

Barnardo's Parliamentary briefing Backbench Business Debate: Joint Committee report on the Draft Online Safety Bill in the House of Commons - Thursday 13 January 2022

Summary

- Barnardo's welcomes the thorough and detailed report from the Joint Committee on the draft Online Safety Bill. It rightly responds to strong concerns voiced by Barnardo's and others about the **omission of commercial pornography from proposed regulation – leaving children at risk of harm.**
- **Viewing pornography** – often extreme and violent – **distorts children's understanding of healthy relationships** and can normalise abusive sexual behaviour.
- The Joint Committee recommends that pornography sites should be under legal duties to keep children off, them regardless of whether they host user-to-user or commercial content. Their report states *'whilst there is a case for specific provisions in the Bill relating to pornography, we feel there is more to be gained by further aligning the Bill with the Age Appropriate Design Code'*.
- Barnardo's recommends that **the provisions to protect children from viewing pornography go much further than the recommendations in the Joint Committee's report.**
- In order to keep children safe and protected, we believe it is vital that these **legal duties are specified in primary legislation rather than being left to secondary legislation and regulations.** The duties should also be explicit that sites must implement mandatory **age verification.**
- A **Child Impact Assessment of the Bill** and its provisions is also needed to fully understand how children will be affected.
- **Children cannot afford to wait any longer** for these measures to be implemented and as a society we can no longer afford to compromise on their safety or protection.

1. The impact of pornography on children

- Barnardo's has long been concerned about the impact of exposure to pornography. After working closely with the Government on the content, we were extremely disappointed when Part 3 of the Digital Economy Act was never enacted. This decision not to introduce age verification, has meant that for more than three years, and continuing today, thousands of children can still easily access harmful and often extreme pornography, and this will continue unless the Online Safety Bill is amended.
- The British Board of Film Classification has said 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.**¹
- Additionally, the Ofsted Review into peer-on-peer abuse in schools in response to testimonies on the Everyone's Invited website, found that 'the prevalence of children and young people seeing explicit material they do not want to see and

¹ <https://www.bbfc.co.uk/about-us/news/children-see-pornography-as-young-as-seven-new-report-finds>

being pressured to send 'nudes' is a much wider problem than schools can address'. **Ofsted research showed that 90% of girls and nearly 50% of boys** surveyed said they were frequently or sometimes being sent explicit photos or videos.²

- Barnardo's frontline workers say that children are participating in acts they have seen in pornographic videos, despite feeling uncomfortable or scared. They said some children see these acts as an expected part of a relationship and believe if they feel otherwise then there must be something wrong with them, rather than identifying it as abusive. Frontline workers say some children do not recognise that their own sexual behaviour can be unhealthy.
 - **More than a quarter (26%)** of Barnardo's frontline workers who responded to a recent survey had **supported vulnerable children who had accessed pornography**.
 - **Nearly a third (32%) of workers** said it had led to the children they support developing **unrealistic expectations of sex and relationships**.
 - **28%** said it **led to children displaying inappropriate sexualised behaviour**.
 - Nearly a **quarter (22%)** said underage viewing of pornography negatively affected **mental health and wellbeing**.
 - **12%** said it **normalised abusive or exploitative behaviour**.³

2. Age Verification

Age assurance is an umbrella term for both age verification and age estimation. Age assurance includes methods that have various degrees of certainty. Age verification however, refers to the process of determining someone's age by checking against trusted data, such as a driving licence or passport. Age verification requires much more than just ticking a box and provides a much higher degree of accuracy of the user's age. **This is why it is crucial that the Online Safety Bill introduces requirements for commercial pornography as well as user generated pornography to specifically implement age verification or face sanctions from the regulator.**

Age verification technologies are improving every day. They can operate at scale and in a way that respects privacy. While not a silver bullet, they are effective in preventing young children from stumbling across online pornography as they do currently, provided it is applied to all pornography sites and not just those offering user-generated content.

In December, Barnardo's brought together a coalition of charities and organisations to write a joint letter to the Secretary of State, Rt Hon Nadine Dorries MP to express our concerns about the need to include a specific clause in the Bill on mandatory age verification for all sites containing pornographic material. The letter stated that the Bill needs to specifically include the following:

- **Mandatory age verification** measures for **all sites containing pornographic** material

² <https://www.gov.uk/government/publications/review-of-sexual-abuse-in-schools-and-colleges/review-of-sexual-abuse-in-schools-and-colleges>

³ Barnardo's Frontline Workers Survey 2021

- **Illegal content such as pornography** featuring child abuse or Violence Against Women and Girls in it **must not be allowed to be uploaded onto sites**. Taking it down after days or weeks after countless viewings is just not acceptable.
- **Harmful but legal content such as content depicting self-harm or glorifying suicide must be fully defined in the Bill** to ensure that children are not continuing to be exposed to it.
- **Extending Ofcom's powers** to include regulation of commercial pornography sites which do not implement safety by design and age verification.
- **An end to the two-tier categorisation of sites** which cannot be future-proofed as new sites can gain significant child viewers in a short time (Clause 26 of the Bill requires that a 'significant' number of children use a service before the highest protections are put in place).

These measures must be implemented as soon as possible in order to protect children at the earliest opportunity.

Suggested questions for the Minister:

1. Whether the Online Safety Bill will undergo a Child Impact Assessment?
2. What assessment has the Minister made of both France and Germany introducing compulsory age verification for adult content online?
3. Whether the Minister will meet with me, Barnardo's and other Children's charities to discuss mandatory age verification measures for all sites containing pornographic material?
4. What assessment has the Minister made about extending Ofcom's powers to include regulation of commercial pornography sites which do not implement safety by design and age verification?
5. What reassurance can the Minister provide to Barnardo's and other children's charities that the Bill will result in a measurable improvement in the protection of children from online pornography?

About Barnardo's - Barnardo's is the UK's largest national children's charity. Our ambition is to achieve better outcomes for more children by building stronger families, safer childhoods and positive futures. In 2020/21 we supported around 358,800 children, young people, parents and carers through over 800 services. In addition, we host the [Centre of Expertise on Child Sexual Abuse](#) which reaches 1000s of professionals through its training and research and the [National FGM Centre](#), a partnership between Barnardo's and the Local Government Association, which works with professionals and in communities to educate and prevent FGM.

Through our direct support to children and young people in our services across the UK, we know that children are facing online grooming, coercion and threats from adults and other children on a daily basis.

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