

Your response

Volume 2: The causes and impacts of online harm

Ofcom's Register of Risks

Question 1:

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

Response: Yes. Please see next answer.

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

Response: Note: We are responding to the section on the sexual exploitation of adult offences only.

Page 180 states that "online sex work has improved [sex workers'] safety, enabling them to screen potential clients, and allowing them to work more independently." Similar claims are repeated several times throughout the consultation documents.

This claim is backed up by a reference to the 2018 Beyond The Gaze (BTG) Study. We believe this study is misleading for several reasons. Firstly it was not restricted to those engaged in in-person prostitution, but included "sex workers of all genders who use the internet for their work". Meaning that as well as surveying and interviewing those engaged in prostitution, they surveyed and interviewed others who were engaged in webcamming, phone sex, modelling, and exotic dance, which carry very different risks from in person prostitution – and to which the laws against inciting and controlling prostitution do not apply.

The BTG study says that 85% of the "sex workers" interviewed agreed or strongly agreed with the statement that the internet "facilitated monitoring enquires and screening clients". There are two problems with this: 1. We don't know how many of the 545 were actually involved in prostitution and 2. Monitoring enquiries is very different from screening clients for the risk they might pose when meeting them in private for paid sex.

We all know that the internet has revolutionised monitoring enquiries, booking appointments and so on. But all of the women we know who have been advertised on prostitution advertising websites say that the screening and safety features are practically non-existent and this is inevitable when the punters have anonymity and nothing can tell you in advance whether a given man will become abusive or violent behind closed doors with a woman who has no clothes on.

These websites provide a review feature – along the lines of Airbnb where punters can review advertisers and vice versa. However, there is a built-in imbalance of power, because whereas the

advertiser has to show government approved photo ID, the punter does not. This means that if he gets a bad review, he can simply make another profile – whereas if she gets a bad review, she can't. This means the review features currently do not provide meaningful screening.

Many, perhaps most, adverts carry the advertiser's phone number and this is visible to anyone anywhere on the internet without the need to log in – meaning the sites provide no screening at all for punters who make contact with the advertiser without logging in.

These websites do not provide payment facilities for in person prostitution. Those payments are typically made in person and in cash. Most punters use burner phones and non-traceable email accounts to arrange bookings so that they cannot be traced. Research on men who buy sex shows that their anonymity (often euphemistically referred to as "privacy") is paramount.

All the women we know who have been advertised on these websites vehemently dispute claims that these sites provide any real features for screening punters. In fact, they say that by providing anonymity to punters, they skew the balance of power in his favour and therefore **increase the risk** to the women advertised.

Page 178 states that "victims and survivors may suffer from threats of physical abuse, rape and sexual violence." This is a curious wording. Women involved in prostitution do not just suffer **THREATS** of abuse and violence. There is extensive evidence that in fact they suffer from a staggering incidence of abuse, rape and violence – mostly perpetrated by the punters whose anonymity these websites go to such lengths to protect. For example, in 2022 Mark Brown was convicted of the murder of two women he met through AdultWork, where he was a registered user.

We therefore dispute Ofcom's claim that websites that enable the advertising of prostitution provide safety features for women involved in prostitution and we are dismayed that Ofcom appears to have given no real consideration to the safety of the women and others advertised on these sites. We believe that **AT THE VERY LEAST**, websites that host prostitution adverts should:

1. Require punters to register using government approved photo ID;
2. Ban the display of contact details to users who have not logged in with a registered account backed by government approved photo ID; and
3. Require third-parties who place advertisements for others to log in with a registered account backed by government approved photo ID.

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

Response: No

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.

Response: Yes. Please see our response to the previous question.

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

Response: No

Volume 3: How should services assess the risk of online harms?

Governance and accountability

Question 3:	
i)	Do you agree with our proposals in relation to governance and accountability measures in the illegal content Codes of Practice?
Response:	
ii)	Do you think we have missed anything important in our analysis? Please provide evidence to support your answer.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 4:	
i)	Do you agree with the types of services that we propose the governance and accountability measures should apply to?
Response:	
ii)	Please explain your answer.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 5:	
i)	Are you aware of any additional evidence of the efficacy, costs and risks associated with a potential future measure to requiring services to have measures to mitigate and manage illegal content risks audited by an independent third-party?
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 6:

i) Are you aware of any additional evidence of the efficacy, costs and risks associated with a potential future measure to tie remuneration for senior managers to positive online safety outcomes?

Response:

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

Response:

Service's risk assessment

Question 7:

i) Do you agree with our proposals?

Response:

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

Response:

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

Response:

Specifically, we would also appreciate evidence from regulated services on the following:

Question 8:

i) Do you think the four-step risk assessment process and the Risk Profiles are useful models to help services navigate and comply with their wider obligations under the Act?

Response:

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

Response:

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

Response:

Question 9:

i) Are the Risk Profiles sufficiently clear?

Response:

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

Response:

iii) Do you think the information provided on risk factors will help you understand the risks on your service?

Response:

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

Response:

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

Response:

Record keeping and review guidance

Question 10:

i) Do you have any comments on our draft record keeping and review guidance?

Response:

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

Response:

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

Response:

Question 11:

i) Do you agree with our proposal not to exercise our power to exempt specified descriptions of services from the record keeping and review duty for the moment?

Response:

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

Response:

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

Response:

Volume 4: What should services do to mitigate the risk of online harms

Our approach to the Illegal content Codes of Practice

Question 12:

- i) Do you have any comments on our overarching approach to developing our illegal content Codes of Practice?

Response:

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

Response:

Question 13:

- i) Do you agree that in general we should apply the most onerous measures in our Codes only to services which are large and/or medium or high risk?

Response:

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

Response:

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

Response:

Question 14:

- i) Do you agree with our definition of large services?

Response:

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

Response:

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

Response:

Question 15:	
i)	Do you agree with our definition of multi-risk services?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 16:	
i)	Do you have any comments on the draft Codes of Practice themselves?
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 17:	
i)	Do you have any comments on the costs assumptions set out in Annex 14, which we used for calculating the costs of various measures?
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Content moderation (User to User)

Question 18:	
i)	Do you agree with our proposals?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Content moderation (Search)

Question 19:	
i)	Do you agree with our proposals?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Automated content moderation (User to User)

Question 20:	
i)	Do you agree with our proposals?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 21:	
i)	Do you have any comments on the draft guidance set out in Annex 9 regarding whether content is communicated 'publicly' or 'privately'?
Response:	
ii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Do you have any relevant evidence on:

Question 22:	
i)	Accuracy of perceptual hash matching and the costs of applying CSAM hash matching to smaller services;
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.

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

Question 23:
i) Ability of services in scope of the CSAM hash matching measure to access hash databases/services, with respect to access criteria or requirements set by database and/or hash matching service providers;
Response:
ii) Please provide the underlying arguments and evidence that support your views.
Response:
iii) Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:

Question 24:
i) Costs of applying our CSAM URL detection measure to smaller services, and the effectiveness of fuzzy matching for CSAM URL detection;;
Response:
ii) Please provide the underlying arguments and evidence that support your views.
Response:
iii) Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:

Question 25:
i) Costs of applying our articles for use in frauds (standard keyword detection) measure, including for smaller services;
Response:
ii) Please provide the underlying arguments and evidence that support your views.
Response:
iii) Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:

Question 26:

- i) An effective application of hash matching and/or URL detection for terrorism content, including how such measures could address concerns around 'context' and freedom of expression, and any information you have on the costs and efficacy of applying hash matching and URL detection for terrorism content to a range of services.

Response:

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

Response:

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

Response:

Automated content moderation (Search)

Question 27:

- i) Do you agree with our proposals?

Response:

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

Response:

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

Response:

User reporting and complaints (U2U and search)

Question 28:

- i) Do you agree with our proposals?

Response:

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

Response:

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

Response:

Terms of service and Publicly Available Statements

Question 29:	
i)	Do you agree with our proposals?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 30:	
i)	Do you have any evidence, in particular on the use of prompts, to guide further work in this area?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Default settings and user support for child users (U2U)

Question 31:	
i)	Do you agree with our proposals?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 32:	
i)	Are there functionalities outside of the ones listed in our proposals, that should explicitly inform users around changing default settings?
Response:	

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

Question 33:

i) Are there other points within the user journey where under 18s should be informed of the risk of illegal content?
Response:
ii) Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:

Recommender system testing (U2U)

Question 34:

i) Do you agree with our proposals?
Response:
ii) Please provide the underlying arguments and evidence that support your views.
Response:
iii) Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:

Question 35:

i) What evaluation methods might be suitable for smaller services that do not have the capacity to perform on-platform testing?
Response:
ii) Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:

We are aware of design features and parameters that can be used in recommender system to minimise the distribution of illegal content, e.g. ensuring content/network balance and low/neutral weightings on content labelled as sensitive.

Question 36:

i) Are you aware of any other design parameters and choices that are proven to improve user safety?
Response:

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

Enhanced user control (U2U)

Question 37:
i) Do you agree with our proposals?
Response:
ii) Please provide the underlying arguments and evidence that support your views.
Response:
iii) Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:

Question 38:
i) Do you think the first two proposed measures should include requirements for how these controls are made known to users?
Response:
ii) Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:

Question 39:
i) Do you think there are situations where the labelling of accounts through voluntary verification schemes has particular value or risks?
Response:
ii) Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:

User access to services (U2U)

Question 40:
i) Do you agree with our proposals?
Response:
ii) Please provide the underlying arguments and evidence that support your views.
Response:
iii) Is this response confidential? (if yes, please specify which part(s) are confidential)

Response:

Do you have any supporting information and evidence to inform any recommendations we may make on blocking sharers of CSAM content? Specifically:

Question 41:

- i) What are the options available to block and prevent a user from returning to a service (e.g. blocking by username, email or IP address, or a combination of factors)?

Response:

- ii) What are the advantages and disadvantages of the different options, including any potential impact on other users?

Response:

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

Response:

Question 42:

- i) How long should a user be blocked for sharing known CSAM, and should the period vary depending on the nature of the offence committed?

Response:

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

Response:

There is a risk that lawful content is erroneously classified as CSAM by automated systems, which may impact on the rights of law-abiding users.

Question 43:

- i) What steps can services take to manage this risk? For example, are there alternative options to immediate blocking (such as a strikes system) that might help mitigate some of the risks and impacts on user rights?

Response:

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

Response:

Service design and user support (Search)

Question 44:	
i)	Do you agree with our proposals?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Cumulative Assessment

Question 45:	
i)	Do you agree that the overall burden of our measures on low risk small and micro businesses is proportionate?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 46:	
i)	Do you agree that the overall burden is proportionate for those small and micro businesses that find they have significant risks of illegal content and for whom we propose to recommend more measures?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Question 47:	
i)	We are applying more measures to large services. Do you agree that the overall burden on large services proportionate?

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

Statutory Tests

Question 48:
i) Do you agree that Ofcom's proposed recommendations for the Codes are appropriate in the light of the matters to which Ofcom must have regard?
Response:
ii) Please provide the underlying arguments and evidence that support your views.
Response:
iii) Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:

Volume 5: How to judge whether content is illegal or not?

The Illegal Content Judgements Guidance (ICJG)

Question 49:

i) Do you agree with our proposals, including the detail of the drafting?

Response: Note: We are responding to the section on the sexual exploitation of adult offences only.

We believe that the assumption set out in 26.243 that you assume that people viewing services dedicated to “sex work” are already engaged in “sex work” is incorrect and misguided. People, particularly children and young adults, are curious about sexual matters. It should be assumed therefore that any service that focuses on “sex work” will attract a significant number of users who are not already involved in it. By definition, the content will normalise and legitimise prostitution and contribute to young people considering it a viable option. And it will also contribute to young men considering buying sex to be of no more consequence than paying for a haircut.

This would violate the requirements of Article 9 of the Palermo Protocol that requires ratifying states to alleviate the factors that make women and children vulnerable to trafficking, including "underdevelopment and lack of equal opportunity" and to "discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking".

At the very least therefore any site that carries prostitution advertisements and listings etc must be behind a robust age verification system that allows access only to people of 18 years or over.

<https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>

ii) What are the underlying arguments and evidence that inform your view?

Response: Please see our response to the previous question.

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

Response: No.

Question 50:

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

Response:

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

Response:

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

Response:

Question 51:

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

Response:

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

Response:

Volume 6: Information gathering and enforcement powers, and approach to supervision.

Information powers

Question 52:	
i)	Do you have any comments on our proposed approach to information gathering powers under the Online Safety Act?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Enforcement powers

Question 53:	
i)	Do you have any comments on our draft Online Safety Enforcement Guidance?
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

Annex 13: Impact Assessments

Question 54:

- i) Do you agree that our proposals as set out in Chapter 16 (reporting and complaints), and Chapter 10 and Annex 6 (record keeping) are likely to have positive, or more positive impacts on opportunities to use Welsh and treating Welsh no less favourably than English?

Response:

- ii) If you disagree, please explain why, including how you consider these proposals could be revised to have positive effects or more positive effects, or no adverse effects or fewer adverse effects on opportunities to use Welsh and treating Welsh no less favourably than English.

Response:

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

Response: