



Online Safety

General Election 2017 Policy Paper

Background

CARE is very concerned about the implications of easy access for children to pornography, some of it hard-core, through internet connected devices and mobile phones.



Research published in 2016 revealed that 53 per cent of 11-16 year olds have seen online pornography, and 34 per cent continue to view it once a week or more often.ⁱ Earlier research found that in just one month (December 2013) 44,000 primary school age children (6-11 years old) in the UK had visited an adult website from a PC or laptop, and even greater numbers of older children had done so. In total one in twenty UK visitors to an adult website during that month was underage.ⁱⁱ

CARE is concerned that accessing pornography can have a damaging impact on young people's social development and wellbeing affecting their attitudes to sex, relationships and their perception of themselves. Research has indicated that viewing pornography can lead to the development of unrealistic and negative attitudes to sex and relationships. A report for the Children's Commissioner for England in 2013 concluded that "*access and exposure to pornography affect children and young people's sexual beliefs... Maladaptive attitudes about relationships; more sexually permissive attitudes; greater acceptance of casual sex; beliefs that women are sex objects; more frequent thoughts about sex... Pornography has been linked to sexually coercive behaviour among young people and, for young women, viewing pornography is linked with higher rates of sexual harassment and forced sex.*"ⁱⁱⁱ A 2015 review found that much of the available research reveals that girls experience pressure to have the ideal body type and operate "*in an environment where hyper-sexual femininity is normative*".^{iv}

CARE is concerned principally about two online dangers:

- First, accessing inappropriate material. In some cases children will deliberately seek out inappropriate material. This is a particular issue for boys in relation to pornography. In other cases children will accidentally stumble on adult content that they might find interesting or distressing but which in either case is not good for them.
- Second, online behavioural challenges which include cyber bullying, sexting, and grooming.



These two challenges need to be dealt with in different ways.

CARE argues that a key part of the solution for dealing with inappropriate material is the introduction of an opt-in system. This would be delivered by requiring internet service providers and mobile phone operators to provide users with an internet free from adult content, such as pornography, but with the option for anyone to opt-in to access this content subject to a quick age verification process demonstrating that they are 18 years or over.

Although filtering technology is improving all the time, it is not perfect and so it is vital that a robust opt-in system includes the provision of a mechanism for quickly dealing with the inappropriate blocking of sites. If someone feels their site has been blocked in error they should be able to appeal to OFCOM who should be required to quickly adjudicate ordering, when appropriate, the unblocking of the site in question.

CARE argues that better education for children and parents is essential to dealing with online behavioural challenges such as cyber bullying and sexting.

Blocking technology cannot deal with online behavioural problems and better education cannot be relied upon to deal with the problem of children deliberately wanting to seek out adult content like pornography which is why we need both.

Online Safety in the 2010-2015 Parliament

CARE worked closely with Baroness Howe of Idlicote who tabled four Online Safety Bills during the 2010-2015 Parliament. All these Bills have proposed the two-pronged strategy of an opt-in strategy to protect children from adult content through mandatory filters and age verification and better education to deal with online behavioural challenges. These Bills all played a significant role in pressing the Government to take action on this issue.



Three significant reports were published during this period and played an important role in the development of policies in this area. The first was an inquiry into the sexualisation of childhood conducted by Reg Bailey of the Mother's Union at the request of the Government. His report published in June 2011 recommended - among many other things - that parents be required to make an 'active choice' about whether or not to install child protection filters, so that no parent would not have filtering because they were not aware of the option.^v In April 2012, Claire Perry MP published the findings of her Independent Parliamentary Inquiry into Online Child Protection. It argued that 'ISPs should be tasked with rolling out single account network filters for domestic broadband customers that can provide one click filtering for all devices connected to a home internet connection within 12 months.' It also promoted the opt-in principle proposed by Baroness Howe's Bill, calling on the Government to make this the subject of a public consultation.^{vi} Later that year the Department of Education launched a public consultation on parental internet controls.^{vii} The Government's response to the consultation was initially quite weak and the subject of much criticism.^{viii}

The Government's position developed over the coming year with the Prime Minister David Cameron actively engaging with the issue by asking the Internet Service Providers to adopt, on a



voluntary basis, a more robust process for setting up adult content filters described as ‘default-on’ whereby parents would be required to make a choice about applying filters, but if they sought to bypass the choice then the filters would be applied by default.^{ix}

The voluntary ‘default on’ arrangement between the big four ISPs came into effect on 1 January 2014.

The third significant report published during this period (in March 2014) was the ATVOD (Authority for Video on Demand) report, ‘For Adults Only? Underage access of adult porn’ that highlighted children’s access to pornography online and in particular the sizable amount of video content streamed over the internet.^x Although the Government failed to respond to the central concern raised by the ATVOD report, namely overseas sites making hard-core porn available in the UK, new legislation was introduced to regulate ‘video on demand’ material hosted within the UK. The Audiovisual Media Services Regulations 2014 prohibit video on demand services from within the UK streaming material that has been refused an R18 certificate (a classification for pornographic material) by the British Board of Film Classification and require proper age verification procedures ensuring that no one under 18 can see R18 material.

Online Safety in the 2015-2017 Parliament

During the last parliament there were some important steps forward in relation to improving online safety. Several reforms CARE called for have been introduced through the Digital Economy Act 2017 which passed just before parliament dissolved for the election.

The Digital Economy Act introduces mandatory age-verification safety procedures for all websites containing pornographic material (as is already the case for online gambling sites). CARE was pleased to work with MPs on amendments to strengthen the power of the new regulator during the course of debates on the Act. The law now gives powers to a new regulator to require Internet Service Providers to block access to websites that do not put the necessary age-verification mechanisms in place. The regulator also has the power to notify financial companies and others providing ancillary services to these websites encouraging them not to provide services to websites that do not meet the age verification requirements. Significantly the age-verification requirements and the enforcement powers will apply to all websites serving viewers in the UK whether or not they are based here. Since most pornographic material is streamed into the UK from websites based overseas this is important for the law’s effectiveness.

The new regulator can also take action against websites containing a narrow range of extreme pornography. This material cannot be provided to anyone of any age. However, this category of pornography is much narrower than what is prohibited for sale offline or through video on demand services. It means that the regulator will not have power to require ISPs to block websites containing quite violent material and even some computer-generated or drawn images.

CARE is concerned that these changes will mean harmful, hard-core pornography will continue to be accessible online. In time there is also likely to be pressure for the limits of what is acceptable offline to be widened to match. The Digital Economy Act requires a review of the online limits and we are continuing to campaign for stricter regulation of online pornography.

Regarding filters, unfortunately the Government rejected suggestions that ISPs should be required to provide adult content filters that are turned on by default. However, it did respond to concerns that new EU legislation on net-neutrality might prohibit the current voluntary arrangement, by including a clause expressly giving ISPs the power to impose family-friendly filters if they choose to so in accordance with terms and conditions agreed to by the customer.^{xi}

Also during this Parliament the House of Lords Communications Committee conducted an extensive inquiry into Children and the Internet. Published in March 2017 during the passage of the Digital Economy Act, the report “Growing up with the Internet” made a number of recommendations for improving the protection of children online.^{xii} Among the recommendations were recommendation for minimum standards for child-friendly design especially in relation to privacy, data collection, and mechanisms for reporting complaints or harmful content. The Committee also recommended that there should be minimum standards for child-friendly filters including that they should be on by default (but with mechanism to prevent “over blocking”) and that all ISPs should put them in place.

Online Safety in the coming Parliament – pressures for change

The next Parliament will be a critical time for the implementation of the Digital Economy Act 2017.

In particular, we want to see the Government putting the new age verification regime in place as soon as possible. Reviewing the categories of hard-core pornography that are prohibited and can be blocked by ISPs must also be a priority in the new parliament. The Digital Economy Act requires a review after the law has been in force for 12 months, but CARE believes that these concerns should be considered at an earlier stage.



It will also be important that the Government continues to work with mobile and internet service providers encouraging them to put family-friendly filters in place on a voluntary basis so that this is the case for all ISPs not just the “big four”. If necessary, the Government should consider further legislative action if necessary.

Key questions for candidates

1. Do you agree that promoting a voluntary approach to filtering amongst some internet service providers and mobile phone operators is inadequate?
2. Would you support the introduction of statutory default adult content filters that can be lifted only as requested by an adult?
3. Will you support the implementation of the age verification measures in the Digital Economy Act and work to see enforcement of the measures reach as many websites as possible?



4. Do you agree that violent pornography can have a damaging effect not only on children, but also for relationships, families and efforts to reduce violence against women?
5. Do you agree that the standards for control of pornography should be the same online as offline?

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- i E. Martellozzo et al '...I wasn't sure it was normal to watch it...' Report for the Children's Commissioner of England and the NSPCC June 2016
<http://www.childrenscommissioner.gov.uk/sites/default/files/publications/MDX%20NSPCC%20OCC%20pornography%20report%20June%202016.pdf>
 - ii Authority for Television on Demand (ATVOD) For Adults Only – Underage Access of Internet Porn 28 March 2014 http://cdn.basw.co.uk/upload/basw_35413-10.pdf
 - iii M. Horvath et al Basically...porn is everywhere – A Rapid Evidence Assessment of the effects that access and exposure to pornography have on children and young people, (2013), pages 7 and 8, produced for the Children's Commissioner for England
<https://kar.kent.ac.uk/44763/>
 - iv S. Livingstone and J. Mason, Sexual rights and sexual risks among youth online, A review of existing knowledge regarding children and young people's developing sexuality in relation to new media environments, Sonia Livingstone and Jessica Mason, Sept 2015, pages 23 and 24
[https://www.cois.org/uploaded/Documentation/For Consultants and Supporting Organisations/Affiliated Consultants/Spotlight/Susie March - Review on Sexual rights and sexual risks among online youth.PDF](https://www.cois.org/uploaded/Documentation/For%20Consultants%20and%20Supporting%20Organisations/Affiliated%20Consultants/Spotlight/Susie%20March%20-%20Review%20on%20Sexual%20rights%20and%20sexual%20risks%20among%20online%20youth.PDF)
 - v The Bailey Review, page 22.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/175418/Bailey_Review.pdf
This proposal closely reflected amendments that CARE had worked with Baroness Howe on during the 2005-10 Parliament on the then Digital Economy Bill calling for filtering options to be presented prominently to parents the time of purchasing internet access and throughout the duration of their contract.
 - vi The Independent Parliamentary Inquiry into Online Child Protection, page 8.
<http://www.claireperry.org.uk/downloads/independent-parliamentary-inquiry-into-online-child-protection.pdf>
 - vii <https://www.gov.uk/government/news/parents-asked-if-adult-websites-should-be-blocked>
 - viii The Government's Response to the Consultation on Parental Internet Controls
<http://webarchive.nationalarchives.gov.uk/20130903121526/http://media.education.gov.uk/assets/files/pdf/c/20130122%20gov%20response%20to%20parental%20internet%20controls.pdf>
 - ix D. Cameron, Nothing matters more than keeping our children safe, Daily Mail 20 December 2012
<http://www.dailymail.co.uk/news/article-2250905/DAVID-CAMERON-Nothing-matters-keeping-children-safe.html>
 - x ATVOD 28 March 2014 Op.Cit.
 - xi Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union
 - xii House of Lords Select Committee on Communications Growing up with the internet HL Paper 130 21 March 2017