

Your response

Question	Your response
Question 1: Do you have any comments on Ofcom's proposed Plan of Work 2023/24?	<p><i>Is this response confidential? – No</i></p> <p>About Barnardo's</p> <p>Barnardo's is the UK's largest national children's charity. Our ambition is to achieve better outcomes for more children by building stronger families, safer childhoods and positive futures. In 2021-2022, Barnardo's supported 357,276 children, young people, parents, and</p>

carers through 794 services and partnerships throughout the UK.

In addition, Barnardo's host the [Centre of Expertise on Child Sexual Abuse](#) which reaches 1000s of professionals through its training and research and the [National FGM Centre](#), a partnership between Barnardo's and the Local Government Association, which works with professionals and in communities to educate and prevent FGM.

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

Ofcom's proposed Plan of Work

Barnardo's welcomes the publication of Ofcom's proposed Plan of Work 2023/24, and the publication of this consultation.

We are pleased that, throughout the proposed Plan of Work, Ofcom makes reference to protecting children online, including through the regulation of the Online Safety Bill. Whilst the online world, including social media, can offer a space for children and young people to express themselves and make connections, it also has the potential to act as a source of harm for children and young people.

Section 2.17 of the proposed Plan of Work states that Ofcom will ensure that their approach to the regulation of the Online Safety Bill will uphold the importance of freedom of expression online. Whilst we recognise the importance of freedom of expression, we believe that Ofcom should caveat their approach, and ensure that freedom of expression is balanced against the need to safeguard children from harmful and illegal content online.

Pornography

We are pleased that Ofcom's proposed Plan of Work includes a reference to the Online Safety Bill's requirement on pornography providers to ensure that children are not able to encounter

pornographic content (2.16), and that Ofcom are undertaking ongoing work to understand age assurance (A2).

Pornography and age verification

Since the decision not to enact Part 3 of the Digital Economy Act in October 2019, children have had unfettered access to harmful pornographic content. In 2015/16, pornography was accessed 1.4 million times every month by children in the UK.¹ Barnardo's have calculated that since October 2019, it is likely that children have accessed pornographic content more than 54 million times at a minimum.

Research by the British Board of Film Classification (BBFC) has found that children are coming across pornography online from as young as seven. Their study shows that half of 11 to 13 year olds have seen pornography at some point. This rises to two thirds of 14 and 15 year olds, and four in five 16 and 17 year olds.²

The majority of children's first experience of viewing pornographic content is accidental, through Google searches of terms like 'sex' or 'porn' without understanding what these words mean or adverts or pop-ups on film and sports streaming and gaming platforms.³

Viewing pornography can damage children's mental health, distort their understanding of healthy relationships, and normalising abusive sexual behaviour. Our frontline workers say that children are copying and participating in acts they have seen in pornographic videos, despite feeling uncomfortable and scared. Children think that these acts are an expected and normal part of a relationship and believe that if they feel otherwise there must be something wrong with them, rather than identifying it as abuse.

In a 2021 Barnardo's survey of frontline practitioners, more than a quarter of our workers had supported vulnerable children who had accessed pornography, with nearly a third saying that it had led to children

¹ DCMS (2015), Digital Economy Act Consultation

² BBFC (2019), [Children see pornography as young as seven, new report finds](#)

³ The Guardian (2020), [Porn survey reveals extent of UK teenagers' viewing habits](#)

developing unrealistic expectations of sex and relationships. More than a quarter of frontline workers said that the children they had supported had displayed inappropriate sexualised behaviour.⁴

Barnardo's Case Study

A recently opened Barnardo's Harmful Sexual Behaviour service has seen over half of their referrals so far cite the viewing of pornography as a factor in the children's behaviour.

Children such as George.⁵ 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.

Billy⁶ is 14 and has been watching extreme pornography for several years. He has expressed that he 'wants to rape a girl' at school. He has also experienced childhood trauma.

Whilst we are pleased that the Online Safety Bill as it currently stands includes a duty to ensure that children are not normally able to encounter pornographic content, we are calling for this to be made more robust.

Clause 11(3)(a) of the Bill requires action to "prevent children of any age from encountering... content that is harmful to children (for example, by using age verification)". Age assurance can be as simple as asking for a user's date of birth. While we recognise there are new technologies being developed all the time e.g. facial recognition which can determine age, the companies at the forefront of this are clear that it cannot be exact. And given the harm that pornography causes children, age verification for this particular harm needs to be exact.

⁴ Barnardo's survey of frontline workers (2021)

⁵ Please note all names have been changed.

⁶ Please note all names have been changed.

Barnardo's, along with a coalition of other organisations, are calling for all pornography sites with UK users that host content to implement independent, standardised age verification 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 old or older.

Age verification technologies are improving every day. They can operate at scale and in a way which respects the privacy of the user, only requiring minimal information for a matter of seconds before removing a users' data.⁷ Independent, third party age verification providers are tightly regulated by organisations such as the Information Commissioner's Office to ensure that they comply with GSPR and other relevant international standards.

Further, pornography sites should be unable to hide behind commercial proportionately arguments to prevent them from putting in place age verification measures to protect children. The Times recently reported that an adult company has admitted to Ofcom that they will reject age verification because it would impact its profitability.⁸

Pornography sites are commercially incentivised to resist or ignore age verification since their business model depends on maximising the number of visitors on the site. Rather than championing age verification on its sites, pornography giant Pornhub poured its energies into creating its own VPNs to allow savvy underage users to bypass any controls put in by the Internet Service Providers. In France, the publishers of Pornhub, YouPorn and RedTube recently sought to challenge French law in two of its highest courts regarding age control of internet users using freedom of expression as an argument. They lost, but French legislation does not specify what form of age verification should be used. If the Bill remains unclear on this, it is very likely that the same pornography companies will keep

⁷ The Age Verification Providers Association (2022), [Age Verification, privacy and data...](#)

⁸ <https://www.thetimes.co.uk/article/tory-rebellion-over-online-safety-bills-rules-to-block-children-seeing-porn-jxnk2nb7d>

challenging the courts in the UK to stop age verification from becoming a reality.

Measures should be applied in proportion to the risk and harm to children posed by a site, not in proportion to a sites' financial capacity, or the impact on its revenues. Estimates place the industry's value at approximately \$97 billion, which is even bigger than Hollywood.⁹ 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.

We are also concerned that the Online Safety Bill contains a loophole that pornography sites will be able to use to get around age verification by arguing that the UK is not its target market. In clauses 3(5) and 67(4) of the Bill, it mandates that 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, allowing them to get around age verification measures.

Finally, it is essential that Ofcom implement age verification for pornography sites as swiftly as possible. Age verification was supposed to be implemented under the Digital Economy Act, however since the decision not to implement Part 3 was taken, children have had unfettered access to pornographic content. Age verification is already delayed, and children cannot afford to wait several more years as Ofcom's roadmap for the Online Safety Bill suggests.¹⁰ We propose that Ofcom must prepare and issue a code of practice for all pornographic content within four months of Royal Assent and that age verification should be implemented within six months. The technology already exists, and most online providers should be ready to implement age verification within six months.

⁹ CEASE (2021), [Expose Big Porn: Uncovering the online commercial pornography industry and the urgent need for regulation](#)

¹⁰ Ofcom (2022), [Online Safety Bill: Ofcom's roadmap to regulation](#)

Regulation of pornographic content

We would strongly argue that Ofcom's proposed Plan of Work should include a focus on the regulation of pornographic content, to bring online standards for pornographic content in line with offline standards.

Pornographic content which is illegal offline, for DVD, Blu-Ray or for Video on Demand, is prevalent online. This includes pornographic content which depicts 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. This content is extremely harmful, sexualising children and driving the demand for 'real' child sexual abuse material.

In 2019, 39 billion searches were made on Pornhub, with one of the most frequent search terms being 'teen'.¹¹ In 2021, 'step mom' was the 7th most searched term on Pornhub worldwide.¹² Although commercial pornography sites such as Pornhub have banned certain search tags and depictions such as 'children', 'underage' and 'child young', CEASE have found that content which clearly suggest underage sexual activity remains prevalent. Pornhub search tags including 'babysitter', 'classroom teacher', 'young', 'virgin', 'little', 'tiny', exxxtrasmall' and 'barely legal' are still permitted. Examples of titles of hosted videos include 'F***ing my cute stepdaughter while she studies for a test' and 'Cute schoolgirl gets f***ed by her English teacher'.¹³

Such depictions of sexual activity with the title 'teen' are often particularly violent. According to a study which analysed the content of the three most accessed pornographic websites in the UK (Pornhub, Xhamster and Xvideos), the three most common words in videos which contained coercion and exploitation were 'schoolgirl', 'girl', and 'teen'.¹⁴ Although 'teen'

¹¹ https://www.police-foundation.org.uk/2017/wp-content/uploads/2022/07/turning_the_tide_FINAL-.pdf

¹² <https://www.pornhub.com/insights/yir-2021>

¹³ https://cease.org.uk/wp-content/uploads/2021/07/210607_CEASE_Expose_Big_Porn_Report.pdf

¹⁴ <https://academic.oup.com/bjc/article/61/5/1243/6208896>

could legitimately refer to those over 18, much of the content did have a focus on sex with underage girls, with titles including terms such as 'pigtails', 'homework' and 'braces'.¹⁵ Further, the most frequent form of sexual violence found in pornographic content was sexual activity between family members.¹⁶

Content which sexualises children can act as a gateway to illegal child sexual abuse material, and the potential abuse of children online and offline. Pornography stimulates the same parts of the brain as drugs and gambling, and viewing increasingly extreme pornographic content that is available on mainstream sites may see a user spiralling in order to fulfil themselves, ultimately viewing illegal child sexual abuse material.¹⁷

Chief Constable Simon Bailey told the Independent Inquiry into Child Sexual Abuse that we are "creating a group of men who will look at pornography and the pornography gets harder and harder and harder, to the point where they are simply getting no sexual stimulation from it at all, so the next click is child abuse imagery. This is a real problem."¹⁸

Further, The Lucy Faithfull Foundation, an organisation that supports adult offenders who have viewed child sexual abuse material with their recovery, have warned that they are seeing the link between easy access to hardcore, extreme pornography on mainstream sites, and an interest in child sexual abuse material.¹⁹ This includes men like Hector, who was 38 and married with three children and works in the finance industry. He was arrested for having accessed sexual images of children online. Hector had experienced early exposure to pornography, and as an adult, would often binge watch pornography and 'lose time'

¹⁵ <https://academic.oup.com/bjc/article/61/5/1243/6208896>

¹⁶ <https://academic.oup.com/bjc/article/61/5/1243/6208896>

¹⁷ https://www.theguardian.com/global-development/2020/dec/15/how-extreme-porn-has-become-a-gateway-drug-into-child-abuse?fbclid=IwAR0JqKlZxs6xyyV8ZzYyPmoYKZTpijF8d_cdDGdHww1IaVqxWTLmZTu5wU%3e

¹⁸ <https://www.iicsa.org.uk/reports-recommendations/publications/inquiry/final-report>

¹⁹ <https://www.theguardian.com/global-development/2020/dec/15/how-extreme-porn-has-become-a-gateway-drug-into-child-abuse>

accessing sexual content online. He referred to his behaviour as an addiction.²⁰

As well as the impact on adults, 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,²¹ 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.

This parity between offline and online standards should be addressed by preventing content from being uploaded online if it would fail to attain an R18 certification and contains prohibited content. YouGov polling for Barnardo’s found that almost 70 per cent of UK adults agree that pornography which would be illegal on DVD should also be illegal online.²²

Verification of the age of performers and consent

We would like Ofcom’s proposed Plan of Work to include a focus on ensuring that pornography companies verify the ages of performers in content to ensure that they are over 18, and to ensure that the videos are consensual.

Currently, there is no way of ensuring that performers in pornographic content are over the age of 18, beyond assurances by pornography sites.

Most content on pornography sites is user-generated, and goes through barely any moderation. Once content is uploaded, only the

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[https://www.lucyfaithfull.org.uk/files/LFF Annual Report 2020 2021.pdf?utm_source=lucyfaithfull.org.uk&utm_medium=referral&utm_campaign=Annual-report-20-21](https://www.lucyfaithfull.org.uk/files/LFF%20Annual%20Report%202020%202021.pdf?utm_source=lucyfaithfull.org.uk&utm_medium=referral&utm_campaign=Annual-report-20-21)

²¹ Please note all names have been changed.

²² <https://www.barnardos.org.uk/news/almost-70-uk-adults-support-tighter-controls-online-pornography-content>

most extreme and obviously illegal and non-consensual content is readily identified and reported. 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’.²³ Most video uploads featuring trafficked and exploited individuals are camouflaged against masses of similar-looking content.²⁴

Definition of pornographic content

We strongly believe that duties placed on providers of pornographic content in Part 5 of the Online Safety Bill should also be applied to platforms that fall under Part 3 of the Bill. Pornography is pornography, and no matter where a child accesses it, it is damaging for them.

A definition of pornographic content is needed in the Online Safety Bill to align these two parts. Clause 66(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 to abide by duties included in the Bill, including age verification. It needs to be completely clear what falls within scope so there is no wiggle room for protecting children.

We recommend that a definition of pornography is included in the Bill based on section 15 of the Digital Economy Act.

We hope that Ofcom’s proposed Plan of Work on pornography extends to all platforms which include pornographic content.

Further protections for children from pornographic content

Within the proposed plan of work, Ofcom sets out that they will “identify an initial set of high-risk or high-impact services that we wish to engage with”. Given the extensive impact that pornographic content has on children, and the

²³ New York Times, Nichols Kristof, 2020. The Children of Pornhub <https://www.nytimes.com/2020/12/04/opinion/sunday/pornhub-rape-trafficking.html>

²⁴ 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

damage that it causes their mental health and their attitudes towards healthy sex and relationships, we would strongly argue that companies who provide or host pornographic content on their platforms should fall into this high-risk or high-impact category. We therefore hope that they will be included in Ofcom's scope.

We welcome Ofcom's commitment to use their transparency reporting powers to shine a light on how effective platforms' systems and processes are in protecting their users, and to incentivise further improvements (2.18). We would encourage Ofcom to use these powers to protect children from pornographic content, including looking at:

- Companies' assessments of the number of children accessing pornographic content;
- The content that children are accessing;
- Whether companies are marketing pornography directly or indirectly towards children;
- How quickly companies are able to identify and remove illegal content;
- What steps companies take to report those users submitting illegal content to security agencies;
- How companies ensure that performers in commercial and user-uploaded content are over the age of 18.

Video Sharing Platforms (VSPs)

Finally, we welcome the work that Ofcom has been doing regarding VSPs, particularly ensuring that robust age verification is introduced for VSPs which specialise in pornography, and the work that Ofcom have been doing with sites including TikTok. We are pleased to see references to the work on VSPs throughout the proposed Plan of Work.

We are concerned that children are encountering sexually explicit content which is being marketed to them through social media apps, including TikTok, without the user even seeking out pornographic content. A recent investigation by The Telegraph found that, on

TikTok, a 13-year-old boy was recommended a video of the 'Top 10 porn making countries', and a 13-year-old girl was shown a livestream of a pornography actor answering questions from viewers in her underwear.²⁵ The Telegraph investigation also found that TikTok's 'Best Teen Accounts' listing (which the company monitors but doesn't curate) advertised several accounts of women posing in their underwear.²⁶

This marketing of pornographic content can act as a gateway to children seeking out of pornographic content on other sites. Ofcom's proposed Plan of Work should set out how they will work with VSPs including TikTok to tackle this content and protect children from pornography.

²⁵ <https://www.telegraph.co.uk/global-health/climate-and-people/how-social-media-feeding-children-quack-health-tips-toxic-masculinity/>

²⁶ <https://www.telegraph.co.uk/global-health/climate-and-people/how-social-media-feeding-children-quack-health-tips-toxic-masculinity/>