



Children's Charities' Coalition on Internet Safety

10 Great Queen Street, London WC2B 5DG

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House of Lords Communications Committee

Children and the Internet Inquiry

1. The Digital Economy Bill is directed at larger commercial pornography sites, almost all of which are domiciled outside of the UK and therefore, for practical purposes, beyond the reach of UK courts and law enforcement. While nominally these sites are “free” in that they do not charge to look at the bulk of their wares they are nevertheless highly commercial in nature, collecting their income in other ways e.g. through direct sales and advertising.

The Bill is most welcome but it has a fatal flaw. The Bill requires the sites to introduce age verification to prevent persons under the age of 18 from being able to look at their content. The assumption is that the credit card companies will threaten to withdraw payments facilities and the advertisers will threaten to withdraw advertising from non-compliant sites (which would be operating illegally) and this will be a sufficient incentive for most porn publishers either to comply or cease publishing into the UK. This is a reasonable assumption. The Bill will also create a Regulator with a power to compile a list of non-compliant sites. This list will be circulated to interested parties e.g. credit card companies and advertising agencies but neither are *obliged* to act although, as already noted, it is anticipated that most will. However, if a commercial pornography site uses no UK-based payments facilities and receives no advertising from UK sources, or it changes its business model to arrange things that way, it could continue to operate with impunity. Thus for persistently non-compliant sites the Bill should give the Regulator a residual power to require access to non-compliant sites to be blocked, in a manner similar to that which, de facto, already exists for child abuse images.

2. We need to start thinking about the major social media platforms in the same way as we do public utilities. Certainly in respect of children and young people the platforms' dominance in some areas means children and young people may feel they have little choice but to join and be part of the social milieu to which all or the great majority of their friends belong. It is unacceptable for there to be no way for the

public to be reassured about the efficacy and appropriateness of these businesses' internal systems for dealing with complaints from or issues raised by children. An independent regulator (perhaps Ofcom) should have the legal power to compel at least the larger platforms to open their books and allow independent inspection and verification of their public-facing processes to ensure they are working satisfactorily.

3. The UK's system for providing filters to customers of the UK's "Big Four" domestic broadband providers is excellent but there appears to be significant variations in the levels of take up between the different ISPs. At first sight this seems strange because the demographics of their customer base do not look as if they are wildly different. In any event the claims the ISPs make about levels of take up have not been independently verified. When the last (and so far only) checking exercise was carried out, Ofcom merely asked the ISPs to inform them of their take up levels. Ofcom sought neither to verify the claims the ISPs made nor to explain the reasons for any differences. This is not satisfactory. Moreover the current voluntary system for providing filters only extends to the customer base of the "Big Four". It seems they reach only 90% of households. Children in the other 10% deserve the same level of protection.
4. The system of filtering for mobile networks appears to be working satisfactorily but it has never been thoroughly inspected and verified by an independent agency.
5. Ditto in relation to "Friendly WiFi" i.e. the system where the providers of internet access via WiFi in public spaces take steps to limit access to adult content and illegal materials. A key question here would be to determine how extensively it is operating and perhaps also to identify any major enterprises or concerns that had not adopted "Friendly Wifi".
6. There has never been a proper, independent evaluation of the optimal age limits for using social media platforms. The single lower age limit of 13 is the product of a US Federal law which was passed in the 20th Century before social media platforms existed. With one or two exceptions e.g. Spain, the rest of the world acquiesced rather than sought to examine critically the appropriateness of that age standard. Perhaps we need more than one age level depending on the nature of the platform and the type of activity in question. In addition the absence of any obligation to verify the age of customers is leading to a huge level of non-compliance. This is not satisfactory.
7. A new law is required to allow victims of child sex abuse to claim compensation from persons found in possession of images of that abuse. The USA has a similar law specifically designed for this purpose. Aside from assisting with victim recovery it could also act as a major deterrent to a certain class of person who collects these images. The MoJ is currently considering this idea.
8. We ought to establish that the providers or suppliers of digital services have an unambiguous legal duty of care to consider the online child safety aspects of any and every service before it is released. One of Facebook's founding ideas was "Move fast and break things", otherwise expressed as, "it is easier to apologise after the event rather than seek permission before it". It is understood that this has now been formally renounced by Facebook yet it remains a dominant idea across the whole of the internet industry.

9. There are several notable weaknesses in internet governance institutions and processes: one is their failure to take proper account of the fact that children and young people are a very substantial constituency of users and that they have rights under international law which are routinely ignored. ICANN in particular has been woeful in several key regards. HMG has an important leadership role in this area.
10. Finding ways to help parents to help their children get the most out of the internet while remaining safe is a major and urgent societal challenge. We cannot blithely assume it is a problem which will solve itself with the passage of time. In this context schools have an important role to play but if we see them as the sole or principal route to parents we will fail because too many schools continue to be seen by too many parents as unwelcoming places. A public health sort of approach may therefore be worth considering as an additional or complementary strategy. What we are talking about, in essence, are the skills needed for 21st Century parenting. That repertoire of skills must now include a knowledge of how the internet fits into young people's lives and how best to support children and young people in the use of the technology.

11. A note on the myth surrounding piracy web sites

In 2013 Dr Paul Watters of the University of Ballarat in Australia [published](#) a report entitled *A systematic approach to measuring advertising transparency online: an Australian case study*. Watters analysed the Top 500 Google upheld DMCA complaints for sites distributing movies owned by Village Roadshow and major Hollywood studios.

The revenue model underpinning the continued operation of these sites is principally based on advertising.

Only 1% of the advertising on the sites Watters looked at came from mainstream businesses. 99% of all the adverts Watters found in his study fell into his *High Risk* category.

[Phishing scams, malware and sex are common on piracy sites](#)

20% of the advertisements that were examined were linked to sex in one way or another e.g. offering spurious penis enhancement products or access to hard core porn. The largest group – 46% – was classed as malware and 3% was associated with offshore, unregulated gambling. Thus children and young people who are attracted to or use piracy sites, quite apart from engaging in unlawful activity are becoming immersed in highly unsavoury environments which are likely to be injurious to their health, welfare and personal development.

A 2012 [report](#) commissioned by Google and the UK music industry's Performing Rights Society showed that roughly 86% of the advertising on the sites they looked at also came from "outside the mainstream" i.e. were similar to those identified in the Australian study. Nevertheless the fact that 14% was not from "outside the mainstream" is a cause for concern.

In 2016 Dr Watters published the results of a [study](#) he carried out in Brazil. The results broadly mirrored the Australian and UK studies. The way in which piracy sites operate is therefore well documented and has been consistent over several years.

These data rather blow a hole in the carefully nurtured image of piracy sites as somehow being modern Robin Hoods. They are not. Quite the opposite. If ever it was in any doubt, by accepting advertising from such dubious sources the piracy sites' owners are showing their core motivation is a desire to make money for themselves.

Parents and teachers who hitherto may not have bothered much about children's and young people's engagement with piracy sites need to know what sorts of places they truly are. The wider public need to know more about the reality of piracy sites. Anything that can be done to increase public awareness of these matters is therefore to be welcomed. Schools may have an important role to play here.

The advertising industry needs to guard against inadvertently helping piracy sites to stay afloat by ensuring they never allow any of the advertising which they control to appear on them.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Carr', is centered on the page. The signature is written in a cursive style with a large initial 'J'.

John Carr OBE

Secretary, Children's Charities' Coalition on Internet Safety