

CARE response to Ofcom Consultation: Protecting children from harms online

Introduction to CARE

1. CARE (Christian Action Research and Education) is a well-established mainstream Christian charity providing resources and helping to bring Christian insight and experience to matters of public policy and practical caring initiatives. CARE advised MPs and Peers during the passage of the Online Safety Act through Parliament and played a similar role during the debates on Part 3 of the Digital Economy Act 2017. CARE is particularly concerned with the impacts of pornography on children and adults. We have campaigned on the need to protect children from accessing pornographic content as well as the impact on violence against women and children caused by addiction to extreme pornographic content. Our responses to this consultation will focus mainly on pornographic content and protecting children from the harms of this particular primary priority content.
2. This submission is not confidential and may be quoted in any response to the consultation.
3. Our Submission focuses on primary priority content, in particular the impact of pornographic content. It is submitted alongside our support for the submission by the Online Safety Act Network to the consultation¹ and the statement of children's charities², which examines the wider context of content harmful to children and makes various proposals, particularly in relation to safety by design.

Volume 2 – Identifying the services children are using - Children's Access Assessments

Do you agree with our proposals in relation to children's access assessments, in particular the aspects below. Please provide evidence to support your view.

Our proposal that service providers should only conclude that children are not normally able to access a service where they are using highly effective age assurance?

4. We agree with the broad principles set out in the consultation that content providers should have highly effective age assurance in place if they host material that is potentially harmful to children, since this is the only objective way to ensure that children are not normally able to access that particular service. Specifically in respect of pornography (and other primary priority content), we agree with proposals AA1 and AA3 (volume 5 page 35) that any content provider that hosts pornographic content must use highly effective age assurance to prevent children from accessing either the entire service (in circumstances where only pornography is hosted by that platform) or encountering pornography (where the platform does not have a principle purpose of hosting primary priority content). However, we have specific concerns about the proposals for implementation of age assurance, set out in volume 5 and annex 10.
5. Firstly, we are concerned with how Ofcom has drafted the guidance in annex 10 which sets out what constitutes highly effective age assurance and the standard a content provider must meet for age assurance to pass the statutory tests set down by Parliament, specifically we are concerned with the lack of definition as to how age assurance implemented by a particular content provider meets the statutory standard of highly effective. **Without a clear definition of what meets this statutory test, platforms will not be operating in a clear and consistent way and some primary priority content providers may be operating at a lower standard compared with others in the industry, potentially giving them an unfair commercial**

¹ Online Safety Act Network 'Response to Ofcom's protection of children consultation' 17th July 2024

² Various Children's Charities 'Joint Statement: Ofcom's Approach to Keeping Children Safe Online' 14th July 2024

advantage. CARE is concerned that the draft codes are merely a minimum to be attained by content providers, rather than setting out a guide to excellence that providers will be expected to build upon. CARE's concerns are expanded upon in our response to volume 5 below, please note, the concerns raised largely reflect issues set out in our consultation response on Part 5 of the Act, which dealt with providers that publish pornographic content.

6. Secondly, CARE is concerned with the proposals contained in the children's access arrangements guidance that a service has 3 months to complete its first access assessment. In paragraphs 2.21 to 2.23 (page 7 Annex A5) the guidance states that part 3 services in existence at the time of the guidance, or services that fall under part 3 of the Act after the guidance is issued (including new services) have a 3-month grace period to make an assessment and either put age assurance in place or undertake the risk assessment process. This 3-month grace period is clearly inappropriate for content that is deemed to be primary priority content, such as pornography. It is expected that part 3 services hosting this material implement age assurance. CARE notes that Schedule 3 of the Act allows for a child access assessment to be completed within 3-months from the date of the guidance being published or the date that the service falls under part 3 of the Act, however this presents a risk for primary priority content and a loophole that could be exploited.
7. It would seem absurd if a similar grace period was given to land based services that sell products which require age assurance. It is inconceivable to believe that a shop selling alcohol, or knives could sell their products to children for 3-months, close their shop and reopen in the premises next door to continue selling these types of products to children, without age assurance being enforced. This is precisely what the children's access assessment guidance allows. **It would be possible, under the guidance, for a part 3 service that hosts user-to-user pornographic content to simply change their domain name every 3 months to avoid the necessity of complying with the statutory age assurance duties.**
8. Clearly Parliament could not have intended for children to be placed at risk online from primary priority content for 3-months. Notwithstanding the provisions of schedule 3 of the Act, CARE would urge Ofcom to examine how the guidance can be drafted to ensure that part 3 services which host primary priority content, are required to implement age assurance from the date of publication of the guidance, or from the date the service falls under part 3/commences its operation.
9. While there may be an argument for existing services that fall under part 3 to avail of a grace period (although it should be noted that the Act received Royal Assent last autumn and part 3 services that host pornography have been well aware of the statutory duty for some time), there is no argument that can be made for services that begin operation after the date of the publication of the guidance to receive a 3-month grace period to carry out the access assessment. The access assessment should be completed **before** the content is made available to the public and if that service hosts primary priority content, then highly effective age assurance **must** be in place from the day the service is made available. CARE accepts that schedule 3 of the Act provides a potential statutory basis for the 3-month grace period, however, if Ofcom does not consider that legally they can take action during that 3-month period, we would strongly recommend that Ofcom highlight the issue to the Secretary of State and urge that the matter be reviewed and necessary regulations put in place.
10. Thirdly, CARE is concerned that the guidance does not include a provision that any age access requirements in a provider's terms and conditions must be complied with or enforced. Many platforms, particularly social media, set a minimum age (e.g. for some social media sites the terms and conditions state that children under 13 cannot set up an account). As noted in paragraph 5.4 of volume 2 (p19) many children seek to bypass this requirement. Age requirements, especially minimum age access requirements, have been set by the platform presumably due to the fact the platform has undertaken a children's access assessment process and determined the material which it hosts or the type of service it provides is not suitable for children below a certain age. If a platform determines children under a certain age should not access content on their platform, **this must be enforced**, and this should be set out in the guidance with a requirement that an age assurance method is used to ensure children below the age stipulated in the terms and conditions do not access the material. There should be penalties for those who do not enforce age restrictions set out in their terms and conditions otherwise these conditions are meaningless and are no reassurance to parents seeking to ensure that their children only access age-appropriate content.

Volume 3: The causes and impacts of online harm to children - Draft Children's Register of Risk

Do you have any views on Ofcom's assessment of the causes and impacts of online harms? Please provide evidence to support your answer.

Do you think we have missed anything important in our analysis?

11. The section setting out the risk of harm from pornographic content represents an accurate account of the main risk factors children face from pornography. However, there are three broad areas that CARE believes need to be expanded in the register of risks to more fully address the risks to children and to ensure that these issues are taken into account when Ofcom is regulating content providers.
 - a. Direct/Group messaging
12. While the consultation document addresses direct messaging (volume 3 page 44) we note that the consultation does not address the specific harms that are prevalent due to end-to-end encryption and the particular risk associated with services that utilise this technology. Content shared by end-to-end encryption potentially poses a threat to children. Any end-to-end encrypted communication, without child safety protection measures included in the design, will result in an unsafe environment and potentially significant harm for children and young people.
13. Obviously, the harm that derives from direct messaging intersects with duties under the Act dealing with illegal harms. By virtue of section 12 of the Sexual Offences Act 2003, it is against the law to cause a child under the age of 16 to view pornography, including showing them photographs depicting sexual activity³ and under section 13 there are offences for children under 18 related to the sharing of images, depending upon the context. Even if the context in which the sharing of images does not reach the threshold of criminal activity, it is nonetheless clear that in all circumstances, the sharing of explicit images by children to children is potentially harmful. Given end-to-end encryption can mask what is being sent (often the service hosting the messaging cannot tell what is being sent), it is clear that this type of messaging can pose a significant risk to children. Services that fall under part 3 must ensure that harm from pornography is not being hidden by end-to-end encryption and that the service is ensuring that children are being kept safe. If a service has end-to-end encryption, they should be placed under a duty to ensure that service is safe for children or take steps to ensure that children are unable to use the part of the service which is encrypted.
14. Children are increasingly sharing intimate images directly with each other, often mirroring what they are seeing in other pornographic content. It is concerning that over 90% of child sexual abuse material (CSAM) is now self-generated by children themselves,⁴ with much of this content being shared by the child over well-known social media messenger functions. Many of those messaging apps are set to include end-to end encryption, without the necessary child safety tools.⁵ Social media messaging sites are now believed to be the primary platform for the distribution of self-generated CSAM.⁶ Since, the origin of many of these images is due to an adult grooming the child, and encouraging the child to send self-generated images, while this is illegal, this issue, along with children sharing images with other children, needs to be addressed more fully in the register of risks setting out harm.
15. The issue of direct messaging is particularly concerning as many children do not appreciate that the sending of self-generated material is a risk, or that the sharing of any pornographic content is potentially a criminal offence under section 13 of the 2003 Act. A 2021 study in Sweden found that half of the teenagers surveyed do not view sending pornographic material as a risk.⁷ Sending self-generated images has become so normalised amongst many teenagers that they do not know the risks until they become victims and subject to harm. This should be reflected more clearly in the register of risks, especially for enabling platforms to educate children about the risk of intimate image sharing and how children can keep themselves safe when using direct messaging.
16. Evidence shows that children who have been harmed or experienced grooming through direct messages are likely to suffer from serious long-term mental health issues such as anxiety, depression, post-traumatic stress, and

³ Sexual Offences Act 2003 [section 12](#)

⁴ MSN News [Over 90% of child sexual abuse content on internet is now 'self-generated'](#). 17th January 2024

⁵ The Guardian [Meta begins rolling out end-to-end encryption across Messenger and Facebook](#) 7th December 2023

⁶ Silicon Republic [Instagram is connecting large paedophile networks, report claims](#) 8th June 2023

⁷ Karlsson, J and Josephson, S ["Everything that is not a yes is a no"](#) ECPAT 2021

suicidal thoughts. This is even more acute if children have been solicited into creating and sharing self-generated images.⁸ Given the particular vulnerability of children, this area of risk needs to be continually monitored and assessed to ensure that all potential ways that grooming can happen online are monitored and assessed by each platform and that the platform prevents harm and educates children, as appropriate, on what the potential harm could be.

b. Artificial Intelligence

17. In section 7.14 of Volume 3 ‘Wider Context to Understanding Risk factors’ the consultation document states: *“Children are often early adopters of new technologies, and generative artificial intelligence (GenAI) models can present risk of harm to children. There is emerging evidence indicating that GenAI can facilitate the creation of content harmful to children, including pornography, content promoting eating disorders, and bullying content, which can be shared online and potentially encountered by children.”* (p251). Given this context, it is surprising that the risk of harm from AI is not set out in more detail in the pornography section of the register of risks. GenAI is included in other sections of the register (e.g. paragraph 7.3.57 (p90) in reference to eating disorder content; paragraph 7.5.85 (p145) in reference to bullying; paragraph 7.10.5 (p298) in reference to search services), CARE is concerned that the risk from AI in respect of pornography is already high and is set to escalate as technology improves. **This should be reflected in the relevant section in the register of risks.**
18. Deepfakes have been available for several years. However, there has been a step-change in the quality and capability of AI models which will enable porn-producers and user-to-user service subscribers, to produce low-cost bespoke content. These image and video creation tools will potentially be available to children to create images themselves since the new development is the ability to create pictures and videos from text inputs rather than manipulation of existing photo material. For instance, it is already clear that AI models like DALL-E can generate photorealistic fake content that synthesises pictures from word descriptions and real content. CARE is extremely concerned about the new opportunities that AI presents to produce “personalised porn”. Platforms such as Porn Pen, a website *“which allows users to customise the appearance of nude AI-generated models — all of which are women — using toggleable tags like “babe,” “lingerie model,” “chubby,” ethnicities (e.g. “Russian” and “Latina”) and backdrops (e.g. “bedroom,” “shower” and wildcards like “moon”). Buttons capture models from the front, back or side, and change the appearance of the generated photo (e.g. “film photo,” “mirror selfie”)”* was reported to be widely available in September 2022.⁹ In November 2023, an article listed the top sites to generate an individual’s own pornographic content.¹⁰ Clearly these platforms are available to children and are potentially significantly harmful.
19. In 2023, the Internet Watch Foundation (IWF) reported its first investigations of child sexual abuse material (CSAM) generated by AI and published a report on AI and CSAM. They report that *“Most AI CSAM found is now realistic enough to be treated as ‘real’ CSAM. The most convincing AI CSAM is visually indistinguishable from real CSAM, even for trained IWF analysts. Text-to-image technology will only get better and pose more challenges for the IWF and law enforcement agencies.”*¹¹ We note that another author said, *“Artificial intelligence algorithms play a key role in the pornography industry and appear to be driving escalation to more violent material, inducing high levels of sexual dysfunction in consumers and creating appetites for viewing child sexual abuse material (CSAM).”*¹² Not only can children be inserted into pornographic content, but these easy to use tools are available to children and young people to create their own images, which can be easily shared.
20. Given the risk, it is clear that service **providers should make it harder for users to create AI pornography**. For instance, OpenAI is working on safety measures before the launch of the text-to-video model, Sora. The safety policy says, *“For example, once in an OpenAI product, our text classifier will check and*

⁸ INHOPE [The impact of online grooming](#) 22nd July 2022

⁹ TechCrunch [‘AI is getting better at generating porn. We might not be prepared for the consequences.’](#) September 2022

¹⁰ ExTech [10 Best AI image generators](#) <https://sextechguide.com/ai/best-ai-porn/> 6 November 2023

¹¹ IWF [How AI is being abused to create child sexual abuse imagery](#) October 2023

¹² Sharpe, M., Mead, D. Problematic Pornography Use: Legal and Health Policy Considerations. *Curr Addict Rep* 8, 556–567 (2021). <https://doi.org/10.1007/s40429-021-00390-8>

reject text input prompts¹³ that are in violation of our usage policies, like those that request extreme violence, sexual content, hateful imagery, celebrity likeness, or the IP of others. We've also developed robust image classifiers that are used to review the frames of every video generated to help ensure that it adheres to our usage policies, before it's shown to the user."¹⁴ Other operators will likely be able to leverage open source models with similar safeguards, but may choose not to introduce safeguards. The risk from GenAI to children is high, we are concerned that this is not fully reflected in the consultation.

21. AI can help pornography sites to tag their content more accurately so it is more accessible to users.¹⁵ This also suggests that they should be able to **use the AI tools to exclude illegal/harmful material** or material that has been produced that is not suitably labelled and could therefore be a helpful tool in enforcement if correctly applied. This potentially beneficial use was highlighted in the Guardian on 5 March 2024 as it was reported that Meta has begun to prevent users searching for certain hashtags which have been used on Instagram to promote sexual violence and exploitation.¹⁶ While AI is something that can be harmful, it could potentially be of benefit, particularly for part 3 services that do not allow pornography as part of the terms and conditions, were users attempt to upload pornographic content in violation of those terms and conditions. AI could be utilised to ensure this type of content is not onboarded to the platform.

c. Audio pornography

22. CARE is concerned with the increased use by, and availability of, audio pornography targeted at and listened to by children. This has not been identified as a potential harm in Volume 3 of the consultation document. Section 236 of the Online safety Act states that ““content” means anything communicated by means of an internet service, whether publicly or privately, including written material or messages, oral communications, photographs, videos, visual images, music and data of any description”.¹⁷ Given audio pornography is a form of oral communication, it is clearly covered by the Act, and should be assessed as a risk to children.
23. While it is unclear as to how widely available audio pornography is, it is a new and expanding genre.¹⁸ It is widely available on services which have user-to-user functionality such as Spotify and TikTok. While research into the harms of audio pornography is limited, evidence is emerging that children are accessing this type of content on large user-to-user platforms. In a briefing to CARE by Barnardo's, they describe how an 11-year-old child was referred to a Barnardo's operated sexual abuse service because they accessed audio pornography on Spotify. This had a catastrophic impact on the child's mental health and wellbeing. Another Barnardo's service that supports children who have experienced child sexual exploitation, supported a girl who had access to graphic audio on TikTok, describing violent and abusive sexual acts, including “raping a dead body, and describing what was happening to the organs in the body during that [act]”.¹⁹ If this content was in video form, it would be deemed Extreme Pornography and would be illegal. Extreme audio pornography is clearly a risk to children.
24. While audio sites, such as Spotify are primarily a risk due to the rise of audio pornography and erotic stories, visual pornographic content is also shared between users on these platforms. User generated playlists often have pornographic thumbnails attached.²⁰ Children as young as 8 have accessed pornography by accident through simple Spotify searches, such as a comma or full stop.²¹ Last year it was reported that a child was groomed through an audio playlist on Spotify.²² While the terms and conditions of Spotify and other audio sites specifically preclude pornographic content, the evidence highlighted shows that children are accessing hardcore pornography in both visual and audio format. This disturbing development has led the American National Centre on Sexual Exploitation

¹³ The system that processes the text input that specifies the desired image or video.

¹⁴ <https://openai.com/sora#safety>

¹⁵ TechSpot [Pornhub is using artificial intelligence to identify porn stars](#) | 11 October 2017

¹⁶ Pimps' use Instagram to glorify sexual violence and abuse, investigation finds, [The Guardian](#), 5 March 2024

¹⁷ Online safety Act 2023 section 236

¹⁸ The Standard [“Why Audio Porn is on the Rise”](#) 25th May 2023

¹⁹ Stories shared personally to CARE staff with permission to include in this submission.

²⁰ New York Post [‘Hardcore porn keeps showing up on Spotify even though it's not allowed’](#) July 2022

²¹ Vice [‘What's Going On With the Hardcore Porn Images on Spotify?’](#) 26th July 2022

²² BBC News [‘Claims schoolgirl, 11, was groomed on Spotify’](#) 13th January 2023

to add Spotify to its 'dirty dozen' list for 2023.²³

Have you identified risks to children from GenAI content or applications on U2U or Search services?

Please Provide any information about any risks identified

25. Please see paragraphs 12-21 above

Draft Guidance on Content Harmful to Children (Section 8)

Do you agree with our proposed approach, including the level of specificity of examples given and the proposal to include contextual information for services to consider?

26. CARE is broadly in agreement with the guidance on pornographic content in Volume 3 section 8 of the consultation document. However, for ease, consistency and clarity across platforms, it would be preferable if the guidance specifically followed the BBFC guidelines for what would be designated as an R18 film or 18 certificate because of sexual content. This guidance is understood by the industry, and this approach would also address concerns regarding illegal content, which would not receive a certificate due to the illegality of what is depicted.²⁴
27. CARE is concerned with table 8.2.3 'Descriptions and examples of content that are not pornographic' (p300), specifically the guidance on what constitute 'glamor content'. The guidance considers 'Sexually suggestive autonomous sensory meridian response (ASMR) video streams with sexually suggestive sounds (but without nudity)' not to reach the threshold for pornographic content under the Act. This is clearly at odds with Section 236 of the Act, as set out in paragraph 22 above. We are concerned that audio content is not included as pornographic content in the guidance. Audio content is not 'glamor material', sexually suggestive sounds and audio are clearly harmful to children (see paragraphs 23-24 above) and should be included in the guidance as pornographic material.

²³ NCOSE '[Spotify on the Dirty Dozen List???](#)' May 2023

²⁴ BBFC '[Classification Guidelines](#)' May 2024

Volume 4: How should services assess the risk of online harms?

Do you agree with the proposed governance measures to be included in the Children's Safety Codes?

Please confirm which proposed measure your views relate to and explain your views and provide any arguments and supporting evidence.

28. In attempting to strike a balance between a platform's governance procedures and the safety of children, CARE is concerned that the guidance favours the company over prioritising harm to children. The guidance assumes that the assessment of risk will be an extension of what the company already does. The assessment of risk online must be a child centred approach and have no bearing on the size or structure of the content provider. If something is potentially harmful to children, regardless of where that harm is located online, then children must be prevented from accessing that platform. **CARE is concerned that proportionality and the size of a service is prioritised over harm to children.**
29. CARE is concerned that the guidance (paragraph 12.45 page 60) proposes to use the same banding size for proportionality as proposed in the illegal harms consultation, namely seven million child users. This means that only services that have more than seven million monthly child users must comply with the child access arrangements established by Ofcom, unless they also meet the multi-risk requirement. The number of services that meet this threshold is minuscule when compared to the number of services that are in scope of part 3 of the Act. Unless specific age bands are set in relation to children accessing a platform then many harmful platforms, that do not carry regulated content, will remain accessible by children, when it is clearly inappropriate for a child in that age range. The driving force of the guidance should be to ensure that children only encounter what it is appropriate for a person of their age to see. Once the appropriate age is determined, Ofcom should ensure that a platform complies with that age assessment through appropriate age assurance methods or through clear design choices that prevent content harmful to children from being included in the platform. The risk assessment includes no requirement to design the service in such a way that it is safe and to ensure that it excludes and limits future harm. Risk assessments need to be preventative as well as reactive to harm.
30. Any platform carrying primary priority content, such as pornography, regardless of size or purpose of that platform, must have highly effective age verification to prevent children accessing that content. CARE is concerned that while this is what the guidance proposes, it is not as clear as it could be in the proposals. **This should be stated more clearly, that regardless of size, scope or number of users, sites with primary priority content must have highly effective age assurance in place.** It should also be made clear that platforms which expressly forbid primary priority content in their terms and conditions are still under an obligation to ensure that the terms and conditions are complied with and that they risk assess the likelihood of their terms and conditions being breached and how they plan to respond to any breaches of the terms and conditions by a user.

Volume 5: What should services do to mitigate the risks of online harms to children?

Do you agree with our proposal to recommend the use of highly effective age assurance to support Measures AA1-6? Please provide any information or evidence to support your views.

31. In our response to Ofcom's consultation on 'Guidance for service providers publishing pornographic content' pertaining to part 5 of the Act, we expressed concern with the approach taken by Ofcom in interpreting the Act and specifically that Ofcom's approach was out-of-step with the express will of Parliament. These concerns have not been addressed in the proposals currently under consultation for part 3 services in volume 5 and annex 10. We are concerned with how Ofcom has chosen to implement the words 'highly effective'; in particular, CARE is concerned that those words are not defined and minimum standards for age assurance are not set by the consultation.
32. During the Parliamentary process the words "highly effective" were added to the Act for parts 3 and 5 to clarify how the requirement to use age verification/estimation was to be implemented and ensure the veracity of the technology. The purpose of introducing that wording in the Act was to ensure that age assurance was 'outcome focused' rather than focused on simply the methods and processes of age assurance utilised by the platform. The Minister, in introducing the new wording said "[content providers] will need to be highly effective at correctly determining whether a particular user is a child. This new bar will achieve the intended **outcome** behind the amendments which we looked at in Committee, seeking to introduce a standard of "beyond reasonable doubt" for age assurance for pornography, while avoiding the risk of legal challenge or inadvertent loopholes."²⁵ (emphasis added)
33. **The guidance fails to set out a definition of what Ofcom determines 'highly effective' to be.** The Minister clearly informed Parliament that the definition of 'highly effective' would meet the expectations of Parliamentarians, namely, that age assurance should be set to a level of compliance akin to the criminal law standard of proof that is, 'beyond reasonable doubt.' Beyond reasonable doubt is an outcome focused test in criminal law – a jury must be satisfied, to a high degree of certainty, that the evidence in the case means that the accused is guilty, it is focused on the outcome of the trial, not how well the barrister presented the evidence. In terms of age verification, beyond reasonable doubt means a high degree of certainty that no children are accessing pornographic content online; it is not intended as a measure of how well an online company has completed a process. It was Parliament's intention that Ofcom would define what that particular outcome means, by defining what the test 'highly effective' means. **Annex 10 fails to do what Parliament asked and expected the regulator to produce.** The expectation of Parliament was that an objective test would be set by the regulator and the regulator would assess if a platform hosting primary priority content had met that standard.
34. CARE would suggest that the term 'highly effective' needs to be defined and a percentage applied (we would suggest 99%,) to the age assurance method whereby a content provider can prove that the method and process employed prevents 99% of children accessing the content. CARE is concerned that unless the guidance includes an outcome-based measure, content providers will simply choose the cheapest method allowable by the guidance and there will be no encouragement or incentive for innovation and development within the industry. Indeed, without an outcome-based measure, as mandated by Parliament, there will simply be a 'race to the bottom' and content providers will implement the minimum standards which will not achieve the outcome of preventing children and young people from accessing pornographic content.
35. Furthermore, it is clear that the industry is moving more rapidly and with more ambition than Ofcom. Yoti in their 2023 white paper on facial age estimation found that their product was 99.93% effective at correctly determining that 13-17 year olds were under 25.²⁶ The 2022 white paper found an accuracy of 99.65 for age estimation under 23.²⁷ This percentage effectiveness is clearly in line with the recommendation in annex 10

²⁵ Hansard HL Debate vol 831 no 189 col 1430 6th July 2023 URL <https://hansard.parliament.uk/lords/2023-07-06/debates/35CCD184-5828-4C47-AA19-D19D8AF44938/OnlineSafetyBill>

²⁶ YOTI 'Yoti Facial Age Estimation white paper' March 2023 page 3

²⁷ YOTI 'Yoti age estimation white paper' May 2022 page 3

(p11) that a challenge 25 approach should be considered. Therefore, Ofcom could determine that highly effective means age estimation determining that a person is older than 25 or 23 to a 99% accuracy, with other methods of age verification being deployed for persons who fail the age estimation test. This type of approach would provide greater clarity/objectivity and would be in alignment with the wishes of Parliament.

36. Not only is the age assurance industry moving more quickly than Ofcom, other European countries and the European Union are implementing significant changes to the way pornography is accessed. These models should be considered by Ofcom. By the end of the summer Spain will issue their 'porn passport' which requires a person to verify their age on an app, the app then authorises 30 sessions over the period of a month on pornographic websites.²⁸ Spain's new passport is a forerunner to an EU wide scheme being rolled out by October 2027.²⁹ Ofcom must give consideration to implementing a similar scheme in the UK.

²⁸ The Olive Press ['Spain's new porn passport is coming this summer'](#) 5th July 2024

²⁹ The Economic Times ['Spain launches new mobile application to access online pornography. Here's what it is and how it works'](#) 6th July 2024