

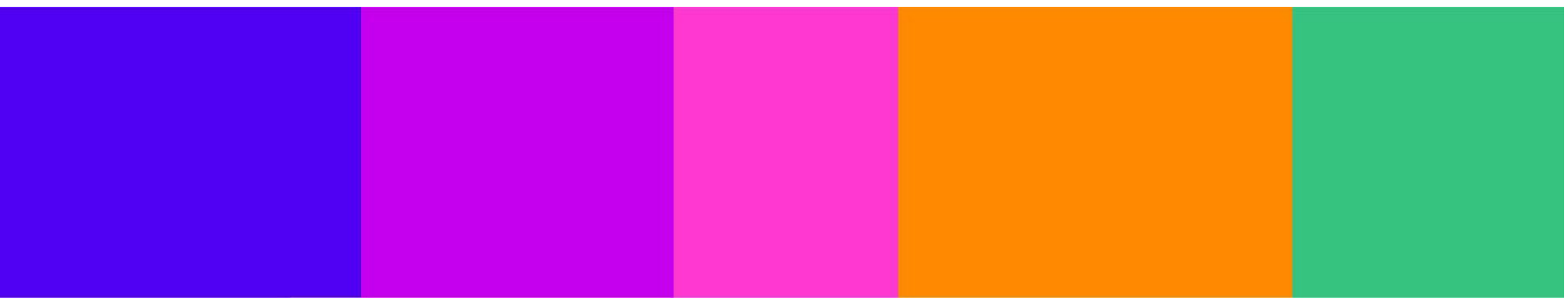
WARNING: This consultation response contains language and/or material that may be distressing



Consultation response form

Please complete this form in full and return to protectingchildren@ofcom.org.uk.

| | |
|---------------------------|---|
| Consultation title | Consultation: Protecting children from harms online |
| Organisation name | Barnardo's |



Your response

About Barnardo's

At Barnardo's, our purpose is clear - changing childhoods and changing lives, so that children, young people, and families are safe, happy, healthy, and hopeful. Last year, we provided essential support to 373,200 children, young people, parents and carers through more than 800 services and partnerships across the UK. For over 150 years, we've been here for the children and young people who need us most – bringing love, care and hope into their lives and giving them a place where they feel they belong.

Barnardo's has a long history of supporting all children through different forms of childhood harms, including child sexual abuse and exploitation. Barnardo's has supported children and young people affected by sexual abuse for over 25 years and now delivers specialist services in 45 locations across the UK. Our practitioners support children and young people's recovery by rebuilding their confidence and self-esteem, and by helping their families, schools and social networks make sense of what has happened. It is often long-term and complex work. We also work in partnership with other statutory and voluntary organisations to promote joined-up responses for children and their families, and strong support networks.

Barnardo's also host the Centre of expertise on child sexual abuse which seeks to reduce the impact of child sexual abuse through improved prevention and better response and provides support and guidance to thousands of professionals through its resources, training and research.

Barnardo's support children and young people with mental health and wellbeing issues across a wide range of settings, from providing non-clinical wellbeing support in schools via Mental Health Support Teams and to delivering tailored support for children and young people with more acute mental health support needs and their families. Our services work closely with partners across the NHS, the education system and voluntary sector partners to ensure that children and young people can access the whole-system, joined-up mental health support they need.

Overview of Barnardo's response

Barnardo's welcomes the opportunity to respond to the Protecting Children from Harms Online consultation. We have responded to the consultation questions below, but also wanted to set out our overall position and concerns regarding the draft guidance, which we think will ultimately affect the implementation of the Online Safety Act, and how children are protected online. These concerns are similar to the ones that we set out in our response to the Illegal Harms consultation, which we don't feel have been addressed in this draft guidance.

We do not think that the measures set out in the draft guidance go far enough to prevent children from experiencing harm online, or truly put safety by design at the heart of the changes sought. We are concerned that the Codes grant a "safe harbour" for services who comply, and therefore services will be treated as though they are complying with the relevant children's safety duties even if children are still experiencing harm. We believe that this could lead to services being disincentivised to address known risks if they're not covered by the Codes, and could downgrade existing efforts made by some companies who are trying to create safer services. This contradicts Ofcom's statement that the measures go far beyond current industry standards, and risks losing existing and future progress for children's safety.¹

¹ Ofcom, 2024. [Tech firms must tame toxic algorithms to protect children online](#)

For example, in the guidance, Ofcom conducts a thorough analysis of the risks that children experience online and the different factors that can make a child more vulnerable to encountering these risks – including age. However, the guidance makes no reference to services implementing age assurance to determine if a user is over the minimum age needed to access the service (usually 13 years old). We believe that this is a huge oversight, and will mean that under-age children will continue to use regulated services, and that children will be treated the same way online no matter their age – whether 5 years old or 17. This undermines the promises of the Government in developing the Online Safety Act, and is not in line with the expectations of children, parents, parliamentarians and civil society organisations. We urge Ofcom to be bolder, and to use the codes of practice to lead the way in proposing solutions to keeping children safer online, rather than being led by what the industry already implements. This should include using the information-gathering powers as set out in Part 7, Chapter 4 of the Online Safety Act and leveraging your own expertise by conducting research into solutions to help better develop evidence around technologies, to increase confidence in recommendations.² We have set out our positioning on this further in the questions below.

We are also concerned about the undue focus that Ofcom gives to economic proportionality and the impacts on businesses in the draft guidance. This includes the risk assessment guidance focusing on the risk to ‘business objectives’ rather than children’s safety, and the focus on small and large companies, making the size of an organisation rather than risk of harm to children the primary reason why an organisation would need to implement the proposals. Many of the proposed duties only apply to large or multi-risk services; and new Part 3 services are able to operate without any protections in place for three months until they need to conduct a children’s access assessments. We believe that this focus on proportionality and impacts to a business goes against the intention of Parliament and the Act, and will lead to children still being able to encounter harms online. Children should have a high standard of protection irrespective of the size of the service.

Finally, as set out in our response to the Illegal Harms consultation, we are concerned about the high evidential threshold that Ofcom needs before it proposes new technological solutions, even if there is strong evidence of the harm that the content or function/ feature causes children. We believe that Ofcom’s approach simply reinforces and restates the status quo, which will mean that any moves to introduce new measures will be slow and piecemeal, and reliant on at least some services already implementing the solution. We are not suggesting that Ofcom should apply measures that are ineffective, but instead that where there is some evidence of effectiveness of a solution and a lot of evidence of a harm, Ofcom should suggest the proposal. Services should then prove or disprove the appropriateness of the measure.

We urge Ofcom to implement the Online Safety Act in a robust manner, in line with the Act and Parliament’s intention. The Act is a landmark piece of legislation, and it is crucial that it is implemented effectively to ensure children’s safety online.

| Question | Your response |
|---|---------------|
| Volume 2: Identifying the services children are using Children’s Access Assessments (Section 4). | |

² [Online Safety Act 2023, Part 7, Chapter 4](#)

| Question | Your response |
|---|---|
| <p>Do you agree with our proposals in relation to children’s access assessments, in particular the aspects below. Please provide evidence to support your view.</p> <p>1. Our proposal that service providers should only conclude that children are not normally able to access a service where they are using highly effective age assurance?</p> <p>2. Our proposed approach to the child user condition, including our proposed interpretation of “significant number of users who are children” and the factors that service providers consider in assessing whether the child user condition is met?</p> <p>3. Our proposed approach to the process for children’s access assessments?</p> | <p>Confidential? – No</p> <p>Highly effective age assurance</p> <p>Barnardo’s is supportive of Ofcom’s proposal that service providers should only conclude that children are not normally able to access a service where highly effective age assurance is in place. We believe that the default position should be that children can access all sites online, unless there are highly effective blockers in place to prevent them from doing so.</p> <p>However, do we have some concerns about the lack of a numerical definition of highly effective age assurance. We have set out these concerns in response to the questions about section 15.</p> <p>Child user condition</p> <p>We agree with Ofcom’s proposal not to determine a numerical amount of what constitutes a ‘significant number of children’, and agree that it can be dependent on the service type and the content on the service. For example, even just a small number of children accessing a forum that promotes self-harm and suicide would be harmful, and the protections for children should come in. We also agree with Ofcom’s position that services should ‘err on the side of caution’ when assessing whether the child user condition is met.</p> <p>When considering whether children would be attracted to a platforms, services should be encouraged to take into account children of all ages and backgrounds, rather than seeing them as one homogenous group. For example, when discussing the ‘colour’ and ‘presentation’ of a service, it is important that the service does not only assume that this includes child-like imagery and presentation, such as cartoons and bright colours. We support Ofcom’s evidence that children are attracted to sites and platforms that are not necessarily aimed at children, or include more ‘adult’ content. For example, an Australian study found that children as young as 14 were using dating apps.³ We also know that children and young people access pornography sites, with evidence from DCMS</p> |

³ Daily Telegraph, 2024. [Big Youth Survey: Kids under 14 using dating apps to find love](#)

| Question | Your response |
|----------|--|
| | <p>finding that children were accessing pornographic content 1.4 million times per month in 2015/16.⁴ This figure is likely higher now, particularly given how the COVID-19 pandemic affected children’s online lives.</p> <p>We are also supportive of Ofcom’s evidence that children are attracted to and use a range of features and functionalities, and that services should take that into account when assessing if they have met the child user condition. This includes functionalities which allow children to connect with others – such as through messaging, quantifying and displaying popularity (i.e. likes, follows), making it easy to upload and share content, and making it easy to connect with others, including through friend and follower suggestions. However, this does not seem to be reflected in the case studies set out in Annex 2 regarding children’s access assessments. For example, regarding the SME retirement forum case study, the rationale for it not being likely to attract children does not include an assessment of the functionalities included on the site (messaging, being able to connect with others), and instead just focuses on the content of the service. This is similar for the Community forum case study, which does not include a consideration of how the functionalities of the forum could appeal to children. We would recommend that Ofcom alter the case studies to be clear that services should not just focus on the content and target audience of their service when assessing if a child is likely to access it, and instead include a focus on functionalities, as is set out in the guidance.</p> <p>Timelines</p> <p>Barnardo’s is deeply concerned that the guidance sets out that new Part 3 services have up to three months before they must carry out their first children’s access assessment (Annex 5, paragraphs 2.22 and 2.23). We are concerned that this will mean services and platforms that contain harmful content will be able to operate free from any child protection requirements for three months. It could also offer a loophole for services that want to avoid implementing any of the guidance to keep setting up new services and platforms every three months to get around child protection requirements. Further, under other regulatory regimes, regulations</p> |

⁴ DCMS, 2015, Digital Economy Act Consultation.

| Question | Your response |
|---|--|
| | <p>need be complied with immediately when a new business is set up – for example with health and safety regulations.⁵ We therefore do not think that this three month period is needed, and that by having it in place, it will put children at serious risk of accessing this harmful content.</p> <p>Regarding the timeline for how often children’s access assessments should be carried out for existing services, we agree with Ofcom’s proposal that services should carry out the assessments at least once a year, or after any significant changes to their service’s design, or if there is evidence of reduced effectiveness of age assurance. We would also encourage Ofcom to include a requirement for services to carry out children’s access assessments should there be an external event that affects children’s online use. For example, the COVID-19 pandemic and subsequent lockdowns had a dramatic effect on how children were using online spaces, including the sites they were using. Research by Ofcom and Revealing Reality found that, in 2020 during the COVID-19 lockdown, most children lacked structure and tended to fill their time with online activities, including using social media apps and socialising online.⁶ Lessons should be learnt from the COVID-19 pandemic in ensuring that risks from external events are assessed going forward. We would therefore recommend that there is a duty on services to carry out child access assessments should there be a significant external event thought to affect children’s online lives and usage of different platforms.</p> |
| <p>Volume 3: The causes and impacts of online harm to children</p> <p>Draft Children’s Register of Risk (Section 7)</p> | |
| <p>Proposed approach:</p> <p>4. Do you have any views on Ofcom’s assessment of the causes and impacts of online harms? Please provide evidence to support your answer.</p> | <p>Confidential? – No</p> <p>Overall, we believe that Ofcom have conducted a thorough analysis of the causes and impacts of online harm to children in section 7. However, we are concerned that this analysis is not then carried over to the proposed duties that Ofcom set out in the codes of practice. For example, the children’s register of risk rightly sets out that</p> |

⁵ HSE Network, 2023. [How to ensure your start-up business is set up from a health and safety perspective](#)

⁶ Revealing Reality and Ofcom, 2020. [Ofcom Children’s Media Lives: Life in Lockdown](#)

| Question | Your response |
|---|--|
| <p>a. Do you think we have missed anything important in our analysis?</p> <p>5. Do you have any views about our interpretation of the links between risk factors and different kinds of content harmful to children? Please provide evidence to support your answer.</p> <p>6. Do you have any views on the age groups we recommended for assessing risk by age? Please provide evidence to support your answer.</p> <p>7. Do you have any views on our interpretation of non-designated content or our approach to identifying non-designated content? Please provide evidence to support your answer.</p> <p>Evidence gathering for future work:</p> <p>8. Do you have any evidence relating to kinds of content that increase the risk of harm from Primary Priority, Priority or Non-designated Content, when viewed in combination (to be considered as part of cumulative harm)?</p> <p>9. Have you identified risks to children from GenAI content or applications on U2U or Search services?</p> <p>a) Please Provide any information about any risks identified</p> <p>10. Do you have any specific evidence relevant to our assessment of body image content and depressive content as kinds of non-designated content? Specifically, we are interested in:</p> <p>a) (i) specific examples of body image or depressive content linked to significant harms to children,</p> | <p>the age of children can affect their risk of harm online, however there are no requirements of services to implement age assurance to determine the age of children using their services and to ensure they can only access age-appropriate sites and content (i.e. to enforce minimum user ages which are usually 13 years old). We would encourage Ofcom to ensure that the risks they flag in Section 7 are addressed in the proposed duties to ensure consistency and protect children from online harms. To address the gaps, Ofcom should utilise their information-gathering powers as granted under the Act, and develop their own research programme to develop robust evidence on the effectiveness of different technological solutions.</p> <p>Pornography</p> <p>At Barnardo's, our services support children and young people who have accessed online pornographic content. In the past twelve months, 20% of Barnardo's practitioners across all of our services had supported children and young people who had viewed violent or extreme pornographic content.⁷ We therefore see how accessing pornographic content impacts children and young people's mental health, and their attitudes towards sex and relationships, including issues such as consent.</p> <p>Overall, we support Ofcom's assessment of the causes and impacts of pornography as an online harm. We agree that younger children are accessing pornographic content, and that its impacts and effects are wide ranging. We also agree that various design features, including recommender systems, can result in children coming across pornographic content online.</p> <p>We are supportive of Ofcom's list of examples of what constitutes online pornography. We would encourage Ofcom to use this list when checking for the implementation of age assurance to protect children from pornographic content. Pornography sites that do have an age wall in place for pornographic videos may still allow under 18s to see explicit photographs (including full frontal nudity) to 'show' what is behind the age gate. We believe that this content should not be allowed before a</p> |

⁷ Barnardo's Practitioner Survey, January 2024

| Question | Your response |
|--|--|
| <p>b. (ii) evidence distinguishing body image or depressive content from existing categories of priority or primary priority content.</p> <p>11. Do you propose any other category of content that could meet the definition of NDC under the Act at this stage? Please provide evidence to support your answer.</p> | <p>user is verified as being 18 or above through highly effective age assurance.</p> <p>We are also aware of several instances of children accessing audio pornography through online platforms, which is harming children’s mental health, and also acting as a gateway for children to go on to view further forms of pornographic content including videos and imagery. For example, one of our services supporting children who have experienced child sexual exploitation supported an 11-year-old who had accessed audio pornography on Spotify. Further, the National Center on Sexual Exploitation listed Spotify in its ‘Dirty Dozen List’ for 2024, citing the prevalence of ‘hardcore pornography’ on the platform.⁸ Another Barnardo’s service that supports children who have experienced child sexual exploitation supported a girl who had accessed a graphic audio on TikTok describing sexual activities. This included violent and abusive sexual acts, including “raping a dead body, and describing what was happening to the organs in the body during that”. If this content was in video form, it would be deemed Extreme Pornography and would be illegal. We would therefore encourage Ofcom to recognise that accessing audio pornographic content can be as harmful to children as accessing other forms of pornographic content, and to add it to the definition of pornography and list of examples of pornographic content set out in Volume 3, paragraph 7.1.4. Audio or music content is covered by the definition of content covered by the Online Safety Act in Section 236 of the Act.⁹</p> <p>Barnardo’s is supportive of the list of reasons why/ how children seek out and access pornographic content online. We know from children that we have supported in our services that they can access pornographic content in a variety of ways, including stumbling across it accidentally, or due to peer pressure. For example, a Barnardo’s child sexual exploitation service supported a primary-school aged girl who accidentally stumbled across pornography when doing online research for her history project. After searching for ‘Tudors’, Tudor-themed pornographic content came up on her screen. This damaged</p> |

⁸ National Center on Sexual Exploitation, 2024. [The Dirty Dozen List '24: Spotify – a mainstream contributor to sexual exploitation](#)

⁹ Section 236, [Online Safety Act 2023](#).

| Question | Your response |
|----------|--|
| | <p>the girls' mental health and wellbeing, and she also feared using technology in case the content appeared again.</p> <p>In addition to the list, we also know that abusers can show/ send children pornographic content (often extreme or violent content) to normalise sex and their abuse, and it can be a form of non-contact child sexual abuse in its own right.¹⁰ We would encourage Ofcom to add this to the list of how children access online pornographic content.</p> <p>We agree with Ofcom that pornography has wide-ranging impacts on children and young people, and society more widely which in turn can impact children. As set out, this can include emotional impacts, affecting children's mental health and wellbeing. In a survey of Barnardo's practitioners in 2021, almost a quarter (22%) of practitioners said that the underage viewing of pornography negatively affected children's mental health and wellbeing.¹¹</p> <p>Due to the widespread normalcy amongst children of viewing pornographic content, children can experience emotional impacts even if they do not view it. Children and young people can often feel pressurised to view pornographic content, or a pressure to 'want' or 'enjoy' the types of sexual activity often depicted in pornographic content, and can feel shamed for not doing so. For example, a 16-year-old girl told the Children's Commissioner for England that "in year 9, I remember people being picked on because they hadn't watched porn before, and that is kind of shocking thinking that now. So, I think a lot of people are peer pressured into watching it and thinking they're not cool or they're not up to date just because they haven't seen it before."¹² A Barnardo's child sexual exploitation service that also provides educational interventions in schools told us how, through their work, they have spoken with year 9 girls who, as a group, talk about enjoying pornography and wanting 'rough' sex as a result. However, individually, these girls have shared with our practitioners that they do not actually view this</p> |

¹⁰ Stop it now. [Understanding child sexual abuse](#)

¹¹ Barnardo's practitioner survey 2021

¹² Children's Commissioner for England, 2023. ['A lot of it is actually just abuse': Young people and pornography](#)

| Question | Your response |
|----------|---|
| | <p>content, or that they have experienced/ want to experience this type of sexual activity, but feel shamed for not wanting or doing it. We would encourage Ofcom to reflect these experiences of children and young people in the guidance.</p> <p>We also agree with Ofcom’s evidence that accessing pornographic content can normalise violent sexual activity and harmful and problematic sexual behaviours. Barnardo’s frontline practitioners have told us that children are participating in acts they have seen in pornographic videos, despite feeling uncomfortable and scared. Children and young people are seeing these acts as an expected part of a relationship, and believe that if they feel otherwise there must be something wrong with them, rather than identifying it as abuse. In a Barnardo’s survey of frontline practitioners in 2021, 26% of Barnardo’s frontline workers who responded to the survey had supported vulnerable children who had accessed pornography.¹³ Of these, almost a third (32%) said that it had led to the children they support developing unrealistic expectations of sex and relationships, and 28% said that it led to children displaying inappropriate sexualised behaviour.¹⁴</p> <p>We are concerned that viewing pornographic content online has a link with children displaying harmful and problematic sexual behaviour. These children often have underlying needs and issues which need to be supported including experiencing abuse themselves, mental health issues, bereavement, isolation, a difficult home life, and neurodivergences. Viewing pornographic content can compound these underlying needs, which can increase the likelihood of children displaying harmful sexual behaviours.</p> <p>In a survey conducted by NSPCC and the Children’s Commissioner for England, 44% of boys aged between 11 and 16 who regularly viewed pornographic content reported that it gave them ideas about the type of sex that they wanted to try.¹⁵ Further, recent research by the Children’s Commissioner for England found that, in 50% of</p> |

¹³ Barnardo’s practitioner survey 2021

¹⁴ Barnardo’s practitioner survey 2021

¹⁵ Children’s Commissioner for England, NSPCC and Middlesex University, 2017. [“... I wasn’t sure it was normal to watch it...” A quantitative and qualitative examination of the impact of online pornography on the values, attitudes, beliefs and behaviours of children and young people](#)

| Question | Your response |
|----------|--|
| | <p>cases of child sexual abuse that had been conducted by another child, the associated interview transcripts included words referring to at least one specific act of sexual violence that is commonly seen in pornography.¹⁶</p> <p>The Royal Devon University Healthcare NHS Foundation Trust conducted a study of children who were referred to the Sexual Assault Referral Centre (SARC) due to displaying harmful sexual behaviour or being the victim of child sexual abuse by another child. The study found that 29% of the accounts cited acts commonly seen in pornography, including slapping, strangulation, gagging, hair pulling, unwanted anal penetration and the penetration of both the vagina and anus with objects. Pressure and coercion were noted in 34.5% of accounts. For younger children aged 12 and under, the study found that children who displayed harmful sexual behaviour reported searching for ‘sexy things’ on YouTube including ‘girls having sex’ and ‘sexy time’, or had seen pornography on their friend’s phones and wanted to know what it felt like. Further, accounts from children aged 13 years and older included that “... [I] asked her if she would ‘do anal’ and she said ‘no’ he told her to she needed to just relax and then forced her to have anal sex. She said she was crying all the time and he knew she was crying”, and “... used one of his hands to force her mouth open. He put his penis into her mouth and violently pushed her head until he ejaculated inside her mouth. She was crying all the time.”</p> <p>This is echoed by what Barnardo’s services are seeing. For example, a child sexual exploitation service that also carries out intervention work in schools told us that a 14-year-old boy had viewed pornographic content. As a result of the content he had viewed, he thought that strangling his girlfriend was ‘normal’, and assumed that she liked it so he did not check that she consented and that it was something she would want.</p> <p>There is also some evidence that suggests a link between a growth in children accessing pornographic content, and negative attitudes towards women and girls. A study published in 2019 involving 568 adolescents revealed that exposure to sexually explicit material online – in-</p> |

¹⁶ Children’s Commissioner for England, 2023. [Evidence on pornography’s influence on harmful sexual behaviour among children](#)

| Question | Your response |
|----------|--|
| | <p>cluding pornography - was related to individuals' resistance towards the #metoo movement, and increased acceptance of rape myths.¹⁷ A study of young people across Europe found that boys who regularly watched online pornography were significantly more likely to hold negative gender attitudes; and regularly watching pornography and sending/ receiving sexual images or messages were both associated with increased probability of being sexually coercive.¹⁸</p> <p>For these reasons, we are concerned about the types of pornographic content available online – many of which would be prohibited offline by the BBFC, and therefore illegal to own or supply on DVD, Blu-Ray, or for Video on Demand.¹⁹ This includes content which shows sexual violence (most often directed at women and girls), and also content which sexualises children – through adult actors pretending to be children using child-like props, costumes, and language.²⁰ We are calling for online pornographic content to be regulated in the same way as offline pornographic content.</p> <p>Regarding user demographics, we agree with Ofcom's evidence regarding the age of children accessing pornographic content, and that younger children are often more at risk of unintentionally accessing pornographic content.</p> <p>We also support Ofcom's evidence and conclusions regarding gender. We agree that girls are often more likely to be subject to sexual violence and harassment due to the impacts of boys viewing pornographic content, and that pornography can normalise abuse for girls.</p> <p>We would also encourage Ofcom to include a focus on the impact that viewing pornography and the normalisation of sexual violence and harmful sexual behaviour can cause to boys. Through our services, including those which support children who display problematic and harmful sexual behaviour, we have supported many boys who have displayed harmful sexual behaviour which they</p> |

¹⁷ Maes et. al., 2019. [#\(Me\)too much? The role of sexualising online media in adolescents' resistance towards the metoo-movement and acceptance of rape myths.](#)

¹⁸ Stanley et. al., [Pornography, sexual coercion and abuse and sexting in young people's intimate relationships: a European study.](#)

¹⁹ BBFC, 2019. [BBFC Classification Guidelines](#)

²⁰ CEASE, 2021. [Expose Big Porn: Uncovering the online commercial pornography industry and the urgent need for regulation](#)

| Question | Your response |
|----------|--|
| | <p>thought was normal or acceptable as a result of viewing pornographic content. This has often had severe and long-lasting consequences on their lives, including affecting their mental health and wellbeing, and their education. For example, Barnardo's supported a boy who was exposed to pornography by a peer when he was 11 years old. Following this, he began to view pornographic content and masturbate obsessively, and also made inappropriate sexual comments towards girls at his school. Due to this, he had to move schools twice, disrupting his education, and he also felt a lot of shame around sex and developed an unhealthy sexual attitude, stopping masturbating completely. A different Barnardo's service supported a boy who had accessed pornographic content online. Much of the content that he consumed focused on indecent exposure and 'flashing'. The boy then went on to expose himself to a woman in public, which was reported to the police. This has led to him receiving a criminal record and being excluded from school.</p> <p>We support Ofcom's evidence around the impact of pornographic content on LGBTQ+ children.</p> <p>We encourage Ofcom to also focus on the impact that pornographic content can have on other groups of children, and to apply an intersectional lens to this analysis. For example, pornography often perpetuates racist stereotypes,²¹ and Black women in pornographic content are more likely to be the target of sexual violence than white women.²² Research by CEASE also found that permitted Pornhub search tags included terms such as 'Black maid' and 'ebony slave girl', with examples of hosted videos including 'Black slavegirl tied and f**ked good' and 'House B**ch Enjoyed by Her White Masters', all of which perpetuate racist stereotypes.²³ It's therefore important that the guidance includes a focus on the impact that pornographic content can have on Black children, in particular Black girls.</p> |

²¹ Bridges et. al., 2010. [Aggression and sexual behaviour in best-selling pornography videos: a content analysis update](#)

²² Fritz et. al., 2020. [Worse than objects: The depiction of Black women and men and their sexual relationship in pornography](#)

²³ CEASE, 2021. [Expose Big Porn: Uncovering the online commercial pornography industry and the urgent need for regulation](#)

| Question | Your response |
|----------|--|
| | <p>Further, children with special educational needs and disabilities (SEND) may face additional impacts when accessing pornographic content online. For example, a Barnardo's service supported a boy with SEND needs who had been exposed to pornographic content online. Following this, he struggled with the concept of love, and distinguishing what he had seen in the pornographic content with loving or romantic relationships.</p> <p>Regarding the risk factors of different service types, we agree with Ofcom's analysis that children can encounter pornographic content on any service that allows the sharing of images or videos. We agree that children can often access pornographic content on social media services, including services which prohibit this content in their terms of service. As set out in research by the Children's Commissioner for England, the service that most children accessed pornographic content on was X (previously Twitter) at 41%.²⁴ Dedicated pornography sites were next (37%), followed by Instagram (33%), Snapchat (32%), and search engines (30%).²⁵</p> <p>We are also concerned about sexualised content which doesn't meet the definition of pornography that can be found on social media sites. This includes sexualised content – for example social media accounts promoting a performers' OnlyFans account. This can act as a 'gateway' to children accessing pornographic content. Children can be served this content through algorithms on social media platforms; an avatar study by the 5Rights Foundation and Revealing Reality found that within an hour, child accounts were being served sexual content through algorithms.²⁶</p> <p>Regarding pornography services, we agree that content recommender systems are a concern, and that they can direct users to more and more extreme and violent pornographic content. Pornography services design their sites to keep users on them for as long as possible, increasing a users' exposure to adverts, and thereby in-</p> |

²⁴ Children's Commissioner for England, 2023. ['A lot of it is actually just abuse': Young people and pornography](#)

²⁵ Children's Commissioner for England, 2023. ['A lot of it is actually just abuse': Young people and pornography](#)

²⁶ 5Rights, 2021. [Pathways: How digital design puts children at risk](#)

| Question | Your response |
|----------|--|
| | <p>creasing their revenue. Pornography companies monetize the addictive nature of pornography by presenting ever more extreme content to its users.²⁷ Estimates place the pornography industry's value at approximately \$97 billion, which is even bigger than Hollywood.²⁸</p> <p>Barnardo's services have described children as going down a 'rabbit hole' of pornographic content, with more violent and more extreme pornography being presented to children by pornography sites. Even though children should be protected from accessing pornographic sites through highly effective age assurance, we would still recommend that sites should remove this recommender system from their platforms. If children and young people do slip through age assurance controls, this would prevent them from being served increasingly extreme and violent content.</p> <p>We are also concerned about recommender systems being used for adult users accessing pornography sites. Evidence suggests that viewing more and more extreme pornographic content can result in a user escalating, including going on to view illegal child sexual abuse material. Research from Finland found that 20% of offenders who had viewed CSAM had become desensitised to adult pornography, leading them to seek out more extreme or violent material.²⁹ This highlights our concerns about an 'escalation pathway' from viewing legal pornography to viewing more extreme, and illegal, pornographic content. The survey also asked offenders who reported viewing legal adult pornography what types of content they had been viewing. Comments about the type of pornography offenders viewed included: 'primarily teens and hentai', 'incest', 'rough porn, eventually rape and revenge porn', 'raped, teen', 'hardcore, torture', 'teen porn, petite, small tits, 18 years old', 'incest as it's the most popular', 'incest, not necessarily with minors, but it always escalates to that and I just go with it', and 'forced, rape'.³⁰</p> |

²⁷ CEASE, 2021. [Expose Big Porn: Uncovering the online commercial pornography industry and the urgent need for regulation](#)

²⁸ CEASE, 2021. [Expose Big Porn: Uncovering the online commercial pornography industry and the urgent need for regulation](#)

²⁹ 2Know, 2024. [Preliminary Findings Report: Knowledge to prevent online sexual violence against children: insights from a survey of child sexual abuse material offenders](#)

³⁰ 2Know, 2024. [Preliminary Findings Report: Knowledge to prevent online sexual violence against children: insights from a survey of child sexual abuse material offenders](#)

| Question | Your response |
|----------|---|
| | <p>We are also concerned about AI-generated content being available on pornography sites. According to the Europol innovation Lab Observatory, by 2025 it is expected that 90% of all content available on the internet will be produced with the help of AI,³¹ and research suggests that high proportions of pornographic content will soon be developed using generative-AI. In October 2023, research showed that non-consensual AI-generated videos and images on the 35 most popular deepfake porn sites increased by 54% between all of 2022, and the first nine months of 2023.³² A separate study also found that 96% of all deepfake images are non-consensual pornography.³³</p> <p>As AI-generated pornographic content is still in its infancy, we do not have any evidence regarding its impacts on viewers. However, we are concerned that AI-generated pornography will enable users to develop more extreme pornographic content, including deepfake pornography using a real person’s likeness. This could be someone personally known to them, or a celebrity – such as the recent spike in deepfake pornography of Taylor Swift.³⁴</p> <p>AI-generated pornographic content based on a real person’s likeness most often targets women and girls, with a 2019 study finding that females were the exclusive targets of deepfake pornography, with 100% of content on deepfake pornography websites targeting women.³⁵ We are concerned that AI-generated pornography could also increase misogynistic views and attitudes, including perpetuating violence against women and girls, and also be used in itself as a way to harm women and girls (similar to ‘revenge porn’).</p> <p>Further, we have the same concerns about AI-generated pornography regarding escalation pathways as we would ‘real’ pornography. AI tools allow users to develop pornographic content that can be extreme, and we are concerned that this could normalise violent and abusive sexual acts, potentially resulting in a user viewing more extreme content, including illegal child sexual abuse material.</p> |

³¹ Europol Innovation Lab, 2022. [Facing reality? Law enforcement and the challenge of deepfakes](#)

³² Wired, 2023. [Deepfake porn is out of control](#)

³³ Jacobsen, 2022. [The tensions of deepfakes](#)

³⁴ The Guardian, 2024. [Inside the Taylor Swift deepfake scandal: ‘It’s men telling a powerful woman to get back in her box’](#)

³⁵ Deeptrace, 2019. [The state of deepfakes: landscape, threats and impact](#)

| Question | Your response |
|----------|---|
| | <p>We agree with Ofcom’s evidence regarding the different functionalities that can increase a risk of accessing pornographic content online. Barnardo’s services have told us that the methods of sharing pornographic content listed by Ofcom are how children often tell us that they access pornography for the first time. For example, a Barnardo’s child sexual exploitation service supported a boy who had accessed pornographic content online. The boy had experienced the loss of family members he was close to in a short period of time, and was lacking a sense of belonging and family. He was added to a messaging group chat by strangers, and the majority of the conversation was about “normal stuff” that he was interested in, including football. However, links to pornography were also shared amongst this, which led to him accessing it for the first time.</p> <p>We agree with Ofcom’s evidence regarding business models and the commercial profile of a service, and how that can impact the risk of a child accessing pornographic content. We agree that adverts and pop-ups of pornographic content can often be a pathway to children and young people viewing pornographic content, especially for the first time.</p> <p>A recent report by NBC News found 35 app developers running sexually explicit ads generated by AI “on apps owned by Meta, the parent company of Facebook and Instagram.”³⁶ The app developers were “running more than 1,000 ads in all”. On TikTok, there were “14 app developers running hundreds more sexually provocative AI ads and “some ads got thousands of views and stayed up for weeks before TikTok removed them”. The same research found similar ads appear in the Apple and Google app stores, even though both companies say they don’t allow pornography apps in their stores. Most worryingly, the research found “some ads use memes that include popular children’s TV characters, such as SpongeBob SquarePants, Bart Simpson or the Cookie Monster, to promote apps with which people can create “NSFW [not suitable for work] pics.” Others feature digitally created girls who appear to be teenagers or younger, sometimes in the style of anime”.</p> |

³⁶ NBC News, 2023. [Ads for AI sex workers are flooding Instagram and TikTok](#)

| Question | Your response |
|----------|---|
| | <p>Violent content</p> <p>We would encourage Ofcom to include a focus on child criminal exploitation when discussing violent content online. Child criminal exploitation (CCE) happens when a child under the age of 18 is encouraged, expected or required to take part in any activity that constitutes a criminal offence under British law.³⁷ CCE can take many forms, including ‘county lines’ (where a child is coerced to carry drugs and weapons from one area to another to service complex drug supply chains), stealing cars or alcohol to order, cannabis cultivation, and forced begging.</p> <p>Children can be groomed, coerced and threatened into CCE online. Online platforms can be used to contact, groom and keep children trapped in a cycle of exploitation. This includes perpetrators advertising their associated lifestyles to their social media networks, for example posting pictures of luxury items and cash in trap-houses, a technique used to recruit and control victims. Barnardo’s services support children whose exploitation started with initial contact via online platforms such as sharing posts aimed to lure children into trap-houses with money, trainers and weapons.</p> <p>Research in 2019 showed that one in four (24%) young people reported that they see illicit drugs advertised for sale on social media.³⁸ Further, in 2020, research by the Youth Endowment Fund found that 20% of young people had seen online content promoting gang membership in the previous 12 months, and 24% reported seeing content featuring carrying, using or promoting weapons.³⁹</p> <p>Offenders can also use social media sites for ‘remote mothering’ – the ability to monitor where someone is, what they are doing, and who they are with at all times, via location tags, GPS tracking, pictures and video calling. The APPG for CCE and Knife Crime, heard that offenders use features such as SnapMaps on Snapchat to track children.⁴⁰</p> |

³⁷ This is Barnardo’s and The Children Society’s preferred definition for Child Criminal Exploitation

³⁸ Volteface, 2019. [DM for details: Selling drugs in the age of social media](#)

³⁹ Youth Endowment Fund, 2022. [Children, violence and vulnerability 2022: A Youth Endowment Fund report into young people’s experiences of violence](#)

⁴⁰ Child Criminal Exploitation and Knife Crime APPG, 2022. [The Online Safety Bill and Child Criminal Exploitation briefing](#)

| Question | Your response |
|----------|---|
| | <p>Offenders also use technology for online collateral – the use of incriminating images, videos, screenshots and voice notes to ensure compliance, for example as a threat of ‘revenge porn’. This is especially used to control girls, and ‘subordinates’ – often younger children.</p> <p>Features and functionalities affecting time spent using services</p> <p>We agree with Ofcom’s analysis that certain features and functionalities can impact children’s risk of harm online. For example, research by Internet Matters found that the more time children spend online, the more likely they are to experience harms.⁴¹ We are concerned about the features and functionalities which can increase a child’s time online, including features such as infinite scrolling, alerts and notifications, recommender systems, and affirmation-based functionalities such as likes, comments and resharing.</p> <p>We would encourage Ofcom to not just take a ‘flat’ approach to their analysis of the harms that features and functionalities can take on their own. Instead, we would like to see analysis of how different functionalities, when used in conjunction with one another, can cause additional harms. For example, how the combination of infinite scrolling and the use of recommender systems can push certain types of content to children, and keep them hooked on the platform for longer. We would like to see services and platforms in the scope of the Act consider how features and functionalities can work together to cause harm when they are conducting their risk assessments for these duties.</p> <p>Suicide and self-harm content</p> <p>Barnardo’s mental health practitioners and support workers provide support for children and young people and their families with mental health and wellbeing needs. We broadly agree with the risk factors for harms associated with self-harm and suicide (SHS) related content, in particular the acknowledgement that adverse childhood experiences are a major risk factor for the potential harm of accessing this content.</p> <p>However, we would encourage Ofcom to take a broader</p> |

⁴¹ Internet Matters, 2022. [Children’s wellbeing in a digital world: Index report 2022](#)

| Question | Your response |
|----------|---|
| | <p>view of the risk factors associated with harms concerning accessing SHS content online. Firstly, some groups of young people are at greater risk of mental ill-health overall and can be particularly vulnerable online. LGBTQ+ children and young people, for example, are nearly three times more likely to have a mental health condition than young people who identify as heterosexual.⁴² The higher rates of mental ill health in this group are associated with experiences of discrimination, isolation and a higher risk of bullying.</p> <p>For this reason, some young people are more vulnerable to targeted SHS content, including where this content intersects with bullying. We would therefore encourage Ofcom to revisit the statement that bullying is not directly associated with demography, as this can greatly influence the potential harm of accessing SHS content.</p> <p>With regards to age, we broadly agree with Ofcom's recognition that SHS content directly relating to mental health is a higher risk for older children and adolescents. However, we are concerned that the guidance does not account for content accessible to younger children that presents a risk of suicide or self-harm. Barnardo's services report that online challenges are viewed or participated in by children nationwide, which can gradually introduce SHS content even if they start fully compliant with providers' content guidelines.</p> <p>A recent example highlighted as a matter of concern by Barnardo's services is the 'Blue Whale Challenge', a social media challenge that encourages children and young people to perform specific tasks over the course of 50 days that are assigned to them by an anonymous group administrator. The tasks escalate throughout the 50 days and on the last day of the challenge the only way to 'win' the challenge is to die by suicide. Similar previous challenges have resulted in severe risk to children's lives and health by encouraging ingesting dangerous substances, performing risky tasks, or other activities that might not meet the threshold for SHS content.</p> <p>This type of content is clearly distinct from that which older age groups might access but presents a significant</p> |

⁴² [B51140 20886 Social media Report Final Lo Res.pdf \(barnardos.org.uk\)](#)

| Question | Your response |
|----------|---|
| | <p>risk of SHS, and we would encourage Ofcom to take a broader view of the types of content that can pose a risk of suicide for children and young people.</p> <p>Eating disorder content</p> <p>Barnardo's services support children and young people living with and recovering from eating disorders. We broadly agree with Ofcom's identification of the prevalence and psychological harms associated with accessing content related to eating disorder. This content is of high concern to young people; in a Barnardo's survey of children and young people, 87% responded that the internet and social media made them feel pressured to look a certain way, with 68% responding that they had felt badly about their appearance.⁴³</p> <p>We also agree with Ofcom's analysis of the risk factors associated with this type of harmful content, including that boys and girls can access different types of ED content (and therefore experience different harms).</p> <p>However, we feel that the guidelines on what is considered 'eating disorder content' are too restrictive and do not account for the ways in which this content can manifest. Barnardo's practitioners report that content that promotes harms related to eating disorders is often 'disguised' as other forms of content, and is not necessarily promoted via the eating disorder content communities identified in the guidance. For example, one girl being supported by Barnardo's services during her recovery from an eating disorder used Twitter and Instagram during her recovery to access hobbies she could not yet partake in in person, such as dancing and fashion. However, she was soon recommended content via these platforms algorithmically recommended her content related to body image that hindered her recovery, even though she had not actively sought out eating disorder content. Our services report that this kind of content is often 'disguised' under other labels - such as 'Health and Wellbeing', 'body positivity' and even 'ED recovery' - that can make it very hard for young people to avoid even when they are not themselves seeking this content or not being actively targeted by a community that promotes it.</p> |

⁴³ [Your Voice Matters 2022 - 03042023.pdf \(barnardos.org.uk\)](#)

| Question | Your response |
|--|--|
| | <p>As in the above example on eating disorder content, a child recovering from an eating disorder could be re-triggered into negative thoughts or behaviours even if they were proactively avoiding ED content due to the way in which body image content is often branded by other, less obvious names. Whilst this content does not necessarily constitute a 'slippery slope' into content associated with greater harms - such as in this example, where the young person was proactively avoiding such content - it is still sufficient to cause significant harms to young people with certain vulnerabilities.</p> <p>Due to this, it is very difficult to provide evidence that would categorically distinguish NDC from PC/PCC.</p> |
| <p>Draft Guidance on Content Harmful to Children (Section 8)</p> | |
| <p>12. Do you agree with our proposed approach, including the level of specificity of examples given and the proposal to include contextual information for services to consider?</p> <p>13. Do you have further evidence that can support the guidance provided on different kinds of content harmful to children?</p> <p>14. For each of the harms discussed, are there additional categories of content that Ofcom</p> <p>a) should consider to be harmful or</p> <p>b) consider not to be harmful or</p> <p>c) where our current proposals should be reconsidered?</p> | <p>Confidential? – No</p> <p>Pornography, 8.2</p> <p>On the whole, Barnardo's agrees with Ofcom's approach in the guidance on pornographic content. We would reiterate our previous concern about audio pornography not being included in the definition or examples of what constitutes pornographic content, and would like Ofcom to clarify whether this is included. We would encourage Ofcom to include audio pornography in the definition and examples, as – as previously stated – it is impacting children in the same way as other forms of pornographic content (i.e. video or images).</p> <p>We agree with Ofcom's approach that providers should take a 'holistic' approach to defining what is pornographic content, taking into account all elements of the content.</p> <p>We appreciate that Ofcom have set out that pornographic content that would be classified by the BBFC or Ofcom when appearing in other forms of media should be considered pornographic when shared by users. However, we are concerned that this does leave out a 'grey</p> |

| Question | Your response |
|---|--|
| | <p>area' of pornographic content, that the BBFC would refuse to classify as R18 offline, but online would not constitute as extreme pornography which is illegal. The BBFC will not classify any pornographic content that is illegal or any material that is potentially harmful, for example because it depicts and/ or promotes child sexual abuse, trafficking, torture, and harmful sexual acts.⁴⁵ Such content is prevalent online, and not regulated for in the online context. We would encourage Ofcom to ensure that this pornographic content is not excluded in the guidance.</p> <p>Violent content, 8.8</p> <p>As previously set out, we would encourage Ofcom to include a focus on child criminal exploitation when discussing violent online content.</p> |
| <p>Volume 4: How should services assess the risk of online harms?</p> <p>Governance and Accountability (Section 11)</p> | |
| <p>15. Do you agree with the proposed governance measures to be included in the Children's Safety Codes?</p> <p>a) Please confirm which proposed measure your views relate to and explain your views and provide any arguments and supporting evidence.</p> <p>b) If you responded to our Illegal Harms Consultation and this is relevant to your response here, please signpost to the relevant parts of your prior response.</p> <p>16. Do you agree with our assumption that the proposed governance measures for Children's Safety Codes could be implemented through the same process as the equivalent draft Illegal Content Codes?</p> | <p>Confidential? – Y/N</p> |
| <p>Children's Risk Assessment Guidance and Children's Risk Profiles' (Section 12)</p> | |

⁴⁵ BBFC Classification Guidelines, 2019, page 28

| Question | Your response |
|--|--|
| <p>17. What do you think about our proposals in relation to the Children’s Risk Assessment Guidance?</p> <p>a) Please provide underlying arguments and evidence of efficacy or risks that support your view.</p> <p>18. What do you think about our proposals in relation to the Children’s Risk Profiles for Content Harmful to Children?</p> <p>a) Please provide underlying arguments and evidence of efficacy or risks that support your view.</p> <p>Specifically, we welcome evidence from regulated services on the following:</p> <p>19. Do you think the four-step risk assessment process and the Children’s Risk Profiles are useful models to help services understand the risks that their services pose to children and comply with their child risk assessment obligations under the Act?</p> <p>20. Are there any specific aspects of the children’s risk assessment duties that you consider need additional guidance beyond what we have proposed in our draft?</p> <p>21. Are the Children’s Risk Profiles sufficiently clear and do you think the information provided on risk factors will help you understand the risks on your service?</p> <p>a) If you have comments or input related to the links between different kinds of content harmful to children and risk factors, please refer to Volume 3: Causes and Impacts of Harms to Children Online which includes the draft Children’s Register of Risks.</p> | <p>Confidential? – No</p> <p>We are concerned about the approach that Ofcom takes in the risk assessment guidance, particularly with the undue focus it places on regarding the impacts on the service. This includes, for example, the risk assessment methodology set out in the Children’s Risk Assessment Guidance, which focuses on how any risks could impact ‘business operations’ and ‘business objectives’. We strongly disagree with this approach, and instead believe that the focus of the risk assessment should be on identifying risks that a platform poses to harming children. This would be in keeping with the aims of the Act, and also the risks identified by Ofcom.</p> <p>We are pleased to see a focus on consulting with external experts, research, and other representative groups on the risk of harm from content harmful to children. This was a key concern that we focused on in the Illegal Harms consultation. We would also encourage Ofcom to include a focus on platforms and services consulting with children and young people directly on issues related to online harms. Ultimately, children and young people are the experts in their own lives and experiences, and so should be listened to by apps and platforms as they put in place safeguards and protections.</p> |

| Question | Your response |
|--|---|
| <p>Volume 5 – What should services do to mitigate the risk of online harms</p> <p>Our proposals for the Children’s Safety Codes (Section 13)</p> | |
| <p>Proposed measures</p> <p>22. Do you agree with our proposed package of measures for the first Children’s Safety Codes?</p> <p>a) If not, please explain why.</p> <p>Evidence gathering for future work.</p> <p>23. Do you currently employ measures or have additional evidence in the areas we have set out for future consideration?</p> <p>a) If so, please provide evidence of the impact, effectiveness and cost of such measures, including any results from trialling or testing of measures.</p> <p>24. Are there other areas in which we should consider potential future measures for the Children’s Safety Codes?</p> <p>a) If so, please explain why and provide supporting evidence.</p> | <p>Confidential? – No</p> <p>Age assurance for younger children</p> <p>Barnardo’s is deeply concerned that Ofcom’s proposed measures do not include a duty for providers to impose age assurance measures to ensure that the minimum age for their platform set out in their terms of service is upheld. Similarly, the Codes ignore a key duty set out in section 12(2) of the Act which requires services to take measures to “mitigate and manage the risks of harm to children in different age groups”.⁴⁶ We believe that implementing age assurance to enforce the minimum age a child can access a service (usually 13 years old) and to deliver age-appropriate, safer experiences for children online is vital.</p> <p>Age as a risk of harm was set out by Ofcom in volume 3 of this draft guidance, highlighting how younger children can experience harm by accessing inappropriate content and age-inappropriate apps. Through Barnardo’s front-line services, we have supported children who have been able to access social media apps and platforms before they reached the minimum age set out in their terms of service (which is typically 13 years old), and have experienced harm. For example, a Barnardo’s child sexual exploitation service supported an 11-year-old girl who was able to set up a Snapchat account, despite Snapchat’s minimum age of service setting out that the minimum age for use is 13 years old.⁴⁷ The girl was then contacted by an adult male on Snapchat, where she was sent images of his penis, and encouraged to take indecent imagery of herself when naked and masturbating. The child suffered considerable harm to her mental health and wellbeing, including experiencing low self-esteem and suicidal ideation, and was referred to Child and Adolescent Mental Health Support (CAMHS). To protect chil-</p> |

⁴⁶ [Online Safety Act 2023, Section 12\(2\)](#)

⁴⁷ Snap, 2024. [Snap Inc. Terms of Service](#)

| Question | Your response |
|----------|--|
| | <p>dren and ensure an age-appropriate experience, it is essential that age assurance for younger children is included in the draft code of practice.</p> <p>The technology does exist for age assurance of younger children to be possible, and carried out in a safe and robust way. Some sites and platforms already implement age estimation to ensure that their users are above the minimum age required, including Yubo, which sets its minimum age as 13 years old.⁴⁸ Evidence from Yoti's white paper on facial age estimation set out that the True Positive Rate (TPRs) for 6-12 year olds correctly estimated as under 13 is 96.99%. The TPR was similar for girls and boys aged between 6-12 years old, those rates being 96.31% and 97.69% respectively. Further, the TPRs for skin tones 1, 2 and 3 are 96.36%, 98.37% and 96.84% respectively.⁴⁹ This was also supported by evidence from the US National Institute of Standards and Technology (NIST) can age gate whether most children are under or over 13 years old.⁵⁰ NIST also said that, with accuracy of age estimation technology improving in the past decade, they expect the technology to continue to be built upon and improve.⁵¹</p> <p>Further, evidence shows that children and young people are comfortable using age estimation technologies, and understand why certain websites may be age-gated. Research by Play Verto and Yoti on age estimation technologies that require a user to provide a selfie found that more than four fifths of children said they understand why websites check age, and 67.5% understood what the selfie was for and how it would be used.⁵² We would encourage Ofcom to utilise their information-gathering powers and conduct their own research regarding age assurance technologies and solutions for younger children. This would help to develop robust evidence on the effectiveness of age assurance technologies for younger children and establish a solution to this issue.</p> <p>Ofcom could also explore with the industry and Government other methods to ensure age assurance for</p> |

⁴⁸ [Yubo](#).

⁴⁹ Yoti, 2023. [Yoti Facial Age Estimation White Paper](#)

⁵⁰ NIST, 2024. [Face Analysis Technology Evaluation: Age estimation and verification](#)

⁵¹ NIST, 2024. [Face Analysis Technology Evaluation: Age estimation and verification](#)

⁵² Yoti, 2022. [Play Verto research: young people's attitudes towards facial age estimation](#)

| Question | Your response |
|----------|--|
| | <p>younger children is robust. For example, Yubo offer an extensive customer support service to support users who have been blocked by the age estimation process, but who actually are aged over 13 years old to help enable them to access the service. Encouraging such practice would enable services to reduce the exclusion of children over the minimum user age requirement, whilst also protecting children from accessing apps that are not age-appropriate for them. Further, Ofcom could work with the relevant Government departments to explore establishing ID cards available for all children to support age verification techniques. Such ID card schemes already exist – such as the Young Scot card available free of charge to 11 to 26-year-olds living in Scotland.⁵³ The introduction of such methods would need to consider any unintended consequences, and also not be exclusionary.</p> <p>Proportionality</p> <p>We are concerned about the undue focus given to proportionality in relation to the Codes. The vast majority of the measures proposed – including around effective moderation and strong governance and accountability - would only apply to large (over 7 million monthly users) and/ or multi-risk services, which will equate to a very small proportion of services that are in scope of the Act. There is therefore the potential to let smaller services and services that are high risk, off the hook. We also raised these concerns in our response to the Illegal Harms consultation.</p> <p>One of the key objectives of the Online Safety Act is to make the UK one of the safest places in the world to be online.⁵⁴ By only applying the most onerous measures to a small set of larger and riskier online platforms, including the measures designed to protect against CSA/E, the Codes of Practice will limit the Online Safety Act’s ambition to better protect children.</p> <p>The approach that Ofcom has taken to proportionality is primarily economic, rather than considering the severity of harm a platform can have. This is not in line with the Online Safety Act, which requires Ofcom to, among other</p> |

⁵³ Young Scot. [Young Scot National Entitlement Card](#)

⁵⁴ Department for Science, Innovation and Technology, 2023. [UK children and adults to be safer online as world-leading bill becomes law](#)

| Question | Your response |
|----------|---|
| | <p>issues, consider the severity of harm posed by an online platform when considering proportionality. Many online platforms do have extremely high revenues, and economic costs on such platforms should not outweigh protection from illegal harms. The European Commission found that, in 2020, the total value of the world's top 100 online platforms was €10.5 trillion.⁵⁵</p> <p>Ultimately, weighing public safety from illegal harms against the costs to private companies do not align with Parliamentary and the public's expectations of what the regulatory framework should achieve. Speaking at the House of Lords Committee Stage debate on 2 May, Lord Parkinson, the Government Minister responsible for the Bill in the Lords said that all companies will have a responsibility to meet child safety duties where their services pose a risk to children:</p> <p><i>"the provisions in the Bill on proportionality are important to ensure that the requirements in the child-safety duties are tailored to the size and capacity of providers. It is also essential that measures in codes of practice are technically feasible. This will ensure that the regulatory framework as a whole is workable for service providers and enforceable by Ofcom. I reassure your Lordships that the smaller providers or providers with less capacity are still required to meet the child safety duties where their services pose a risk to children. They will need to put in place sufficiently stringent systems and processes that reflect the level of risk on their services, and will need to make sure that these systems and processes achieve the required outcomes of the child safety duty. ...</i></p> <p><i>The passage of the Bill should be taken as a clear message to providers that they need to begin preparing for regulation now—indeed, many are. Responsible providers should already be factoring in regulatory compliance as part of their business costs. Ofcom will continue to work with providers to ensure that the transition to the new regulatory framework will be as smooth as possible."⁵⁶</i></p> |

⁵⁵ European Commission, 2019. [How do online platforms shape our lives and businesses?](#)

⁵⁶ Hansard, 2 May 2023. [Online Safety Bill Lords Committee \(4th Day\) \(Continued\), Column 1485.](#)

| Question | Your response |
|----------|--|
| | <p>We would therefore like to see the codes reflect parliament's intention with regards to proportionality.</p> <p>Children with heightened vulnerabilities</p> <p>As previously set out, we are concerned that the measures set out in the Code do not align with Ofcom's assessment of risks in their evidence base. In volume 3, Ofcom rightly set out that certain groups of children and young people can be at an increased risk of experiencing harms. However, this is not reflected in the Codes, and services will not be required to address these heightened vulnerabilities.</p> |

Developing the Children’s Safety Codes: Our framework (Section 14)

25. Do you agree with our approach to developing the proposed measures for the

Children’s Safety Codes?

a) If not, please explain why.

26. Do you agree with our approach and proposed changes to the draft Illegal Content Codes to further protect children and accommodate for potential synergies in how systems and processes manage both content harmful to children and illegal content?

a) Please explain your views.

27. Do you agree that most measures should apply to services that are either large services or smaller services that present a medium or high level of risk to children?

28. Do you agree with our definition of ‘large’ and with how we apply this in our recommendations?

29. Do you agree with our definition of ‘multi-risk’ and with how we apply this in our recommendations?

30. Do you agree with the proposed measures that we recommend for all services, even those that are small and low-risk?

Confidential? – Y / N

Age assurance measures (Section 15)

31. Do you agree with our proposal to recommend the use of highly effective age assurance to support Measures AA1-6? Please provide any information or evidence to support your views.

Confidential? – No

Barnardo’s is supportive of highly effective age assurance being put in place to protect children from Primary Priority Content, including pornographic content.

However, we disagree with Ofcom’s approach regarding what is considered ‘highly effective’ age assurance, which takes a method and process-driven approach. We

a) Are there any cases in which HEAA may not be appropriate and proportionate?

b) In this case, are there alternative approaches to age assurance which would be better suited?

32. Do you agree with the scope of the services captured by AA1-6?

33. Do you have any information or evidence on different ways that services could use highly effective age assurance to meet the outcome that children are prevented from encountering identified PPC, or protected from encountering identified PC under Measures AA3 and AA4, respectively?

34. Do you have any comments on our assessment of the implications of the proposed Measures AA1-6 on children, adults or services?

a) Please provide any supporting information or evidence in support of your views.

35. Do you have any information or evidence on other ways that services could consider different age groups when using age assurance to protect children in age groups judged to be at risk of harm from encountering PC?

believe, instead, that an outcome-focused approach should be taken, which was the intention of parliament and would ensure consistency across platforms required to implement highly effective age assurance.

In introducing the new amendments to the Online Safety Act, Lord Parkinson, the Minister, set out that Providers covered by the duties will need to *“ensure that their use of these measures meets a clear, objective and high bar for effectiveness. They will need to be highly effective at correctly determining whether a particular user is a child. This new bar will achieve the intended outcome behind the amendments which we looked at in Committee, seeking to introduce a standard of “beyond reasonable doubt” for age assurance for pornography, while avoiding the risk of legal challenge or inadvertent loopholes.”*⁵⁷

This demonstrates that the Government do have an intention for the guidance to include an outcome-focused approach.

We understand that, when the BBFC were preparing to implement the Digital Economy Act 2017, they had opted for an outcome-based approach, rather than specifying specific forms of age verification and estimation that would be considered acceptable. When providing evidence to the Women and Equalities Committee, the BBFC stated that they: *“opted for a principles-based approach, rather than specifying a finite number of “approved” solutions, to allow for and encourage technological innovation within the age verification industry.”*⁵⁸

Further, evidence is available to suggest that Ofcom introducing an outcomes-based – and thereby a numerical - definition of ‘highly effective’ age assurance is possible. Evidence from age assurance providers suggests that achieving highly effective age assurance is possible with current technology. For example, Yoti found that its True Positive Rate for 13- to 17-year-olds correctly estimated as under the age of 25 is 99.91%, with no discernible bias across genders or skin tones.⁵⁹ The Google age estimation model has also been assessed to accurately estimate the age of person who is 18 as being under the age of 25 with 99.9% reliability.⁶⁰ Of course, we would want to see

⁵⁷ Hansard, 2023. [Online Safety Bill debate Thursday 6 July 2023, Volume 831, column 1430.](#)

⁵⁸ BBFC. [Written evidence from the British Board of Film Classification \(BBFC\)](#)

⁵⁹ Yoti, 2023. [Yoti Facial Age Estimation White Paper](#)

⁶⁰ Age Check Certification Scheme. [Google Inc LLC: Age Estimation](#)

such technologies used in conjunction with age verification technologies for those identified as under 25 to ensure that a user is over the age of 18, and protect children from accessing pornographic content.

When the BBFC were preparing to implement the Digital Economy Act 2017, they were confident that the technology existed for age assurance to be highly effective, and reported that they saw “substantial developments in the sector” during this time.⁶¹ This was now over six years ago, and significant technological developments have taken place in this time, including an increase in Artificial Intelligence tools.

Age assurance technologies are used every day, from gambling to buying age-restricted products online such as alcohol or knives. We therefore believe that the technology does exist for Ofcom to be confident in setting out ‘highly effective’ age assurance with a numerical definition.

We believe that having a clear, numerical definition such as this will create greater clarity for pornography providers who are in scope of the guidance about the expectations placed on them, and would help Ofcom when conducting enforcement action. When speaking with pornography providers, they have told us of the importance of a ‘level playing field’, to ensure that larger pornography providers who do comply with age assurance guidelines are not then at a commercial disadvantage compared to their competitors with users moving to sites which do not require age assurance – which will ultimately create a ‘race to the bottom’.

This view was also shared by the BBFC, which stated that “from our engagement with the adult industry, it has always been very clear that a proactive approach involving active investigations and the threat of swift enforcement is essential to ensure that compliant sites are not commercially disadvantaged by their non-compliant competitors. Without this deterrent, there is a risk that the regulation creates a commercial incentive for unscrupulous sites to be non-compliant so they can benefit from traffic diverting to them from those that have put age-verification in place.”⁶²

⁶¹ BBFC. [Written evidence from the British Board of Film Classification \(BBFC\)](#)

⁶² BBFC. [Written evidence from the British Board of Film Classification \(BBFC\)](#)

Evidence from other jurisdictions which have introduced age verification to access pornographic content demonstrate how swift and robust enforcement is needed, and how pornography providers can ignore legislation. In Louisiana, for example, Pornhub reported that traffic to its website dropped by 80 percent after it began enforcing age verification, with traffic moving to competitors which had not implemented age verification in accordance with legislation.⁶³ Further, a lawsuit has been filed against Aylo for violating a Texas law which requires pornography sites to implement age verification systems.⁶⁴ Without swift enforcement of the Online Safety Act, it is unlikely that the Online Safety Act's implementation will effectively prevent children from accessing pornographic content.

To ensure that the intention of parliament is met in the implementation of the Online Safety Act, the guidance should take an outcome-focused approach to the implementation of age assurance, including a numerical, outcomes-based definition of what 'highly effective' age assurance means. We encourage Ofcom to use their information-gathering powers and to conduct their own research (through sandbox tests and other means) to strengthen evidence and allow stronger recommendations regarding highly effective age assurance. This should include establishing a numerical definition of 'highly effective'.

Notwithstanding this, we do agree with Ofcom that age assurance should be technically accurate, robust, reliable and fair to be considered 'highly effective', and we support Ofcom's examples of age assurance methods that could be highly effective.

We are pleased that Ofcom's guidance around highly effective age assurance stipulates that, when age estimation is implemented by a provider, the provider should use a 'challenge age approach' which is set according to the limits of the technical accuracy of that method. This will help to ensure that age assurance is highly effective in preventing children from accessing content that is inappropriate for them.

⁶³ The Verge, 2023. [Pornhub blocks access in Mississippi and Virginia over age verification laws](#)

⁶⁴ Texas Attorney General, 2024. [Attorney General Ken Paxton Sues Major Pornography Distributor for Violating Texas Age Verification Laws](#)

| | |
|--|---|
| | <p>Further, we support Ofcom’s proposals under the ‘robustness’ criteria that providers should take steps to identify and prevent children from using methods to circumvent the age assurance process, and in setting out that service providers should not publish content that directs or encourages users to circumvent age assurance processes or access controls used on the service. Barnardo’s is concerned that children could use Virtual Private Networks (VPNs) to circumvent age assurance technologies, and even be encouraged to do so by providers. For example, in the past, some pornography sites have created and advertised their own VPNs to allow children to bypass controls put in place by Internet Service Providers to prevent children from accessing pornographic content.⁶⁵ We therefore support Ofcom’s approach in setting out clearly in the guidance that this is not allowed.</p> |
| Content moderation U2U (Section 16) | |
| <p>36. Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.</p> <p>37. Do you agree with the proposed addition of Measure 4G to the Illegal Content Codes?</p> <p>a) Please provide any arguments and supporting evidence.</p> | <p>Confidential? – Y / N</p> |
| Search moderation (Section 17) | |
| <p>38. Do you agree with our proposals? Please provide the underlying arguments and evidence that support your views.</p> <p>39. Are there additional steps that services take to protect children from the harms set out in the Act?</p> <p>a) If so, how effective are they?</p> | <p>Confidential? – Y / N</p> |

⁶⁵ The Telegraph, 2019. [Porn sites offer loopholes to get around web ban as BBFC admits it is powerless to stop tech savvy teens](#)

40. Regarding Measure SM2, do you agree that it is proportionate to preclude users believed to be a child from turning the safe search settings off?

The use of Generative AI (GenAI), see Introduction to Volume 5, to facilitate search is an emerging development, which may include where search services have integrated GenAI into their functionalities, as well as where standalone GenAI services perform search functions. There is currently limited evidence on how the use of GenAI in search services may affect the implementation of the safety measures as set out in this code. We welcome further evidence from stakeholders on the following questions and please provide arguments and evidence to support your views:

41. Do you consider that it is technically feasible to apply the proposed code measures in respect of GenAI functionalities which are likely to perform or be integrated into search functions?

42. What additional search moderation measures might be applicable where GenAI performs or is integrated into search functions?

User reporting and complaints (Section 18)

43. Do you agree with the proposed user reporting measures to be included in the draft Children's Safety Codes?

a) Please confirm which proposed measure your views relate to and explain your views and provide any arguments and supporting evidence.

Confidential? – Y / N

b) If you responded to our Illegal Harms Consultation and this is relevant to your response here, please signpost to the relevant parts of your prior response.

44. Do you agree with our proposals to apply each of Measures UR2 (e) and UR3 (b) to all services likely to be accessed by children for all types of complaints?

a) Please confirm which proposed measure your views relate to and explain your views and provide any arguments and supporting evidence.

b) If you responded to our Illegal Harms Consultation and this is relevant to your response here, please signpost to the relevant parts of your prior response.

45. Do you agree with the inclusion of the proposed changes to Measures UR2 and UR3 in the Illegal Content Codes (Measures 5B and 5C)?

a) Please provide any arguments and supporting evidence.

Terms of service and publicly available statements (Section 19)

46. Do you agree with the proposed Terms of Service / Publicly Available Statements measures to be included in the Children’s Safety Codes?

a) Please confirm which proposed measures your views relate to and provide any arguments and supporting evidence.

b) If you responded to our illegal harms consultation and this is relevant to your response here, please signpost to the relevant parts of your prior response.

47. Can you identify any further characteristics that may improve the clarity and accessibility of terms and statements for children?

48. Do you agree with the proposed addition of Measure 6AA to the Illegal Content Codes?

a) Please provide any arguments and supporting evidence.

Confidential? – Y / N

Recommender systems (Section 20)

49. Do you agree with the proposed recommender systems measures to be included in the Children’s Safety Codes?

a) Please confirm which proposed measure your views relate to and provide any arguments and supporting evidence.

b) If you responded to our illegal harms consultation and this is relevant to your response here, please signpost to the relevant parts of your prior response.

Confidential? – Y / N

| | |
|---|--|
| <p>50. Are there any intervention points in the design of recommender systems that we have not considered here that could effectively prevent children from being recommended primary priority content and protect children from encountering priority and non-designated content?</p> <p>51. Is there any evidence that suggests recommender systems are a risk factor associated with bullying? If so, please provide this in response to Measures RS2 and RS3 proposed in this chapter.</p> <p>52. We plan to include in our RS2 and RS3, that services limit the prominence of content that we are proposing to be classified as non-designated content (NDC), namely depressive content and body image content. This is subject to our consultation on the classification of these content categories as NDC. Do you agree with this proposal? Please provide the underlying arguments and evidence of the relevance of this content to Measures RS2 and RS3.</p> <ul style="list-style-type: none"> • Please provide the underlying arguments and evidence of the relevance of this content to Measures RS2 and RS3. | |
|---|--|

User support (Section 21)

| | |
|---|------------------------------|
| <p>53. Do you agree with the proposed user support measures to be included in the Children’s Safety Codes?</p> <p>a) Please confirm which proposed measure your views relate to and provide any arguments and supporting evidence.</p> <p>b) If you responded to our Illegal harms consultation and this is relevant to your response here, please signpost</p> | <p>Confidential? – Y / N</p> |
|---|------------------------------|

| | |
|---|------------------------------|
| to the relevant parts of your prior response. | |
| Search features, functionalities and user support (Section 22) | |
| <p>54. Do you agree with our proposals? Please provide underlying arguments and evidence to support your views.</p> <p>55. Do you have additional evidence relating to children’s use of search services and the impact of search functionalities on children’s behaviour?</p> <p>56. Are there additional steps that you take to protect children from harms as set out in the Act?</p> <p>a) If so, how effective are they?</p> <p>As referenced in the Overview of Codes, Section 13 and Section 17, the use of GenAI to facilitate search is an emerging development and there is currently limited evidence on how the use of GenAI in search services may affect the implementation of the safety measures as set out in this section. We welcome further evidence from stakeholders on the following questions and please provide arguments and evidence to support your views:</p> <p>57. Do you consider that it is technically feasible to apply the proposed codes measures in respect of GenAI functionalities which are likely to perform or be integrated into search functions? Please provide arguments and evidence to support your views.</p> | <p>Confidential? – Y / N</p> |

Combined Impact Assessment (Section 23)

58. Do you agree that our package of proposed measures is proportionate, taking into account the impact on children's safety online as well as the implications on different kinds of services?

Confidential? – Y / N

Statutory tests (Section 24)

59. Do you agree that our proposals, in particular our proposed recommendations for the draft Children's Safety Codes, are appropriate in the light of the matters to which we must have regard?

a) If not, please explain why.

Confidential? – Y / N

Annexes

Impact Assessments (Annex A14)

60. In relation to our equality impact assessment, do you agree that some of our proposals would have a positive impact on certain groups?

61. In relation to our Welsh language assessment, do you agree that our proposals are likely to have positive, or more positive impacts on opportunities to use Welsh and treating Welsh no less favourably than English?

a) If you disagree, please explain why, including how you consider these proposals could be revised to have positive effects or more positive effects, or no adverse effects or fewer adverse effects on opportunities to use Welsh and treating Welsh no less favourably than English.

Confidential? – Y / N

Please complete this form in full and return to protectingchildren@ofcom.org.uk.