcement and scalability of policies. For emerging platforms, the applicability of good practice may be impossible. There are however some fundamental principles, including that due to this international nature of the internet, monitoring of any indicators of harm needs to be done through a combination of Machine Learning and human review in order to assess: • the seriousness of an offending piece of content • the impact upon the victim of the offending content • the views of the victim • the prevalence of the offender's content, whether the harmful content has been repeated on several occasions and how it has impacted the wider community • nature and frequency of any previous offending; previous convictions/out-of-court disposals

	• the age of the offender

Ofcom will, however, be unable to impose obligations on Video-sharing platforms to monitor their platform for illegal content or content which includes the harmful indicators as outlined above, owing to exemptions in the E-Commerce Directive.

Developing systems level Codes of Practice or requiring companies meet or exceed such codes through their own policies might assist with the practical and proportionate challenges incurred. For example, codifying that VSPs should:

• consider safety by design, including risk management measures relating to search features, speeds of transmission, deliberate harms being spread and advertising.
configure algorithms to direct users away from harm
have single points of contact for law enforcement agencies
• ensure content is appropriately labelled, and linked to parental controls
• put in place mechanisms to ensure children cannot access content that should be restricted to adults only, for example age-verification controls

The standards will help organisations in scope to consider appropriate measures at the earliest stage and can be configured for proportionality e.g. through outlining percentages which increase commensurate with company size |
| **Question 24: How should VSPs balance their users' rights to freedom of expression, and what metrics should they use to monitor this? What role do you see for a regulator?** | Due to the global nature of the internet, video-sharing platforms need to navigate a variety of jurisdictions, ensuring that users are not prevented from accessing content, which is legal in their own states, which are not considered harmful, but could be illegal in other jurisdictions. YouTube has implemented a process of geo-blocking, which allows content to remain available on the platform, |

but can be blocked in certain dominions.[23] This allows for users' freedom of expression, without being subject to laws outside their own jurisdiction. However, geo-blocking should not be a tool used by Video sharing-platforms to allow for harmful and terrorist content to remain visible in other jurisdictions. It is important not to revert to the lowest common denominator in terms of regulatory intervention.

Metrics which should be evaluated by both Ofcom and the Video-sharing platforms' transparency reports include:

- Numbers of escalations by third parties, based on which form of harm is being perpetrated (such as hate speech, terrorist content, child sexual abuse content) and their removal rates by the platforms

- Number of escalations by governments and other policy enforcement agencies, again by which form of hate is being perpetrated, and their removal rates by the platforms

- Number of appeals by users following cases of removed content

- Number of pieces of material which have been reinstated by the platforms following an appeal by the individual who originally posted the content

Such metrics need to be submitted to the regulator, with the ability for the regulator to request the individual pieces of content in order to make further determinations on whether the Video-sharing platforms are striking the right balance between freedom of speech and harmful speech and ensuring that protected speech is being safeguarded.

The regulator might also like to consider establishing an advisory board with expert individuals and organisations representing those working to address harms against protected characteristics and those working to secure freedom of expression.

[23] https://support.google.com/youtube/answer/6303378?hl=en-GB

Question 25: How should VSPs provide for an out of court redress mechanism for the impartial settlement of disputes between users and VSP providers? (see paragraph 2.32 and article 28(b)(7) in annex 5).

Please provide evidence or analysis to support your answer wherever possible, including consideration on how this requirement could be met in an effective and proportionate way.

In order to ensure that disputes between users and Video-sharing platforms are able to be arbitrated outside of court, the regulator might look to create an oversight board, or an independent arbitrator, external to the social media platforms and government agencies, is established. Facebook, a user-generated content platform which allows for video content, has established its own Oversight Board,[24] comprised of experts on law, hate speech, human rights and freedom of speech from across the globe.[25] The Facebook Oversight Board also allows for users to appeal directly any decisions. Such a Board, to ensure Video-sharing platforms are complying with Ofcom's recommendations, would influence Video-sharing platforms to outsource any problematic decisions to an external body, for example in cases where the legal precedent is not clear. Such a scrutiny board would also allow for a last resort on cases brought; where penalties against the platforms and renumeration for aggrieved users, can be decided. Such a board could be funded through a 'Tech Tax', as proposed by Glitch, an NGO working to address online harm, whereby a proportion of revenue generated in country could be taxed in order to directly pay for harm prevention and for the arbitrator body.[26]

Recommendations from Ofcom should generally not include a punitive financial element, expect in extreme cases, as this does not address the underlying cause of the offending, unless there is a reason to do so. Therefore, other out of court methods are welcome.

Either in conjunction with or separate to the proposed arbitrator or oversight board, the use of Restorative Justice should be considered. Restorative Justice allows those affected, by all forms of crime, to explain to the offender the impact the latter's crime has

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[24] https://about.fb.com/news/2020/05/welcoming-the-oversight-board/
[25] https://www.oversightboard.com/meet-the-board/
[26] https://fixtheglitch.org/tech-tax-campaign/

	had on the victims as individuals or groups and the wider community.[27] Restorative Justice should not be used in place of criminal consequences, should this be necessary. This method has been tested for offline cases of antisemitic harm. In March 2016, two men drove through Prestwich, Manchester and shouted abuse at visibly Jewish members of the public.[28] After a session of Restorative Justice where victims explained the impact of that behaviour, the two offenders took responsibility for their actions. This form of consequence for criminal, or harmful, actions can prevent further negative actions further down the line by humanising the abuse victims. For online content, this could help curb users, engaged in creation of harmful video content, using the Video-sharing platforms for spreading hate.
Question 26: How might Ofcom best support VSPs to continue to innovate to keep users safe?	In order to ensure that Video-sharing platforms continue to innovate in their safety work, an Innovation fund, similar to Innovate UK,[29] should be established, with some oversight by the regulator. The innovation fund could be partly funded by the 'Tech Tax',[30] as outlined earlier, where social media and Video-sharing platforms would contribute to their cost. This innovation service would focus on building new technologies, new machine learning algorithms, and other technological advances which can be implemented by the Video-sharing platforms to protect their users. The innovation itself will be outsourced to technology experts, who apply for grants to develop technology to protect users from harm. This should be managed in-house by the service in order to ensure objectives are met and can be used by the social media and Video-sharing platforms. The Innovation Service ought to have a register of social media and Video-sharing platforms who have been vetted

[27] https://cst.org.uk/news/blog/2019/01/17/restorative-justice-giving-a-voice-to-those-affected-by-antisemitism

[28] https://cst.org.uk/news/blog/2019/01/17/restorative-justice-giving-a-voice-to-those-affected-by-antisemitism

[29] https://www.gov.uk/government/organisations/innovate-uk

[30] https://fixtheglitch.org/tech-tax-campaign/

	and can access the innovations, which can then be implemented on their platforms. This would include the large, global platforms, as well as much smaller start up platforms. This would mean no platform, due to their size, is unable to implement the new technologies.
Question 27: How can Ofcom best support businesses to comply with the new requirements?	In addition to the Innovation Fund which will be accessible to all businesses who provide social media and video content, a duty of service and terms and conditions, as set out by Ofcom and the regulator, should be available to transpose for each platform. Online support services for the businesses with the regulator, to ensure best practices with establishing the terms and policies should be available, with regular conferences to ensure the businesses are up to date with innovations and changes that are required of them. Each platform should nominate a point of contact for such an initiative to ensure long-term transparent and productive contact between the two bodies.
Question 28: Do you have any views on the set of principles set out in paragraph 2.49 (protection and assurance, freedom of expression, adaptability over time, transparency, robust enforcement, independence and proportionality), and balancing the tensions that may sometimes occur between them?	Not applicable