

## Summary

- The Online Safety Bill is a vital opportunity to protect children from a wide range of harms online.
- Harmful content poses a serious risk to children's mental health, and their understanding of consent and healthy relationships.
- It is essential that the Bill is **not delayed** and that **age verification is enforced as soon as possible**, to prevent children stumbling upon violent and extreme pornography.
- As the Bill stands, content that is not permitted on DVD can still be published online. We urge MPs to **correct this inconsistency** to better protect children by ensuring that commercial pornography companies remove harmful, violent and abusive content from their sites.
- Given the growing danger posed by gangs, we are also calling for **child criminal exploitation** to be named as an offence in the Bill, alongside child sexual abuse.

## 1. Implementing age verification for pornography sites

- In 2015/16 pornography was accessed 1.4 million times by UK children every month. That number is likely to be higher now due to the increase in time spent online during and post pandemic. Therefore, at the very minimum over the next three years **children could be accessing pornography over 50 million times.**<sup>1</sup>
- Barnardo's frontline services say children they support are watching pornography depicting illegal acts, violence and child sexual abuse. We see first-hand that watching this content harms children's mental health and can normalise aggressive, coercive and harmful sexual activity.
- Barnardo's frontline workers say some children are even copying acts they have seen in pornographic videos, despite feeling uncomfortable or scared. Some children see these acts as an expected part of a relationship, rather than identifying it as abusive.
- The British Board of Film Classification (BBFC) has found that children are stumbling on pornography online from as young as seven. Their study also shows that half of 11 to 13-year-olds have seen pornography at some point. This rises to two-thirds of 14 to 15-year-olds and four in five 16- to 17-year-olds.<sup>2</sup>
- We are pleased that following representations from Barnardo's and other organisations, Part 5 of the Online Safety Bill now includes the following duty<sup>3</sup> **to ensure that children are not normally able to encounter content that is regulated provider pornographic content in relation to the service (for example, by using age verification).**
- On the 31<sup>st</sup> March, we published an open letter to pornography sites viewed in the UK asking them to work together to keep children safe from their content by implementing age verification as soon as possible and to do much more to remove illegal and harmful content from their platform. This letter was supported by a range of organisations and

<sup>1</sup> 2015, Digital Economy Act Consultation, DCMS

<sup>2</sup> <https://www.bbfc.co.uk/about-us/news/children-see-pornography-as-young-as-seven-new-report-finds>

<sup>3</sup> Online Safety Bill, Page 60 (68/2)

individuals including Women’s Aid, NSPCC and the Children’s Commissioner for England as well as a range of MPs. To date we have over 400 signatories to the letter.

<sup>4</sup> You can sign our letter [here](#).

- **We recommend that this legislation is passed and enacted as soon as possible to ensure that children are protected at the earliest possible opportunity.**

## 2. Regulating pornography content

- We are extremely concerned that Page 20 of the Online Safety Bill’s risk assessment<sup>5</sup> states that pornographic website publishers do not need to implement the same safety measures as other websites.

Duty	All UGC services	Category 1	Category 2A	Category 2B	Pornography publishers <sup>76</sup>
<b>Risk assessment duty:</b> to assess the level of risk on the platform	✓	✓	✓	✓	✗
<b>Illegal duty:</b> to put in place systems and processes to minimise and remove priority illegal content and to remove non-priority illegal content when identified through user reporting.	✓	✓	✓	✓	✗
<b>Child safety duty:</b> If the platform is likely to be accessed by children, to put in place systems and processes to protect children from harmful content.	✓	✓	✓	✓	✗
<b>Legal but harmful duty:</b> to address legal but harmful content accessed by adults, through enforcing a platform’s own terms of service.	✗	✓	✗	✗	✗

- Research from leading academics has found that many commercial pornography sites have ‘depictions of practices that meet criminal standards of sexual violence, including rape, incest and [image-based sexual abuse, known as] so-called ‘revenge porn,’ (and) are labelled in ways that not only minimise or remove their criminality, but often mock or belittle the possibility of harm.’<sup>6</sup>
- Extreme pornography is defined in legislation and includes ‘explicit and realistic’ images of rape and serious violence. This content is illegal to possess in the UK but is still found on many commercial pornography sites. We also believe that other content which the BBFC refuses to classify for DVD/Blu-ray should not be accepted online. This includes depictions of sexual violence that fall short of the legal definition of extreme pornography, material that promotes an interest in sexually abusive activity, and acts likely to cause serious physical harm.
- Barnardo’s recently commissioned YouGov polling where almost **70 per cent of UK adults (69%) agree that this extreme pornography which would be illegal on DVD should also be illegal online.** This compares to just 10% who disagree.<sup>7</sup>
- Police and practitioners are also concerned about the number of young men who have developed an interest in child sexual abuse material via mainstream online pornography. Experts agree that people watching abuse-themed pornography, which

<sup>4</sup> [Sign our letter to prevent children from accessing violent pornography | Barnardo's \(barnardos.org.uk\)](#)

<sup>5</sup> <https://publications.parliament.uk/pa/bills/cbill/58-02/0285/onlineimpact.pdf>

<sup>6</sup> Sexual violence as a sexual script in mainstream online pornography, Fiona Vera-Gray, Clare McGlynn, Ibad Kureshi, Kate Butterby - 2021

<sup>7</sup> [Almost 70% of UK adults support tighter controls on online pornography content | Barnardo's \(barnardos.org.uk\)](#)

continues to be widespread on the most watched sites, is making it easier for them to take the next step of watching real abuse of real children.<sup>8</sup>

- As the Bill stands this content will still feature on these sites. **We recommend that the classification guidelines used for pornography material offline are extended to online content too.**

### Case Study

Michael\* aged 15 first started looking at pornography during lockdown. Michael's mum is an essential worker and was working long hours every day, and Michael was left alone. Before the pandemic, Michael was a very active teenager who loved being outdoors and going to the gym. Without normal routine to occupy him and being away from trusted adults at school, he spent more and more time online as many children did. One day he went for a bike ride and exposed himself to a much older woman and made sexually suggestive comments to her. This led to his arrest and conviction for a sexual offence. Michael was then referred to a Barnardo's service. Michael disclosed that he had been watching an increasing amount of pornography online and was specifically viewing content which portrayed men exposing themselves in public to women. Michael was not identified as a vulnerable child and had not been in trouble before. Michael's actions were directly linked to the harmful pornographic content he had repeatedly been watching. He was embarrassed and ashamed about his actions. After his conviction, his school refused to let him return and his education and potential future employment has drastically suffered. Barnardo's has supported him to re-enter education and will continue to work with him to improve his life chances. (\*Please note name has been changed)

### 3. Protecting children from criminal exploitation, as well as other harm and abuse online

- We welcome the proposed '**duty of care**' on social media companies, and some other platforms that allow users to share and post material, to remove 'harmful content'. This duty rightly includes content that is legal but harmful to users, including children. It is also welcome that child sexual abuse (CSA) is listed as a priority offence in the Bill.
- However, the Bill does not cover another form of abuse: child criminal exploitation. This is where a **child is manipulated or coerced into undertaking criminal activity**. It often takes months or longer for criminal exploitation to be identified, and sometimes the child is criminalised. This is supported by Serious Case Reviews which illustrate that children are often not being safeguarded early enough.<sup>9</sup>
- Children can be exploited as young as seven<sup>10</sup> and the problem is growing: **the number of 'children in need' assessments that identified gangs as a factor increased by 34%** in 2020 compared to 2019.<sup>11</sup>
- During the lockdowns, **our services reported that many criminal gangs adapted their practices and focussed more online.**<sup>12</sup> **There was an increased use of online apps and social media to recruit, and this has continued post pandemic.**
- **The Online Safety Bill is an opportunity to strengthen legislation on online grooming for the purpose of children criminal exploitation (CCE).** Naming CCE on the face of the bill (like CSA is already) removes the need for this to be addressed

<sup>8</sup> [https://www.theguardian.com/global-development/2020/dec/15/how-extreme-porn-has-become-a-gateway-drug-into-child-abuse?fbclid=IwAR0JjgKlZxs6xyvV8ZzYyPmoYKZTpiIF8d\\_cdDGDhww1laVqxWTLmZTu5wU%3E](https://www.theguardian.com/global-development/2020/dec/15/how-extreme-porn-has-become-a-gateway-drug-into-child-abuse?fbclid=IwAR0JjgKlZxs6xyvV8ZzYyPmoYKZTpiIF8d_cdDGDhww1laVqxWTLmZTu5wU%3E)

<sup>9</sup> The Child Safeguarding Practice Review Panel – It was hard to escape – report (publishing.service.gov.uk)

<sup>10</sup> [counting-lives-report.pdf \(childrensociety.org.uk\)](https://www.childrensociety.org.uk/counting-lives-report.pdf)

<sup>11</sup> <https://explore-education-statistics.service.gov.uk/find-statistics/characteristics-of-children-in-need/2020>

<sup>12</sup> ['County lines' drug gangs tracking children via social media | Drugs | The Guardian](https://www.theguardian.com/uk-news/2020/dec/15/counting-lives-report)

in secondary legislation later. Ofcom will then be able to take faster enforcement action against tech firms particularly social media companies which fail to identify and report those attempting to criminally exploit children online.

### **Case Study of a child criminally exploited online**

Jamie\* aged 17, had been approached by an unknown adult on Snapchat. The adult contacted him several times with the offer of work. Jamie initially refused but eventually accepted the job offer due to boredom and isolation during the pandemic. Jamie provided his phone number to the adult. Jamie was contacted on his phone and instructed to meet with a second adult. He was provided with a bike and directed to a third adult who provided him with a package containing drugs. Jamie said he was afraid of the people he had become involved with and feared refusing instructions. He was instructed via phone calls to meet numerous individuals at different locations to deliver drugs. Jamie was searched by police and arrested. He was held in custody overnight without being able to phone his parents. Jamie was interviewed the following day. Jamie's parents moved house during this period to protect him. Approximately 10 months after the incident, Jamie was involved in a traffic incident whilst riding his bike. Police at the scene discovered that he had illegal drugs. Jamie told his parents that his initial traffickers had found him and said he'd accrued a 'drug debt.' Jamie's traffickers told him to pay a considerable sum upfront or deliver illegal substances to pay off the debt. There seemed to be no consideration that he may have been trafficked or exploited and no referral to the National Referral Mechanism (NRM). Had a referral been submitted for assessment, he would have been identified as being exploited much earlier. A referral was finally made several months after Jamie's initial arrest. He is now being supported by Barnardo's. (\*Please note the name has been changed)

### **Suggested questions to the Secretary of State:**

1. Does the Secretary of State agree with Barnardo's that age verification must be implemented as soon as possible, and would she support a time limit to enforce pornography platforms to introduce it at the earliest opportunity?
2. What assessment has the Secretary of State and her department made on the amount of illegal and harmful pornographic content on commercial pornography sites? Does she agree that not including them in many of the safety measures set out for other websites is a dangerous, missed opportunity?
3. What consideration has the Secretary of State given to extending the British Board of Film Classification guidelines for commercial pornography DVDs to online pornography content?
4. Whether the Secretary of State will consider adding Child Criminal Exploitation to the list of specific offences in the Online Safety Bill?

### **About Barnardo's**

Barnardo's is the UK's largest national children's charity. In 2020/21, we reached 382,872 children, young people, parents and carers through our 791 services and partnerships across the UK. Our goal is to achieve better outcomes for more children. To achieve this, we work with partners to build stronger families, safer childhoods and positive futures. For more information contact Emma James, Senior Policy Adviser Barnardo's on [emma.james2@barnardos.org.uk](mailto:emma.james2@barnardos.org.uk)