



children's charities' coalition on internet safety
10 Great Queen Street, London, WC2B 5DG

Child Online Safety Team
4th Floor, DCMS
100, Parliament Street
London SW1A 2BQ

8th April, 2016.

Dear Child Online Safety Team,

We have made a full response to the Government's consultation on introducing age verification for pornographic web sites via the DCMS online form. A copy is attached for ease of reference. This letter amplifies a number of the points.

1. CHIS very strongly welcomes and applauds the Government's determination to address the serious challenges associated with children's and young people's continued easy access to pornographic web sites. We note the wealth of evidence you cite in the papers issued with the formal consultation document.
2. One of the problems with many discussions about online pornography is a lack of a shared understanding of what is being talked about. For lots of people the word "pornography" conjures up an idea of *Playboy* centrefolds. Thus anyone who expresses doubts or reservations can be easily marginalized, portrayed as a prude who is simply out of touch with contemporary mores. Yet the reality of much of the material that appears on hard core porn sites today is a million miles away from the magazines of yesteryear and it is a great deal more vivid. Material commonly found on pornography web sites now frequently involves bizarre and violent sexual behaviour. The notion that a young person could learn anything useful about sex or human relationships from such places is utterly preposterous. On the contrary a growing caseload is pointing in an entirely different and worrying direction perhaps underscoring the need for us to improve upon the wider availability of high quality advice and guidance for young people on matters of this kind.
3. None of the material we are discussing could be legally bought in a shop by anyone under the age of 18. Neither could they lawfully enter a cinema or private club to view it. Yet on the internet such content is not only instantly accessible to everyone, it is also, for these purposes, *free* thus obviating the need even to try to enter a private club or buy something in a shop. This undermines the entire basis of the real world laws. If society believes there ought to be controls over access to pornography then it should make every effort to ensure the controls are consistently applied, a fortiori in places young people are known to congregate in large numbers.

4. CHIS completely rejects the idea that we all need to learn to tolerate or accept different ethical or legal standards in respect of companies that choose to operate in cyberspace as against companies operating solely or largely in the physical world. What has been lacking hitherto has been the political will to try to bring about a closer alignment between the two.
5. Whilst it is true most of the commercial pornography publishers acknowledge their sites are not meant for minors and say minors are not welcome on them, in practice they have done little or nothing to inhibit access by minors and it seems clear to us that they won't unless and until they are compelled to do so by law or are otherwise highly incentivised. The Government's approach effectively does both.
6. We are aware that the UK's "Big Four" ISPs have put in place a series of family filters for their domestic broadband customers and these protect against pornography. That was a very welcome step. However, we are also aware that some "non-Big Four ISPs" have not followed suit. Moreover while an individual household might decide *not* to use the family filters provided by their ISP that does not give unfettered permission to pornography sites to show whatever they like to whomsoever happens to be living in or visiting that particular household. The Government's proposed measures are at least in part about asking pornography publishers themselves to accept they have a responsibility to ensure minors cannot access their output.
7. In answer to the question about whether we prefer a civil or a criminal sanction to assist with the implementation of any new policy we said "don't know" because we are not sufficiently familiar with the arguments for and against each option. For us the matter is very simple. Which approach is more likely to lead to the greatest number of providers of financial and other ancillary services refusing to supply them to non-compliant sites?
8. We feel strongly it will nevertheless still be essential for a regulator to be established with legal powers to direct that persistently non-compliant sites be blocked in rather the same way that child abuse urls are currently blocked courtesy of the IWF list.
9. How the new policy is explained to the public will be critically important. Unlike gambling web sites all that will be required here is some way of demonstrating that an individual is 18 or more before they can gain access. Their name, address and other personal details will be irrelevant. Technologies are available to facilitate that. It may be necessary for the regulator to approve, monitor and audit the continued efficacy of such technical tools.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Carr', is written over a light grey rectangular background.

John Carr OBE
Secretary, Children's Charities' Coalition on Internet Safety

Answers to DCMS Online Questionnaire (shown in read)

Question 1: In your opinion, should age verification controls be placed on all forms of legal pornography ('sex works') online that would receive a British Board of Film Classification rating of 18 or R18? a. **Yes** b. No c. Don't know

Question 2: Do you think age verification controls should be placed on sites containing still as well as moving images of pornography? a. Moving images only b. **Still and moving images** c. Neither still nor moving images d. Other (please specify) e. Don't know

Question 3: To what extent do you agree with the introduction of a new law to require age verification for online pornographic content available in the UK? a. **Strongly agree** b. Agree c. Neither agree nor disagree d. Disagree e. Strongly disagree We are interested to hear your thoughts on how age verification controls on pornographic websites should work. For instance, these could include the kinds of Content Access Control (CAC) Systems which Ofcom requires for video on demand sites that provide specially restricted material and are situated in the (a to c below). Question

4: If age verification controls are to be required on pornographic websites, how do you think they should work (select all that apply, and please suggest other ideas that you may have). a. **Confirmation of credit card ownership or other form of payment where mandatory proof that the holder is 18 or over is required prior to issue.** b. A reputable personal digital identity management service that uses checks on an independent and reliable database, such as the electoral roll. c. **Other comparable proof of account ownership that effectively verifies age. For example, possession and ownership of an effectively age-verified mobile phone.** d. Other (please give details)

Question 5: Do you agree that a regulator should have the power to direct payment and other ancillary services to remove their services from noncompliant websites? Please give reasons. a. **Yes** b. No c. Don't know

Question 6: Do you have any suggestions for other actions that could be taken to ensure that commercial providers of online pornography comply with the new law? Please give details. a. Yes b. **No**

Question 7: Do you think that the regulator should have the power to direct parent and umbrella companies of pornographic websites to comply? a. **Yes** b. No c. Don't know

Question 8: Do you agree with the introduction of a civil regime to regulate pornography websites? Please explain your answer. a. Yes b. No c. **Don't know. The question is would this or a criminal sanction be more likely to achieve the desired effect? This is principally a technical question. Whichever approach is adopted its efficacy will need to be kept under review.**

Question 9: Would the introduction of a new criminal offence be a better form of regulation?
a. Yes b. No c. **Don't know**

Question 10: To what extent do you agree with the introduction of a new regulatory framework? a. **Strongly agree** b. Agree c. Neither agree nor disagree d. Disagree e. Strongly disagree

Question 11: Should a new framework give powers to a regulator/ regulators to (select all that apply): a. **monitor compliance with the new law by pornographic websites** b. **notify non-compliant sites (and the companies that run them) that they are in breach of the new law** c. **direct non-compliant sites (and the companies that run them) to comply with new law** d. **notify payment providers and ancillary services of non-compliant sites on which their services are available, that the site is in breach of the new law and has not implemented age verification (despite direction from the regulator)** e. **direct payment providers and ancillary services to withdraw services from non-compliant sites** f. **issue fines to non-compliant sites** g. **set standards for age verification controls, and determine content which is in scope** h. other (please specify)

Question 12: Do you think that a co-regulatory approach involving more than one regulator would be appropriate in this context? a. **If yes, • which regulator(s) should have a role? OFCOM and the BBFC**

• which (if any) other stakeholders should have a role (e.g. industry)? **None.**

Question 13: Do you agree that the regulator's approach should focus on having the greatest proportional impact, for instance by looking at the most popular sites, or those most visited by children in the UK? a. **Yes** b. No c. Don't know

Question 14: Wherever new regulation is proposed, the Government must consider impacts on smaller and micro-sized businesses (those with fewer than 50 employees) based in the UK, and whether these impacts are proportionate. Should smaller and micro-sized businesses (such as some payments and ancillary services) be exempt from the scope of the policy? a. Yes b. **No** c. Don't know **In the context of the internet 50 employees could be a very substantial operation.**

Question 15: Overall, are you broadly in favour of the proposals set out in the consultation? a. **Yes** b. No c. Don't know

Question 16: How effective do you think the Government's preferred 36 approach would be in preventing children from accessing online pornography? a. **Extremely effective** b. Very effective c. Moderately effective d. Slightly effective e. Not effective at all f. Don't know