



## ONLINE SAFETY BILL AND PORNOGRAPHY THE CASE FOR A REVISED PART 5

### Summary

1. We the above organisations, in partnership with John Carr, OBE, Secretary, Children's Charities' Coalition on Internet Safety (CHIS) welcome the return of the Online Safety Bill (OSB)<sup>1</sup> to Parliament, which represents an important step forward in making the internet safer for children in the UK.
2. However, we are concerned that the Bill does not go far enough to protect children from pornographic content. Part 3 of the Digital Economy Act was supposed to strengthen the regulation of online pornography, including by introducing age verification to prevent children from accessing pornographic content, and to address the disparity between offline and online content standards. However, while this legislation was passed by Parliament, it was not commenced – leaving millions of children vulnerable to accessing harmful pornographic content.
3. The Online Safety Bill is not as strong as the Digital Economy Act was on pornography. This briefing presents the case for redrafting Part 5 of the OSB to address this. It proposes that:
  - all pornography websites and social media platforms should be required to implement within six months of the Bill becoming law **the same** robust age verification (AV) to prevent children from accessing pornographic content;
  - there is one definition of pornographic content, which is consistent with regulation of Video on Demand (VoD) services;
  - online pornographic content is regulated in the same way as offline content i.e. that for DVD/ BluRay. Currently, the Bill waters down measures already enacted under the Digital Economy Act Part 3 but never implemented, which applied the same rules across the board;
  - all pornographic sites have to ensure all actors featuring in their content have provided age verification to prove they are over the age of 18.

### Introduction

4. We welcome the commitment from the Government to making the UK the safest place for children to be online. The OSB is a vital opportunity to protect children from a wide range of online harms.

<sup>1</sup> Bill page for the Online Safety Bill <https://bills.parliament.uk/bills/3137/publications>

5. However, the OSB does not go far enough to tackle harms to children caused by unfettered access to pornography, and damaging content which pervades mainstream sites, which would be illegal offline for DVD and BluRay.
6. Research by the British Board of Film Classification (BBFC) found that children are coming across pornography online from as young as seven, with 51% of 11-to-13-year-olds having seen pornography at some point.<sup>2</sup> Many children's first experience of viewing pornography is accidental.<sup>3</sup> This access is damaging children's mental health and warping their perceptions of healthy relationships. On 25 November 2022, the Children's Commissioner for England said, "*I share others' concerns that pornography is fundamentally changing how young people understand relationships, consent, and intimate relationships.*"<sup>4</sup>
7. Harmful pornographic content also promotes violence against women and girls. The Government's 2021 Tackling Violence against Women and Girls Strategy reported that the "*Call for Evidence showed a widespread consensus about the harmful role of violent pornography can play in violence against women and girls, with most respondents...agreeing that an increase in violent pornography has led to more people being asked to agree to violent sex acts ...and to more people being sexually assaulted.*"<sup>5</sup>
8. The Appendix to this briefing sets out more evidence of the harm of pornography.

## The Current Structure of the Bill

9. We believe that the current drafting of the OSB **needs reform to tackle the challenges** raised by pornography content because:
  - a) The Bill's definition of pornographic content in clause 70 is too broad and not consistent with provisions regulating other media.
  - b) It creates two separate regulatory regimes for pornography; one for content produced by providers (Part 5) and another for content uploaded by users (Part 3). Part 3 does not name pornography as a harm on the face of the Bill, but the Ofcom Roadmap has indicated that it is likely that it will be included as a harm under secondary legislation,<sup>6</sup> which will take until early 2025 to implement.<sup>7</sup>
  - c) There are no consistent expectations on AV between Parts 3 and 5 since the former will be regulated by a "Code of Practice" (Chapter 6 of Part 3), but the latter will be regulated by Guidance (clause 73).
  - d) It includes a dangerous loophole by allowing Part 3 pornography sites to argue AV measures would have a disproportionate cost (clause 9(9)(b)). In clauses 3(5) and 71(4) there is a further loophole on scope: to fall under the Bill's provisions services must either have "a significant number of UK users" or the UK users form "one of the target markets for the service (or the only target market)." Pornography sites may argue that they do not meet this requirement.

<sup>2</sup> BBFC, 2019. 'Children see pornography as young as seven, new report finds', <https://www.bbfc.co.uk/about-us/news/children-see-pornography-as-young-as-seven-new-report-finds>

<sup>3</sup> The Guardian, 2020. 'Porn survey reveals extent of UK teenagers' viewing habits', <https://www.theguardian.com/culture/2020/jan/31/porn-survey-uk-teenagers-viewing-habits-bbfc>

<sup>4</sup> Research into the impact of pornography on children, Children's Commissioner for England, 25 November 2022, <https://www.childrenscommissioner.gov.uk/2022/11/25/29032/>

<sup>5</sup> *Tackling Violence against Women and Girls Strategy*, HM Government, July 2021, page 35

<sup>6</sup> Online Safety Bill: Roadmap to regulation, Ofcom, 6 July 2022, page 18

<sup>7</sup> Ibid, pages 16 and 17. The Ofcom Roadmap to Regulation said in July that the Codes would be issued in late 2024 but that was on the basis that the Bill would be passed in early 2023 and that timetable has now been delayed.

- e) It does not achieve the goal of ensuring that there is parity with existing regulation of content. There should be parallels between the regulation of video works, VoD services and services within the scope of the OSB.
- f) There is no clear deadline for implementation. Experience of the implementation of AV under Part 3 of the Digital Economy Act 2017 (DEA) demonstrated that no clear roadmap to implementation on the face of the bill allows for repeated delay and potentially abandoning plans altogether. AV has already faced unconscionable delays since 2017 and then the decision not to commence Part 3 in 2019, has resulted in millions of children continuing to access hardcore, violent pornographic content without AV and the harms that are inflicted as a result (see Appendix).

### Clear definition of pornography on the face of the Bill

10. Clause 70(2) defines pornographic content as being “*of such a nature that it is reasonable to assume that it was produced solely or principally for the purpose of sexual arousal.*” We believe this definition leaves room for debate as to whether a service needs AV. It needs to be completely clear what falls within scope so there is no wiggle room for protecting children.
11. When similar regulation was introduced for Ofcom to regulate adult content on VoD services,<sup>8</sup> the Government adopted definitions based on the guidelines used by the BBFC to regulate video works. The latest list of regulated VoD services shows that it includes adult services, including 100% Forbidden, Barely Legal TV, Ukpornparty, XXX Mums.<sup>9</sup> Some pornographic content providers are already regulated by Ofcom, this regulation should apply to the providers of all services and content accessed in the UK.
12. The same basis for a definition of pornographic content was also used in the DEA so that it covered material that either had or would be expected to get an 18 or R18 classification or so extreme not to get a classification.<sup>10</sup> The DEA also contains a section (not brought into effect) which would require VoD services to extend their AV to content equivalent to an 18 classification.<sup>11</sup>
13. In Q2 of 2022, 67% of all UK households had a subscription to a VoD service.<sup>12</sup> Whilst VoD services will fall outside of the scope of the OSB,<sup>13</sup> given the prominence of VoD services in UK homes and the inclusion of adult services within the VoD framework, **the importance of ensuring parity of regulation across platforms should be a key principle.** We recommend that Part 5 of the OSB is amended to include **a definition of pornographic content, based on section 15 of the DEA.**<sup>14</sup>

### All online pornography should come under the same regulatory regime

14. The current drafting of the OSB’s regulation of pornography is fragmented, confusing and inconsistent. The type of service hosting the pornography results in the content falling under different (sometimes multiple) regulatory regimes. What regulation a service is subject to depends on the service’s size and

<sup>8</sup> Section 386E, Communications Act 2003 [Communications Act 2003 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2003/386E)

<sup>9</sup> Ofcom, [Service Provider Contact List - October 2022 \(ofcom.org.uk\)](https://www.ofcom.gov.uk/consult/condocs/serviceprovider/serviceprovider_contact_list_october_2022.pdf)

<sup>10</sup> BBFC Classification Guidelines, 2019,

[https://darkroom.bbfc.co.uk/original/a2109fba273d7dfc461f7c5c633ab3d:301f793713865776d4b4150fdc2f2971/bbfc-classification\\_guidelines.pdf](https://darkroom.bbfc.co.uk/original/a2109fba273d7dfc461f7c5c633ab3d:301f793713865776d4b4150fdc2f2971/bbfc-classification_guidelines.pdf)

<sup>11</sup> Section 94, Digital Economy Act 2017, [Digital Economy Act 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2017/94)

<sup>12</sup> Ofcom, [Media nations: UK 2022](https://www.ofcom.gov.uk/consult/condocs/mediations/uk_2022/uk_2022.pdf), August 2022, page 2

<sup>13</sup> Online Safety Bill, [Impact Assessment](https://www.legislation.gov.uk/bills/2022/online-safety-bill/impact-assessment), March 2022, see para 28 and Table 14, page 42; also see Part 5 of the [Bill](https://www.legislation.gov.uk/bills/2022/online-safety-bill) - section 67(6)

<sup>14</sup> Section 15, Digital Economy Act 2017, <https://www.legislation.gov.uk/ukpga/2017/30/section/15>

functionality. Those with user-generated content (UGC) fall under Part 3, with the biggest UGC sites facing additional Category 1 regulations. Sites with solely provider published pornography content are under Part 5. Although it is welcome that Part 5 has closed the loophole that excluded commercial pornographic sites from the Bill, the way that the Bill is structured leads to certain inconsistencies, outlined above.

15. This is problematic for several additional reasons:

- Porn sites without UGC have no duty to ensure the legality of the material they host, although they could be subject to prosecution if they include material that is listed in the Bill as child sexual exploitation and abuse offences or priority offences under Schedules 6 and 7, respectively. The concerns about this issue are more fully set out in the Appendix.
- The production of professional pornography is poorly regulated and there is a high risk of trafficking, underage actors, coercion and extreme illegal content.<sup>15</sup> Porn sites with UGC classified as Category 1 will have no incentive to address content harmful to adults for as long as this content is popular and profitable, since competing smaller sites will not be under the same obligation. There should be a level playing field for all sites.

16. A large porn site with UGC has more in common with a small porn site than it does with, say, Facebook or the BBC news website. Pornographic content is pornographic content regardless of how, where or who publishes it. What the user seeks is content, not the provider, *per se*. Our premise is that **all pornographic content should be subject to the same duties in the interests of consistency and transparency**. Loopholes on a provider's capacity to implement AV should be removed, as should the limits on scope related to the significant number of UK users.

### **Age verification for accessing pornographic content should be robust and speedily implemented**

17. While the inclusion of duties to implement AV is welcome, there cannot be any confusion as to what is expected of the pornography industry; nor can it be left up to the industry to design its own age assurance processes as is implied by Part 3 of the Bill.<sup>16</sup> There should be a consistent approach to enforcement with one code of practice for all pornographic content.

18. Pornography sites are commercially incentivised to resist or ignore AV since their business model depends on maximising the number of visitors to the site. In fact, rather than championing AV on its sites, the pornography giant Pornhub poured its energies into creating its own VPNs which will allow savvy underage users to bypass any controls put in by Internet Service Providers.<sup>17</sup> Furthermore, the pornography industry "*aggressively markets its products to children in a number of ways*", including by "*studying children's common keystroke errors in order to direct them to porn sites, and making pornography based on children's favourite cartoon characters*".<sup>18</sup> This is not an industry which can be trusted to prioritise the protection of children.

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<sup>15</sup> Euronews, 2022. 'Hell behind the scenes: French senators present a damning report on the porn industry', [Hell behind the scenes: French senators present a damning report on the porn industry | Euronews](#)

<sup>16</sup> Clause 11(3)(a) requires action to "prevent children of any age from encountering...content that is harmful to children (for example, by using AV, or another means of age assurance)

<sup>17</sup> The Telegraph. 2018. 'Porn sites offer loopholes to get around web ban as BBFC admits it is powerless to stop tech savvy teens' <https://www.telegraph.co.uk/news/2019/04/18/porn-sites-offer-loopholes-get-around-web-ban-bbfc-admits-powerless/> and The Verge, 2018, <https://www.theverge.com/2018/5/24/17382144/pornhub-launches-vpn-vpnhub>

<sup>18</sup> Collective Shout, 2018. 'Parents Vs The Porn Industry Isn't A Fair Fight, Collective Shout', [Parents Vs The Porn Industry Isn't A Fair Fight - Collective Shout](#)

19. A re-drafted Part 5 should require all pornography websites with UK users that host content that falls under the above definition to implement independent, standardised AV with minimum standards in a manner that is approved by Ofcom, so that regulated services are satisfied beyond reasonable doubt that a user is 18 years or over. We need to specify an outcome-based standard for age checks to prevent sites applying weak, inaccurate, untested age estimation algorithms that will allow many underage users access to their content.
20. The current drafting of the Bill makes frequent reference to Ofcom taking into account “the size and capacity” of the service when it determines the extent of the measures a site should apply to protect children. Measures should be applied in proportion to the risk of harm to children posed by a site, not in proportion to the site’s financial capacity, nor the impact on its revenues of these basic protections for children. This drafting is designed to reassure the wider tech sector that it will not face undue costs of compliance, but there is no place for this concession when it comes to pornographic content - if sites cannot afford to implement protection for children from exposure to adult content, they should not be permitted to publish that material at all. Allowing this dimension of proportionality to apply to pornography creates an enormous loophole in the legislation which at best will delay enforcement for particular sites while it is litigated, and at worst, disable regulatory action completely.
21. It is essential that AV is implemented as swiftly as possible after Royal Assent. AV was supposed to be implemented under the Digital Economy Act. As a result of the decision not to implement Part 3 of the Act, children have had unfettered access to pornographic content. AV therefore needs to be implemented as swiftly as possible. We are proposing that Ofcom must prepare and issue a code of practice within four months of Royal Assent and that AV should be implemented within six months. As the definition of pornography and requirements for AV are similar to those in the DEA, and what many VoD pornographic content providers already implement, most online providers subject to the OSB should be ready to implement AV within 6 months.

### **Pornographic content that is illegal offline should be illegal online**

22. The OSB sets out a list of offences that are considered priority offences which cause harm (Schedules 6 and 7). Part 3 providers must ensure that their content does not include such material. Part 5 providers could be prosecuted themselves if this material is on their site.<sup>19</sup>
23. Under the Video Recordings Act 1984, the BBFC has responsibility for classifying pornographic content to ensure that it is not illegal and does not depict child sexual abuse material, incest, trafficking, torture and harmful sexual acts.<sup>20</sup> In the UK, it is against the law to supply pornographic material that does not meet the established BBFC classification standards for 18 and R18 material.<sup>21</sup>
24. However, in the online world, there is no equivalent standard because the internet has evolved without equivalent regulatory oversight. The Bill must rectify this and ensure that **all** services remove pornographic content that would:
- be an offence under Schedules 6 and 7;

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<sup>19</sup> OSB, Public Bill Committee, 14 June 2022, col 435

<sup>20</sup> Material refused a classification in 2020 included depiction of soldiers sexually abusing, raping and torturing prisoners (*Annual Report 2020*, pages 38-9). Similar non-consensual sex scenes were refused classification in 2021 (*Annual Report 2021*, page 42).

<sup>21</sup> Section 9, Video Recordings Act 1984, <https://www.legislation.gov.uk/ukpga/1984/39/section/9>



- fail to attain an R18 certificate by including a duty to remove so-called “prohibited material” to the same standards as VoD services under the Communications Act 2003.

This would **create parity between online and offline content standards** for pornographic content, thus ensuring that content that is prohibited offline is prohibited online. Thus, bringing the Bill in line with the Government’s public commitment to ensure that whatever is illegal offline should be illegal online.<sup>22</sup>

25. This requirement would include removing videos depicting sexual activity with actors or characters who look like children: petite, young-looking performers made to look underage through props such as stuffed toys, lollipops and school uniforms and sexual activity between family members, particularly step-families. Content such as this, normalises children as objects of sexual desire, driving the demand for ‘real’ child sexual abuse material and in some cases can lead to online and offline abuse.<sup>23</sup> In 2019, one of the most frequent search terms on Pornhub was ‘teen’,<sup>24</sup> and in 2021, ‘step-mom’ was the 7th most searched term on Pornhub worldwide.<sup>25</sup>
26. Although commercial pornography sites such as Pornhub have banned certain search tags and depictions such as ‘children’ and ‘underage’, CEASE have found content that clearly suggests that videos which depict sexual activity with children remain prevalent, including the Pornhub search tags ‘young’, ‘virgin’, ‘exxxtrasmall’, and ‘barely legal’.<sup>26</sup> This reiterates how willing pornography sites are to host illegal videos, in this case child sexual abuse material, and how poorly enforced the law is when it comes to the pornography industry.
27. Evidence shows that the excessive consumption of this legal pornographic material can result in offenders viewing illegal child sexual abuse material, and even going on to contact and abuse children. As increasingly extreme pornography becomes available on mainstream sites, the threshold of what is ‘acceptable’ is lowered, legitimising further deviant behaviour.<sup>27</sup> Chief Constable Simon Bailey told the Independent Inquiry into Child Sexual Abuse that users of pornography may ‘*spiral*’, seeking more and more extreme pornography to get sexual stimulation, including child sexual abuse material.<sup>28</sup>
28. Evidence shows that those who watch illegal material online are at high risk of going on to contact or abuse a child directly. In a survey on the thoughts and behaviours of people who watched child sexual abuse material online, 42% of respondents to the survey said that they had sought direct contact with children through online platforms.<sup>29</sup> In a recent Barnardo’s survey of children and young people supported by Barnardo’s, 37% of respondents reported that they had been contacted online by someone they didn’t know who made them feel worried or scared, including 9% who said this had happened many times.<sup>30</sup>

<sup>22</sup> [Online Safety Bill - Hansard - UK Parliament](#)

<sup>23</sup> CEASE, 2021. ‘Expose Big Porn: Uncovering the online commercial pornography industry and the urgent need for regulation’, [https://cease.org.uk/wp-content/uploads/2021/07/210607\\_CEASE\\_Expose\\_Big\\_Porn\\_Report.pdf](https://cease.org.uk/wp-content/uploads/2021/07/210607_CEASE_Expose_Big_Porn_Report.pdf)

<sup>24</sup> The Police Foundation, 2017. ‘Turning the tide against online child sexual abuse’ [turning the tide FINAL-.pdf \(police-foundation.org.uk\)](https://www.policefoundation.org.uk/turning-the-tide-FINAL-.pdf)

<sup>25</sup> Pornhub 2021 Insights, <https://www.pornhub.com/insights/yir-2021>

<sup>26</sup> CEASE, 2021. ‘Expose Big Porn: Uncovering the online commercial pornography industry and the urgent need for regulation’, [https://cease.org.uk/wp-content/uploads/2021/07/210607\\_CEASE\\_Expose\\_Big\\_Porn\\_Report.pdf](https://cease.org.uk/wp-content/uploads/2021/07/210607_CEASE_Expose_Big_Porn_Report.pdf)

<sup>27</sup> The Guardian, 2020. ‘How extreme porn became a gateway drug into child abuse’, [https://www.theguardian.com/global-development/2020/dec/15/how-extreme-porn-has-become-a-gateway-drug-into-child-abuse?fbclid=IwAR0RNhkf90kvrHvwF5zf7\\_Upfnw5zzWt4RqliEYrMZ\\_YSKPyuoXNUCuH4U](https://www.theguardian.com/global-development/2020/dec/15/how-extreme-porn-has-become-a-gateway-drug-into-child-abuse?fbclid=IwAR0RNhkf90kvrHvwF5zf7_Upfnw5zzWt4RqliEYrMZ_YSKPyuoXNUCuH4U)

<sup>28</sup> Independent Inquiry Child Sexual Abuse, October 2022, <https://www.iicsa.org.uk/reports-recommendations/publications/inquiry/final-report>

<sup>29</sup> Risk Factors for Child Sexual Abuse Material Users Contacting Children Online: Results of an Anonymous Multilingual Survey on the Dark Web [Risk Factors for Child Sexual Abuse Material Users Contacting Children Online | Journal of Online Trust and Safety \(tsjournal.org\)](https://www.tsjournal.org/)

<sup>30</sup> Unpublished, Barnardo’s Your Voice Matters survey provisional findings

## **Age Verification for Actors in Pornographic Content**

29. There is currently no way of ensuring that performers in pornographic content (either commercially produced or user-to-user) are over 18, beyond assurances by pornography sites.
30. The Bill must rectify this and put a duty on all pornographic sites to ensure that all actors featured in their content have provided age verification to prove that they are over the age of 18.
31. Most content on pornography sites are user-generated, and go through barely any moderation. This results in the sites hosting footage of trafficking, non-consensual sexual violence, and child sexual abuse material.<sup>31</sup>
32. Once pornographic content is uploaded, only the most extreme and obvious illegal and non-consensual content is readily identified and reported. Most video uploads featuring trafficked and exploited individuals are camouflaged against masses of similar-looking content.<sup>32</sup>
33. Nichols Kristof wrote in The New York Times that ‘the moderators fast forward through videos, but it’s often difficult to assess whether a person is 14 or 18, or whether torture is real or fake’.<sup>33</sup>
34. The recent high-profile detention of Andrew Tate in Romania has highlighted the link between pornography and trafficking.<sup>34</sup>

## **Conclusion**

35. We recommend that the Online Safety Bill bring all regulation of pornography, including UGC, under a redrafted Part 5, which will result in more comprehensive regulation, as well as speedier implementation of AV, by:
  - including a revised definition of pornographic content based on Part 3 of the DEA;
  - requiring all pornography websites that host content that fall under the above definition, to implement independent, standardised AV;
  - creating parity between online and offline content standards for pornographic content;
  - ensuring swift implementation of AV with deadlines set out in the Bill;
  - ensuring all pornography actors have provided age verification to prove they are over the age of 18.

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<sup>31</sup> CEASE, 2021. ‘Expose Big Porn: Uncovering the online commercial pornography industry and the urgent need for regulation’, [https://cease.org.uk/wp-content/uploads/2021/07/210607\\_CEASE\\_Expose\\_Big\\_Porn\\_Report.pdf](https://cease.org.uk/wp-content/uploads/2021/07/210607_CEASE_Expose_Big_Porn_Report.pdf)

<sup>32</sup> CEASE, 2021. ‘Expose Big Porn: Uncovering the online commercial pornography industry and the urgent need for regulation’, [https://cease.org.uk/wp-content/uploads/2021/07/210607\\_CEASE\\_Expose\\_Big\\_Porn\\_Report.pdf](https://cease.org.uk/wp-content/uploads/2021/07/210607_CEASE_Expose_Big_Porn_Report.pdf)

<sup>33</sup> New York Times, Nichols Kristof, 2020. The Children of Pornhub <https://www.nytimes.com/2020/12/04/opinion/sunday/pornhub-rape-trafficking.html>

<sup>34</sup> BBC News, 20220. Andrew Tate detained in Romania over rape and human trafficking case <https://www.bbc.co.uk/news/world-europe-64122628>

## **APPENDIX: EVIDENCE OF THE HARMS OF PORNOGRAPHY**

### *The content*

1. A staggering number of videos hosted by major porn websites are either illegal (such as representations of rape) or represent horrific forms of sexual abuse and exploitation. For example, major mainstream pornography websites contain videos of adults role-playing sexual violence, incest, rape, coercion, abuse and exploitation - particularly directed towards women and children.<sup>35</sup>

### *Impact on the behaviour of children*

2. Accessing harmful pornographic content from a young age is having very real impacts on children. A survey of Barnardo's frontline practitioners in 2021 found that 26% of practitioners had supported vulnerable children who had accessed pornography, with this impacting children's mental health and wellbeing.<sup>36</sup> This includes children like George,<sup>37</sup> who has been supported by a Barnardo's Harmful Sexual Behaviour Service. George is now 17 and has experienced significant trauma in childhood. He has a history of viewing pornography involving BDSM and torture and has an ongoing desire to continue to watch pornography of this nature. He has fantasies of sexually harming younger girls.
3. A survey by the NSPCC and the Children's Commissioner for England found that 44% of boys aged between 11 and 16 who regularly viewed pornographic content reported that it gave them ideas about the type of sex that they wanted to try.<sup>38</sup>
4. In their 2020 report on young people's use of pornography, the BBFC found that "*Beyond creating unrealistic expectations of sex, some young people felt pornography had actually affected their expectations of, and behaviour during, sex, particularly in the copying of "rough" or "forceful" sex seen in pornography.*"<sup>39</sup>

### *Adults abusing children*

5. Online pornography which depicts sexual activity with adult performers pretending to be children normalises children as objects of sexual desire and drives the demand for 'real' child sexual abuse material.<sup>40</sup>
6. Evidence shows that the excessive consumption of some legal pornographic material can result in offenders viewing illegal child sexual abuse material. As increasingly extreme pornography becomes available on mainstream sites, the threshold of what is 'acceptable' is lowered, legitimising further deviant

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<sup>35</sup> CEASE, 2021. 'Expose Big Porn: Uncovering the online commercial pornography industry and the urgent need for regulation', [https://cease.org.uk/wp-content/uploads/2021/07/210607\\_CEASE\\_Expose\\_Big\\_Porn\\_Report.pdf](https://cease.org.uk/wp-content/uploads/2021/07/210607_CEASE_Expose_Big_Porn_Report.pdf)

<sup>36</sup> Unpublished, Barnardo's Quarterly Practitioners Survey, 2021.

<sup>37</sup> Please note that all names have been changed

<sup>38</sup> NSPCC, Children's Commissioner and Middlesex University London, 2017. "'I wasn't sure it was normal to watch it': A quantitative and qualitative examination of the impact of online pornography on the values, attitudes, beliefs and behaviours of children and young people." [MDX- NSPCC-OCC-Online-Pornography-Report.pdf](https://www.nspcc.org.uk/what-we-do/research-and-evidence/online-pornography-report/) ([childrenscommissioner.gov.uk](https://www.childrenscommissioner.gov.uk))

<sup>39</sup> Young people, Pornography & Age-verification, BBFC, January 2020, page 46. [BBFC-Young-people-and-pornography-Final-report-2401.pdf](https://www.bbfc.co.uk/media/BBFC-Young-people-and-pornography-Final-report-2401.pdf) ([revealingreality.co.uk](https://revealingreality.co.uk)) Note that this research contains graphic sexual content and pornographic language

<sup>40</sup> CEASE, 2021. 'Expose Big Porn: Uncovering the online commercial pornography industry and the urgent need for regulation'. [https://cease.org.uk/wp-content/uploads/2021/07/210607\\_CEASE\\_Expose\\_Big\\_Porn\\_Report.pdf](https://cease.org.uk/wp-content/uploads/2021/07/210607_CEASE_Expose_Big_Porn_Report.pdf)



behaviour.<sup>41</sup> Chief Constable Simon Bailey told the Independent Inquiry into Child Sexual Abuse that users of pornography may ‘*spiral*’, seeking more and more extreme pornography to get sexual stimulation, including child sexual abuse material.<sup>42</sup>

7. Interviews with offenders who viewed child sexual abuse material in the UK (which is illegal) indicate that most had not intentionally sought out child sexual abuse material, but that it was the result of ‘entrenched pornography use’ and spiralling online behaviour,<sup>43</sup> with initial engagement with child sexual abuse material being incidental rather than purposeful.<sup>44</sup> See paragraphs 22 and 23 above setting out research on effects.
8. The Lucy Faithfull Foundation support men like Peter, who was arrested for engaging in sexual communication with a child online, including sending explicit images of himself and requesting self-generated sexual images from a child. Peter explained to the Lucy Faithfull Foundation that he had begun viewing legal adult pornography online about 10 years prior, and that his behaviour had escalated quickly to sexual chat with adults, and then sexual communication with children of varying ages, mostly pubescent girls. Peter disclosed that the severity and frequency of his online behaviour had escalated during lockdown.<sup>45</sup>
9. Pornographic content that depicts sexual activity with ‘child-like’ performers or between step-family members can impact children. As long as harmful, abusive content remains online, children will be able to access it. Children like Elizabeth,<sup>46</sup> a 15-year-old girl supported by Barnardo’s who has been sexually abused by a much older relative for a number of years. Elizabeth turned to pornography to try and understand her own sexual abuse, however the content she found on pornography sites depicted older relatives having sex with young girls and the girls enjoying it. It wasn’t until she disclosed her abuse that she realised that it was not normal.

#### *Impact on violence against women and girls*

10. In a 2019 survey of 2002 women conducted for Radio 5 Live, women reported differing levels of violence during sex.<sup>47</sup> Of these incidents, 53% were reported as unwanted, some, most or all of the time they occurred; 20% reported that the experiences left them feeling upset or frightened at least once; 42% of the women felt pressured, coerced or forced some, most or all of the time they occurred.<sup>48</sup> In February 2020, a similar survey was conducted with 2049 men asking them similar questions. 57% of the men said that they were influenced by pornography either to some extent or a great deal. 20% said “*a great deal*”<sup>49,50</sup>
11. In 2021, the Government published frontline research and a literature review into the use of legal pornography and its influence on harmful behaviours and attitudes towards woman and girls, which concluded “... *there is substantial evidence of an association between the use of pornography and*

<sup>41</sup> The Guardian, 2020. ‘How extreme porn became a gateway drug into child abuse’, [https://www.theguardian.com/global-development/2020/dec/15/how-extreme-porn-has-become-a-gateway-drug-into-child-abuse?fbclid=IwAR0JqKIZxs6xyvV8ZzYyPmoYKZTpilF8d\\_cdDGdHww1laVqxWTLmZTu5wU%3e](https://www.theguardian.com/global-development/2020/dec/15/how-extreme-porn-has-become-a-gateway-drug-into-child-abuse?fbclid=IwAR0JqKIZxs6xyvV8ZzYyPmoYKZTpilF8d_cdDGdHww1laVqxWTLmZTu5wU%3e)

<sup>42</sup> Independent Inquiry Child Sexual Abuse, October 2022, <https://www.iicsa.org.uk/reports-recommendations/publications/inquiry/final-report>

<sup>43</sup> The Police Foundation, 2017. ‘Turning the tide against online child sexual abuse’, [turning the tide FINAL-.pdf \(police-foundation.org.uk\)](https://www.policefoundation.org.uk/turning-the-tide-against-online-child-sexual-abuse/final-report)

<sup>44</sup> Lucy Faithfull, 2020/21 Annual Report, [LFF Annual Report 2020 2021.pdf \(lucyfaithfull.org.uk\)](https://www.lucyfaithfull.org.uk/annual-report-2020-2021)

<sup>45</sup> *Ibid*

<sup>46</sup> Please note all names have been changed.

<sup>47</sup> BBC News, 2019. ‘A man tried to choke me during sex without warning’, <https://www.bbc.com/news/uk-50546184>

<sup>48</sup> See Q1, Q2, Q3, Q4, from data tables <https://comresglobal.com/polls/bbc-radio-5-live-womens-poll-november-2019/>

<sup>49</sup> See Q1\_1, Q1\_2, Q1\_3, Q1\_4, Q1\_5, Q5, from data tables <https://comresglobal.com/polls/bbcs-disclosure-and-radio-5live-survey-of-men/>

<sup>50</sup> See also BBC News, 23 March 2020 ‘*I thought he was going to tear chunks out of my skin*’,

*harmful sexual attitudes and behaviours towards women.*<sup>51</sup> A worker is quoted saying, “On PornHub, you don’t have to look in the rough sex category to get rough sex, there are just standard videos of men having sex with women and grabbing them by the throat.”<sup>52</sup>

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<sup>51</sup> Government Equalities Office, 2020. [The relationship between pornography use and harmful sexual attitudes and behaviours: a literature review](#)

<sup>52</sup> Government Equalities Office, 2020. [The relationship between pornography use and harmful sexual behaviours: a primary research report](#)