Your response

Please consult us before sharing

Ofcom's Register of Risks

i.	Do you have any comments on Ofcom's assessment of the causes and impacts of online harms?

The document discusses various offences that are covered under UK law, including the Online Safety Act's priority and non-priority offences. However, the legal definitions for what constitutes illegal content could be made clearer, particularly for non-experts who might be involved in content moderation. In addition to this, while the document outlines the duties of service providers, it could place more emphasis on how Ofcom plans to enforce compliance and what penalties or corrective actions will be taken against non-compliant platforms.

The document rightly mentions the psychological impact of harmful content; however, it could delve deeper into the specific vulnerabilities of children and adolescents. Younger users are particularly susceptible to both the psychological harm and the risk of imitating harmful behaviours they see online. Evidence shows that exposure to violence, including animal cruelty, can have lasting effects on the mental health of young people, potentially leading to increased aggression or desensitisation to violence. It's well-documented that individuals who directly witness animal cruelty are at heightened risk of experiencing trauma (www.idausa.org).

A significant portion of the animal abuse content reported through the Report Harmful Content service involves monkey torture videos, profiles, and groups on Facebook – alongside unwanted and harmful comments. Despite efforts, there remains room for improvement in age assurance measures *(please refer to our consultation response submitted by SWGfL on age assurance)* Unfortunately, this gap allows young people easier access to such harmful content.

Similarly, the role of social validation through likes, shares, and comments as a driver for creating harmful content could be explored in more depth. This could include discussing how platforms' algorithms might unintentionally promote harmful content by prioritising engagement over safety.

ii.	Do you think we have missed anything important in our analysis? Please provide evidence to support your answer.

While we acknowledge that social media platforms often host numerous animal abuse videos, it's also important to highlight that reports of bestiality primarily originate from smaller, independent websites. Many of these sites, such as ██████████ , ████████████ , ████████ , and ████████████ , are specifically designed for sharing bestiality content. Although some of these platforms may fall under the Online Safety Act, their existence, and ease of accessibility underscores the urgent need for these websites to be blocked in the UK.

Many of the monkey abuse videos circulating on Facebook serve as a gateway, luring viewers to platforms like Telegram, where such content is exchanged for money. Due to Telegram's end-to-end encryption and the challenges NGOs face in identifying a point of contact on the platform, more extreme and violent videos are being distributed there with little oversight. Suggesting that

it isn't just social media platforms responsible for this issue. Understanding these pathways can help in pre-emptively blocking content before it reaches a wider audience.

Moreover, it is important to recognise that while some instances of 'monkey abuse' are overtly harmful and clearly torturous, other content is more subtly cruel. The videos we review may be glamorised for entertainment, yet the animals involved are still suffering, even if the abuse is less obvious. The Social Media Animal Cruelty Coalition (SMACC) defines animal cruelty as *"a range of human behaviours, performed intentionally or unintentionally, that cause animals harm or suffering, which may be immediate or long-term, physical or psychological."* They emphasise that the inherent biological needs of wild animals cannot be met when they are held captive, trained, and used as performers, leading to poor welfare outcomes regardless of the training methods used.

Images of wild animals in human environments, dressed in clothing, or interacting with humans, perpetuate the misconception that these animals can thrive under such conditions. We highlight this issue because many videos reported by our clients are not removed from Facebook, as the platform's policies do not consider this content to be animal cruelty.

iii.	Is this response confidential? (if yes, please specify which part(s) are confidential)

Response: Yes, website names remain confidential.

Question 2:

i.	Do you have any views about our interpretation of the links between risk factors and different kinds of illegal harm? Please provide evidence to support your answer.

The links between risk factors and illegal harms, that that consultation highlights aligns with our positioning. Possessing and sharing extreme pornography, including bestiality, is illegal and linked to harmful behaviours, and the Online Safety Act 2023 recognises this as a serious crime. Much research shows that watching extreme pornography (such as bestiality) can make people less sensitive to violence, raising the risk of them committing harmful acts. The ease of access to such content online worsens this by normalising behaviour.

When we consider child abuse and animal cruelty, studies reveal that child abusers may involve animals in their abuse, adding to the child's trauma. Psychology also suggests that cruelty to animals often occurs alongside other forms of abuse, indicating that children who witness animal cruelty are more likely to be involved in abusive situations. Therefore, making this content accessible to children on platforms such as Facebook is extremely concerning.

While it's difficult to prove a direct link between viewing harmful content and committing illegal acts, there is strong evidence of a connection. Online content can normalise illegal behaviour, offer anonymity, and create communities that encourage such acts, making it more likely for someone to engage in harmful behaviour.

In February 2024, a study conducted by Joel Scanlon from the University of Tasmania assessed the effectiveness of the reThink chatbot project. This initiative, a collaboration between the Internet Watch Foundation, the Lucy Faithful Foundation, and Aylo (the parent company of Pornhub), has been operational on the Pornhub website in the UK since March 2022, with data collection continuing until September 2023. The reThink chatbot builds upon previously

successful deterrence messaging campaigns implemented on the site since March 2021, aiming to direct potential offenders to seek assistance from the Lucy Faithful Foundation.

ii. Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:

Service's risk assessment

Question 3:
i. Do you have any comments on our approach to amending the draft Risk Profiles or our proposed risk factors for animal cruelty?
The document could benefit from a clearer distinction between content that encourages, assists, or conspires to commit animal cruelty, and content that depicts cruelty without these elements. This differentiation could help in better defining the thresholds for illegal content under the Online Safety Act.   Moreover, while larger platforms such as Facebook, are rightly emphasised throughout the document due to their popularity reach, smaller or niche platforms such as '███████████ ████████████' also harbour concentrated communities engaging in illegal activities. A more detailed exploration of risks on smaller platforms could enhance the overall risk profile. The current risk approach that Ofcom is taking with regards to the size of the U2U services, entails that smaller platforms who do not fit the size risk such as those forementioned, which host harmful content would be out of scope for certain codes and guidance proposals by Ofcom.   In addition to this, our biggest concern is the spreading of this content on end-to-end encryption sites such as Telegram (where we also hear of much other illegal activity occurring). We are unable to identify where platform such as these will fall into the Online Safety Act despite them being one of the biggest concerns for this type of content.   The document also notes 'recommender systems' as a risk factor but could provide more detailed guidance on how these systems might specifically contribute to the spread of harmful content. For example, algorithms that prioritise engagement could inadvertently amplify animal cruelty content if it generates high user interaction.   While the focus is on mitigating harm, we must ensure that we don't unintentionally limit legitimate content, such as educational material. Our experience has shown that it can be difficult for us to determine what is harmful and what is 'in the public interest,' or 'educational.' Unfortunately, when we raise these concerns to our partners at various social media platforms (i.e. Facebook and YouTube), we are rarely faced with a clear-cut answer. For this reason, clear guidelines on how to distinguish between harmful content and content that serves public interest (like exposing cruelty) should be provided.
ii. Please provide the underlying arguments and evidence that support your views.
The Report Harmful Content (RHC) service is designed to escalate content issues when the platform itself has not acted. Ideally, Facebook should be removing such content based on direct reports from clients, rather than relying on our escalation process. Since November 2023,

we have seen a significant increase in reports related to monkey abuse. The RHC service has successfully escalated and facilitated the removal of 94% of the reported content, which amounts to 359 individual links.

Despite our efforts to encourage clients to report harmful content directly to the platforms first, many have had to resort to using the RHC service. This is often because their initial reports do not result in the removal of the content, even though it involves extremely abusive material, such as videos of monkeys being burnt alive, held in hot water on a stove, or beaten by adults.

Unfortunately, by the time the videos reach us for review, they have often already been viewed by thousands of people, including young children. For example, one client was particularly concerned because her 13-year-old son came across one of these videos through a recommendation on his homepage. The content caused him considerable distress. Strong age verification measures are therefore necessary to ensure that children do not have access to inappropriate and harmful content.

| iii. | Is this response confidential? (if yes, please specify which part(s) are confidential) |

Response:

Question 4:

| i. | Are the draft Risk Profiles for illegal content sufficiently clear in presenting the relationships between the risk factors and the risk of harm posed by animal cruelty content? |

While the profiles identify relevant risk factors, the specific mechanisms by which these factors lead to harm could be more detailed. For example, the profiles mention that social media platforms are a risk factor for the spread of animal cruelty content. However, this could delve deeper into how algorithms that prioritise engagement might amplify the visibility of such content, and therefore increase harm.

The profiles could place greater emphasis on how repeated exposure to harmful content, or the presence of multiple risk factors, can lead to more significant or long-term damage. Additionally, the profiles could explore indirect harms, such as how witnessing animal cruelty online might lead to future perpetration of similar acts.

| ii. | Please provide the underlying arguments and evidence that support your views. |

Our service has shown that animal cruelty content is shared on large social media platforms, some of which have millions of followers, since November 2023 we have actively escalated 359 pieces of animal torture on Facebook for removal. In addition to this, the Social Media Animal Cruelty Coalition (SMACC) also reported that social media platforms were used to post animal cruelty videos, which gained significant views. Similarly, messaging services were found to facilitate the sharing of extreme animal cruelty content, often in private or encrypted groups such as Telegram. Studies by organisations like Lady Freethinker and SMACC have also highlighted that perpetrators use private groups and messaging services to avoid detection while conspiring to commit animal cruelty. The BBC investigation into monkey torture rings further confirmed that these groups communicate through encrypted messaging, making it difficult for authorities to intervene.

The document cites studies indicating that exposure to animal cruelty is deeply damaging, causing distress and even promoting violent behaviour in some individuals. For instance, research noted by SMACC shows that people who repeatedly view such content can become desensitised, leading to further harm

iii.	Is this response confidential? (if yes, please specify which part(s) are confidential)

Response:

Question 5:

i.	Do the draft Risk Profiles for illegal content include the risk factors that are most strongly linked to the risk of harm posed by animal cruelty content?

While many important factors are included, there are a few additional factors that could be considered to ensure that the most strongly linked risk factors are fully captured.

The profiles correctly identify social media and video-sharing platforms as significant risk factors due to the amount of harmful content that they can spread. Messaging platforms, particularly those with encryption, are also rightly highlighted as risks due to their use in sharing content privately and avoiding detection. These platforms are where most user-generated content is shared and where harmful behaviour can proliferate quickly. Social media algorithms that prioritise engagement can inadvertently amplify this content.

The ability to post, repost, and livestream content, as well as the use of group messaging, are accurately identified as functionalities that significantly increase the risk of harm. These functionalities facilitate the rapid spread of content and enable communities of bad actors to coordinate and amplify harmful behaviour. Livestreaming, in particular, is a high-risk functionality as it allows real-time engagement and can lead to more severe impacts on viewers.

The profiles could also include consideration of cultural and regional factors that influence the production and consumption of harmful content. Some regions may have different attitudes toward animal cruelty, which can affect how content is created and shared. Tailoring risk mitigation strategies to specific cultural contexts can improve their effectiveness, as what works in one region may not be as effective in another.

ii.	Please provide the underlying arguments and evidence that support your views.

Countries vary in how they define and prosecute animal cruelty, while some countries have laws protecting animals from abuse, others have minimal or no protections. This could create differences in how platforms address content related to animal cruelty. The majority of monkey abuse videos we see, seem to stem from people in Asian countries where laws may differ.

For example, we have strict laws against animal cruelty, including provisions for the miss-treatment of pets and wildlife. Therefore, online platforms should be expected to quickly remove content showcasing animal cruelty. However, many countries either lack clear animal welfare laws or fail to enforce existing regulations. This could make it easier for animal cruelty content to flourish online, as platforms face little legal pressure to remove such content in these regions.

iii.   Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:

The Illegal Content Judgements Guidance (ICJG)

i.   Do you agree with our proposals? Please provide the underlying arguments and evidence that inform your view.

The inclusion of non-priority offences, especially concerning content related to human and animal torture, closes potential loopholes where harmful content could otherwise remain online. This approach ensures a more comprehensive protection for users from exposure to deeply harmful content.

The document does provide some differentiation between what constitutes encouraging, assisting, or conspiracy, mainly through examples. For instance, a live stream where viewers are aware of the cruelty might be considered a conspiracy, while sharing content with the intent to incite others could be seen as encouraging. However, the distinctions between these categories are not deeply explored or clearly outlined in separate sections.

The guidance does not provide a detailed framework for service providers to distinguish between these actions in practical terms easily. Unfortunately, the focus appears to be more on the impact of the content (whether it leads to harm) rather than the specific legal nuances between conspiring, encouraging, and assisting.

In many instances, the animal cruelty content originates from regions where practices like keeping monkeys as pets are legal, which complicates the process of removing such content globally. Therefore, when removal is not possible due to the content being legal in its country of origin, we recommend that the content be blocked from being accessible within the UK. This would protect UK users from exposure to harmful content that contravenes UK laws and ethical standards, ensuring that the guidance effectively mitigates the risks associated with cross-border content.

ii.   Please provide the underlying arguments and evidence that support your views.
Please see evidence in response to question 5, ii.
iii.   Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:

i.   Do you consider the guidance to be sufficiently accessible, particularly for providers with limited access to legal expertise?

The guidance appears to be quite comprehensive, but its accessibility, particularly for providers with limited legal expertise, may be a concern. The document includes detailed legal

frameworks, risk assessments, and specific offenses like animal cruelty and torture, which require an understanding of complex legal concepts. For providers without in-house legal teams or access to legal expertise, the language and the depth of legal detail might be challenging.

However, the guidance does try to mitigate this by providing structured sections, summaries, and proposed steps that providers can take. It also includes resources like the "Illegal Content Judgements Guidance," which could help providers understand what constitutes illegal content. However, the document might still be difficult for providers with limited legal background to fully grasp and implement without external legal support.

In summary, while the guidance is thorough, its accessibility might not be sufficient for providers without this expertise. Simplified explanations or additional support resources might be necessary to make it more accessible to a broader audience.

ii.	Please provide the underlying arguments and evidence that support your views.

The document delves into detailed legal concepts and frameworks, such as the Online Safety Act's requirements, priority and non-priority offenses, and specific laws like the Animal Welfare Act 2006 and the Communications Act 2003. For example, section 3 discusses the intricacies of priority versus non-priority offenses and how these relate to providers' duties. These legal distinctions require a solid understanding of UK law, which might be beyond the capacity of providers without legal expertise.

iii.	Is this response confidential? (if yes, please specify which part(s) are confidential)

Response:

Question 8:

i.	What do you think of our assessment of what information is reasonably available and relevant to illegal content judgements?

The assessment in the guidance is well-founded, providing clear, practical instructions while acknowledging the complexity of making illegal content judgments. The balance between legal requirements and the practical realities faced by service providers is a key strength of the guidance. However, the complexity of the information might still pose challenges for providers without legal expertise, suggesting that additional support or simplified explanations could further enhance accessibility.

ii.	Is this response confidential? (if yes, please specify which part(s) are confidential)

Response: