

Your response

Question 1: To assist us in categorising responses, please provide a description of your organisation, service or interest in protection of children online.

Is this a confidential response? (select as appropriate)

No

The Christian Institute exists for “the furtherance and promotion of the Christian religion in the United Kingdom”. We are a non-denominational Christian charity operating throughout the UK. We are supported by approximately 60,000 individuals and churches. We have campaigned for over 30 years on ethical issues from a Christian perspective, including the protection of children from an increasingly sexualised culture. We supported Part 3 of the Digital Economy Act 2017 and have been disappointed by the Government’s failure to implement it. We see the Online Safety Bill as an opportunity to ensure that children are given as much protection as possible from online pornography and other dangers.

Question 2: Can you identify factors which might indicate that a service is likely to attract child users?

Is this a confidential response? (select as appropriate)

[Please select]

Question 3: What information do services have about the age of users on different platforms (including children)?

Is this a confidential response? (select as appropriate)

[Please select]

Question 3: What information do services have about the age of users on different platforms (including children)?

Question 4: How can services ensure that children cannot access a service, or a part of it?

Is this a confidential response? (select as appropriate)

No

We are concerned at the lack of clear standards for age verification set out in the Online Safety Bill. The British Standards Institution's PAS on online age checking makes clear that 'age verification' encompasses a range of methods which carry varying degrees of confidence.¹ Their reliability depends on, for example, the number of data sources that are used, the degrees of external validation of the data, and the risks that a child could claim a false identity (i.e. how easily could they use their parent's credit card).

Unlike the Digital Economy Act 2017, the Online Safety Bill does not require legally enforced guidance which would outline the acceptable mechanisms of age verification. **Nevertheless, as the regulator required to provide in essence a minimum standard in their guidance, OFCOM should clearly identify mechanisms which would be acceptable for preventing children accessing pornography. As the PAS on online age checking shows, there are industry standards as to what would constitute a lower or higher degree of confidence, and OFCOM should give regard to this in considering whether an alternative mechanism used by a platform would give an equal/greater level of protection or not.**

An example of good, clear guidance on verification can be found from the Gambling Commission. In their role as regulator, the Gambling Commission provides guidance as to the appropriate sources that are acceptable as forms of identity verification to guard against money laundering. For example, it makes clear: "For an electronic check to provide satisfactory evidence of identity on its own it must use data from multiple sources, and across time, and incorporate qualitative checks that assess the strength of the information supplied. An electronic check that accesses data from a single source (for example, a single check against the electoral roll) is not enough on its own to verify identity."²

Furthermore, there are age verification systems already operating in the US and Europe which OFCOM can learn from or even adopt. Many of these address the concerns that were raised around supplying personal data to porn sites, through use of third party verifiers. For example, the age verification regime in Louisiana allows a third party (most commonly the LA Wallet – a Government issued eID), already holding data which the user has previously consented to give, to permit that IP address to access the site.³ This approach should be perfectly compliant with UK GDPR laws as

¹ *Online age checking – Provision and use of online age check services – Code of practice*, British Standards Institute, PAS 1296:2018

² *The prevention of money laundering and combating the financing of terrorism: Guidance for remote and non-remote casinos – Fifth edition (Revision 2)*, Gambling Commission, February 2021, para. 6.57

³ *WAFB online*, 28 December 2022, see <https://www.wafb.com/2022/12/28/watching-porn-now-requires-age-verification-la-because-new-law/> as at 21 March 2023

Question 4: How can services ensure that children cannot access a service, or a part of it?

there is no way that identity can be established from a yes/no question establishing an age range (i.e. the user is 18+).

Given the multiplicity of already existing guidance and oven-ready age verification systems, there should be no delay from OFCOM and platforms in implementing them. Age verification should be in place no later than six months after Royal Assent.

Question 5: What age assurance and age verification or related technologies are currently available to platforms to protect children from harmful content, and what is the impact and cost of using them?

Is this a confidential response? (select as appropriate)

[Please select]

Question 6: Can you provide any evidence relating to the presence of content that is harmful to children on user-to-user and search services?

Is this a confidential response? (select as appropriate)

No

A recent report by the British Board of Film Classification found that sexually explicit cartoons of “beloved” children’s characters were being used to entice children onto pornography sites. It showed that nearly half (48.2%) of the top 100 non-cam porn sites carried imagery based on popular cartoons, such as characters from Frozen and Scooby Doo.⁴

The Children’s Commissioner identified the concern: “Chillingly, some young people spoke about the role of sexualised cartoons, depicting popular children’s characters and which appear in pop-up ads, in actively grooming young children towards adult pornography.”⁵ Therefore, whilst the harmful sexual content may not be hosted by the platform itself, the potential to entice children to an adult site (particularly if it is hyperlinked) should be identified as a risk by the platform under Clause 11(2) of the Bill.

⁴ *The Telegraph online*, 6 December 2022, see <https://www.telegraph.co.uk/news/2022/12/06/explicit-cartoons-frozen-scooby-doo-entice-children-young-six/> as at 21 March 2023

⁵ ‘A lot of it is actually just abuse’, Children’s Commissioner, January 2023, page 6

Question 6: Can you provide any evidence relating to the presence of content that is harmful to children on user-to-user and search services?

Given this is a known harm, OFCOM should clearly identify this issue in its Code of Practice and have an expectation that companies apply proportionate measures to limit the risk.

Question 7: Can you provide any evidence relating to the impact on children from accessing content that is harmful to them?

Is this a confidential response? (select as appropriate)

No

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No

Harms surrounding pornography are being increasingly recognised by experts in child protection. Last November, the Children's Commissioner for England, Dame Rachel de Souza, said: "I share others' concerns that pornography is fundamentally changing how young people understand relationships, consent, and intimate relationships."⁶ Her report '*A lot of it is actually just abuse*': *Young people and pornography*, published January this year, is clear that porn is not simply a harmless recreation.⁷

The report established that, of the near two-thirds of children that have viewed pornography, 79% encountered its violent forms before the age of 18.⁸ This amounts to half of children having seen violent porn. Evidence shows that viewing violent pornography is not innocuous, but increases the likelihood of the viewers themselves engaging in dangerous behaviours.

Some studies suggest that 44% of boys who view porn say that it gives them ideas about the "types of sex they wanted to try".⁹ Headteachers are now reporting increased numbers of sexual assaults in British schools, with one headteacher telling the Guardian: "Schools are picking up the pieces of the harm done by the porn industry".¹⁰

However, the problem is not simply with violent pornography. Studies by psychiatrists have long pointed to the way pornography operates like an addictive drug. One paediatrician summarised the literature saying: "These neural changes in the brains of pornography users do not prove causation but they are similar to the changes seen in brains of individuals addicted to cocaine, alcohol, and methamphetamines, and this association is one more way regular pornography use mirrors the use

⁶ 'Research into the impact of pornography on children', *Children's Commissioner blog*, 25 November 2022, see <https://www.childrenscommissioner.gov.uk/blog/29032/> as at 21 March 2023

⁷ '*A lot of it is actually just abuse*', Children's Commissioner, January 2023, page 5

⁸ *Ibid*, page 5

⁹ Martellozzo, E, Monaghan, A, Davidson, J et al, 'Researching the Affects that Online Pornography has on UK Adolescents aged 11 to 16', *SAGE Open*, January-March 2020, pages 1-11

¹⁰ *The Guardian online*, 10 March 2023, see <https://www.theguardian.com/society/2023/mar/10/porn-study-survey-uk-teenagers-addicted> as at 21 March 2023

Question 7: Can you provide any evidence relating to the impact on children from accessing content that is harmful to them?

of addictive drugs.”¹¹ These studies are now being corroborated with survey data. A recent survey by Dignify found that 10% of 14 to 18-year-olds say they are addicted to pornography.¹²

This is also problematic because of the spiralling effect of pornography. Legal porn has been shown to be a gateway to illegal material. The Lucy Faithfull Foundation works with many men who have been arrested for child sexual abuse. Some of these have reported beginning with legal pornography before being led towards child sexual abuse material.¹³

Question 8: How do services currently assess the risk of harm to children in the UK from content that is harmful to them?

Is this a confidential response? (select as appropriate)

[Please select]

Question 9: What are the exacerbating risk factors services do or should consider which may have an impact on the risk of harm to children in the UK?

Is this a confidential response? (select as appropriate)

[Please select]

¹¹ ‘Porn is harmless? Think again’, *Mercatornet*, 28 October 2015, see <https://mercatornet.com/porn-is-harmless-think-again/19696/> as at 21 March 2023

¹² *The Guardian online*, 10 March 2023, see <https://www.theguardian.com/society/2023/mar/10/porn-study-survey-uk-teenagers-addicted-as-at-21-March-2023>

¹³ *Online Safety Bill and pornography: the case for a revised Part 5*, Barnardo’s, January 2023

Question 10: What are the governance, accountability and decision-making structures for child user and platform safety?

Is this a confidential response? (select as appropriate)

[Please select]

Question 11: What can providers of online services do to enhance the clarity and accessibility of terms of service and public policy statements for children (including children of different ages)?

Is this a confidential response? (select as appropriate)

[Please select]

Question 12: How do terms of service or public policy statements treat 'primary priority' and 'priority' harmful content?¹⁴

Is this a confidential response? (select as appropriate)

[Please select]

¹⁴ See A1.2 to A1.3 of the call for evidence for more information on the indicative list of harms to children.

Question 12: How do terms of service or public policy statements treat 'primary priority' and 'priority' harmful content?¹⁴

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Question 13: What can providers of online services do to enhance children's accessibility and awareness of reporting and complaints mechanisms?

Is this a confidential response? (select as appropriate)

[Please select]

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Question 14: Can you provide any evidence or information about the best practices for accurate reporting and/or complaints mechanisms in place for legal content that is harmful to children, or users who post this content, and how these processes are designed and maintained?

Is this a confidential response? (select as appropriate)

[Please select]

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Question 15: What actions do or should services take in response to reports or complaints about online content harmful to children (including complaints from children)?

Is this a confidential response? (select as appropriate)

[Please select]

Question 16: What functionalities or features currently exist that are designed to prevent or mitigate the risk or impact of content that is harmful to children? A1.21 in the call for evidence provides some examples of functionalities.

Is this a confidential response? (select as appropriate)

[Please select]

Question 17: To what extent does or can a service adopt functionalities or features, designed to mitigate the risk or impact of content that is harmful to children on that service?

Is this a confidential response? (select as appropriate)

[Please select]

Question 18: How can services support the safety and wellbeing of UK child users as regards to content that is harmful to them?

Is this a confidential response? (select as appropriate)

[Please select]

Question 19: With reference to content that is harmful to children, how can a service mitigate any risks to children posed by the design of algorithms that support the function of the service (e.g. search engines, or social and content recommender systems)?

Is this a confidential response? (select as appropriate)

[Please select]

Question 20: Could improvements be made to content moderation to deliver greater protection for children, without unduly restricting user activity? If so, what?

Is this a confidential response? (select as appropriate)

[Please select]

Question 21: What automated, or partially automated, moderation systems are currently available (or in development) for content that is harmful to children?

Is this a confidential response? (select as appropriate)

[Please select]

Question 22: How are human moderators used to identify and assess content that is harmful to children?

Is this a confidential response? (select as appropriate)

[Please select]

Question 23: What training and support is or should be provided to moderators?

Is this a confidential response? (select as appropriate)

[Please select]

Question 24: How do human moderators and automated systems work together, and what is their relative scale? How should services guard against automation bias?

Is this a confidential response? (select as appropriate)

[Please select]

Question 25: In what instances is content that is harmful to children, that is in contravention of terms and conditions, removed from a service or the part of a service that children can access?

Is this a confidential response? (select as appropriate)

[Please select]

Question 26: What other mitigations do services currently have to protect children from harmful content?

Is this a confidential response? (select as appropriate)

[Please select]

Question 27: Where children attempt to circumvent mitigations in place on a service, what further systems and processes can a service put in place to protect children?

Is this a confidential response? (select as appropriate)

No

Research by Professor Neil Thurman and Fabian Obster found that 46% of 16 and 17-year-olds in the UK have used a VPN or Tor browser to circumvent age restrictions. Additionally, a further 23% of children knew what they were.¹⁵

This is not surprising given that a simple Google search for 'how to get around age restrictions online', even with SafeSearch on, brings up a plethora of information on VPNs, deliberately marketed as a way to get around porn checks including links to download free products. A WikiHow page on bypassing age restrictions on YouTube videos makes clear: "If you live in the USA or use a VPN server based there, you won't be asked to verify your age when you create a new account."¹⁶

Given the huge numbers of children who bypass restrictions in this way, it is difficult to see how platforms can really fulfil their duty to "prevent" child access to porn without this problem being addressed.

If companies have the will, they can take action to address this problem. For example, BBC iPlayer has mechanisms to prevent VPN traffic to its site through blacklisting the common VPN servers and potentially blocking when a device's GPS location and IP address location do not match.¹⁷

What is clear is that an international and technological response to this problem is required, and OFCOM, as a respected international voice, has a role to play in this. During the Bill's Commons stages, Labour MP Sarah Champion tabled an amendment to require the Secretary of State to publish a report on the effect of VPN use on Ofcom's ability to enforce the provisions in the Bill.¹⁸

We believe that if the Secretary of State is not required to publish a report, then OFCOM should conduct a review in this area and release their own findings.

Question 28: Other than those covered above in this document (the call for evidence), are you aware of other measures available for mitigating the risk, and impact of, harm from content that is harmful to children?

Is this a confidential response? (select as appropriate)

No

¹⁵ Thurman, N and Obster, F, 'The regulation of internet pornography: What a survey of under-18s tells us about the necessity for and potential efficacy of emerging legislative approaches', *Policy & Internet*, 2021, 13, pages 415-432

¹⁶ 'Bypass Age Restrictions on YouTube videos: 8 simple methods', *wikiHow*, 27 January 2023, see <https://www.wikihow.com/Bypass-Age-Restrictions-on-YouTube-Videos> as at 21 March 2023

¹⁷ 'BBC iPlayer not working with VPN? Here's the fix!', *comparitech*, 6 March 2023, see <https://www.comparitech.com/blog/vpn-privacy/bbc-iplayer-vpn-not-working/> as at 21 March 2023

¹⁸ Yorkshire Post online, 7 December 2022, see <https://www.yorkshirepost.co.uk/news/opinion/columnists/online-safety-bill-must-do-more-to-protect-children-from-abusers-sarah-champion-3943313> as at 21 March 2023

Question 28: Other than those covered above in this document (the call for evidence), are you aware of other measures available for mitigating the risk, and impact of, harm from content that is harmful to children?

We are concerned about OFCOM's proposed timeline for the implementation of measures. The most effective way to mitigate risk is to swiftly implement the system and exercise the powers that are given to them.

Swift implementation will rely on a number of different things. Firstly, the protections for pornography cannot be implemented under the Bill until OFCOM has issued its 'Code of Practice' (in the case of Part 3) or 'Guidance' (in the case of Part 5). OFCOM's Roadmap to Regulation, published last July, indicated that the Codes will not be issued until late 2024. However, since then the Bill has been substantially delayed in Parliament.

As mentioned above under Q4, OFCOM should speed up the timetable on implementing age verification to compensate. A code of practice should be issued within four months and age verification should be implemented within six months.

Secondly, OFCOM should require platforms to act faster. OFCOM has been in charge of regulating video sharing platforms since 2020, but its progress in implementation has been far too slow. Having issued guidance for VSPs in October 2021, which clearly states that "self-declaration of date of birth or a 'tick box' system to confirm that the user is over the age of 18" is not acceptable¹⁹, and then having met with in-scope adult platforms in early 2022, OFCOM should have pursued measures against platforms that said in their summer 2022 responses they were still only implementing tick-box measures.²⁰ Instead, OFCOM seemed to suggest it would be satisfied as long as a 'road-map' is in place by later this year.²¹

Age-verification has been on the radar for the last 6 years and it was always clear that tick-box would not be acceptable. Therefore, once the Online Safety Bill is implemented, these platforms must not be allowed to continue to plead ignorance and face no enforcement action. OFCOM must enforce compliance through issuing a provisional notification of contravention.

Thirdly, OFCOM should be aware that the enforcement mechanisms such as business disruption orders will be slow to apply due to the probable lengthy court proceedings. It should therefore make its findings in this area as public and transparent as the law allows, so that it can apply third party pressure on platforms to comply with the regime.

The most effective mechanisms against non-complying porn platforms have been carried out not by Government, but by payment service providers. For example, in 2020, Pornhub deleted more than 10 million of its most vile videos, after years of arguing against removing Child Sexual Exploitation and Abuse content because "it's impossible to be sure whether a youth in a video is 14 or 18". This was only due to pressure from Visa and Mastercard, who withdrew their payment services from Pornhub.²² **The more information that OFCOM is able to make transparently available to such services, the more effective regulation there could be from the private sector itself – which may result in quicker implementation.**

¹⁹ *Video-sharing platform guidance*, Ofcom, 6 October 2021, para. 4.119

²⁰ *Ofcom's first year of video-sharing platform regulation*, Ofcom, 20 October 2022

²¹ *Ibid*, page 24

²² The New York Times online, 10 December 2020, see <https://www.nytimes.com/2020/12/10/business/visa-mastercard-block-pornhub.html> as at 21 March 2023; Spectrum News NY1, 15 December 2020, see <https://www.ny1.com/nyc/all-boroughs/entertainment/2020/12/15/pornhub-removes-10-million-videos-in-response-to-allegations-about-content> as at 21 March 2023