

SMACC- Further submission of evidence for consultation

Dear Ofcom Online Safety Team,

Further to SMACC's correspondence regarding the recent *Illegal harms further consultation: Torture and animal cruelty* in relation to the Online Safety Act, we wish to bring to your attention an important development. As you are aware, there have been a number of legal cases in the UK relating to the distribution of monkey torture content on social media platforms.

The most recent legal case involved an individual who received a jail sentence of 20 months at Liverpool Crown Court on 25th September 2024. Peter Stanley pleaded guilty to three charges under the Obscene Publications Act, involving the distribution of monkey torture videos on Facebook (<https://www.walesonline.co.uk/news/uk-news/man-jailed-sickening-animal-crime-30018737.amp>)

The videos posted online by Stanley depicted extreme violence and sexual abuse, including genital mutilation, inflicted upon baby monkeys. The videos were accompanied by sickening comments posted by Stanley, making light of the monkeys' suffering and distress. Stanley belonged to several monkey torture groups on Facebook, through which graphic and sadistic videos were circulated. The content posted by Stanley was not unique. Many such videos have and continue to appear on Facebook and other social media platforms. We expect this case to set an important precedent, and that more convictions under the Obscene Publications Act will follow.

In Ofcom's recent consultation you discussed and rejected the idea of using the Obscene Publications Act as a vehicle for addressing animal cruelty content, opting instead for the Communications Act. We strongly suggest that you reconsider this decision in light of recent prosecutions under the Obscene Publications Act.

This case provides further evidence to support our position that pre-recorded animal cruelty content is inextricably part of the offence of causing unnecessary suffering to an animal, as the act of cruelty is intentionally carried out for the purpose of it being filmed. Therefore, the content should constitute an offence under the Animal Welfare Act 2006 and should be treated as priority offence in the Online Safety Act.

Furthermore, there was clear evidence of the content itself and associated comments "encouraging" further offences, as per point 3.9 in the draft regulations. This content would also cause harm to online users.

The Peter Stanley case provides further support for the need for Ofcom to update its draft regulations to capture the dissemination of pre-recorded animal cruelty content as a priority offence.

We believe that this case is extremely relevant to the development of the Online Safety Act regulations in relation to animal cruelty content.

Kind regards,
SMACC