



Response to DCMS Consultation on Child Safety Online: Age Verification for Pornography

NOT BUYING IT www.notbuyingit.org.uk challenges the sexual objectification of women and girls. As such we see the proposals outlined in this consultation as a huge step forward in attempting to stop another generation of children literally 'growing up' on porn.

We have answered the consultation questions below but have several additional points to raise, some of which are interwoven into this response, namely we feel it is a dangerous path to go down to treat children's access to pornography in total isolation to:

- *Adult* access to pornography
- The sheer volume of internet porn
- The prevalence of (illegal) *violent* pornography
- The harm for women *performing* in pornography
- The harm associated with *adult* consumption of pornography and the attitudes this promotes towards women and girls
- The harm of wide-spread, non pornographic but *objectifying* images of women in the mainstream media
- The pro-porn bias of the media
- The lack of public understanding of the reality of pornography or good schools education/awareness raising programmes
- The fact that the porn industry will use other media to promote itself, if online access to it is restricted (eg sex ads in newspapers will increase exponentially)

Indeed, we would urge that a new Porn Regulatory body be set up and this needs far wider scope and powers than just preventing children's online access to pornography. All of the issues above need to be addressed holistically *as part* of preventing child access - such as good schools education programmes or ending the 'grooming' of children as consumers of pornography through constant exposure to the objectification of women by the mainstream media. Without this part of the equation being addressed, the ability to protect children, or indeed the great many adults harmed by pornography, is severely limited.

NOT BUYING IT was set up in 2016 by the founder of pressure group OBJECT, which campaigned over similar issues from 2003-2013. Well respected by decision makers and the media alike, OBJECT successfully lobbied to end the licensing of Lap Dancing Clubs as cafes and to make it a criminal act to buy sexual services from anyone coerced into prostitution. It played a pivotal role in ending the sale of 'lad's mags' to children on the bottom shelf and in stopping Job Centres from advertising positions in massage parlours and escort agencies. It contributed to the Leveson Enquiry and numerous Government, Mayoral and other consultations on violence against women and girls. It mainstreamed the concept of the sexual objectification of women and the harm associated with it, meeting with numerous MPs, Government Departments and Ministers and even the Prime Minister on this issue.

Consultation Response

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

Indeed, we would argue that this should go much further. The internet should surely be a safe haven at least for all young people. Facebook, Twitter and You Tube already (in theory, although frequently not in practice) operate a 'no sex/no nudity' policy. Shouldn't we be working towards this being 'the norm' for the internet as a whole? Children, and indeed adults, should not be swamped with objectifying images of women everywhere they look. The evidence of the harm associated with this is well documented and has been for years – from the effect on women/girls body image and self esteem to, much worse, the negative effect on men's and boy's attitudes towards women and girls.

Obviously genuine works of art, medical or educational material must be seen as an exception to this, but these are clearly very much the isolated 'exception to the rule', rather than being used (frequently in pro-porn arguments) as the justification for *no* rules.

Question 2: Do you think age verification controls should be placed on sites containing still as well as moving images of pornography?

B. Still and moving images

Of course this should include still images as well! 'A picture speaks a 1000 words' and a still image can easily be graphic and degrading and effect attitudes and cause upset and harm. Indeed, if still images are *not* included, the porn industry will quickly exploit this and flood the internet with graphic images - images that will become increasing degrading and violent over time (as has been the standard pattern in pornography) as a means to 'entice' viewers.

The industry will also exploit the definition of 'still' images – will this include

animated gifs for example, or 'staggered' animations or a series of 'cartoon' style pornographic images?

As mentioned above, obviously age-restriction of pornographic images should not include *genuine* works of art, medical or educational material. A reasonable regulator should have no difficulty in deciphering what material falls under this category!

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

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)

These are all potentially problematic as (tech savvy) children can easily use and gain access to pins or credit cards etc. Credit Cards might be the best option as then at least parents and other carers may pick up on their cards being used for internet porn that they themselves had not paid for.

Question 5: Do you agree that a regulator should have the power to direct payment and other ancillary services to remove their services from non-compliant websites? Please give reasons.

A. Yes

This is essential. Porn is driven by profit. The only way to curb the industry is an attack on its ability to make profit.

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

A 'naming and shaming' system could be very effective, particularly for payment services who present as 'ethical' or parent/umbrella companies that the public are not aware are linked to porn. This kind of action could also provide a newsworthy discussion point and help provide awareness around the realities of pornography.

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

Won't regulation be almost meaningless if the real power behind the porn sites can't be tackled – the parent/umbrella companies?

Question 8: Do you agree with the introduction of a civil regime to regulate pornography websites? Please explain your answer.

B. Yes.

It would expedite process and allow for flexibility (which might be

particularly important when dealing with the rapidly changing world of porn and the internet). We are glad to see the option to review this and possibly introduce a Criminal Regime, with potentially much harsher sanctions, remains on the table. Many of our supporters believe this should be seen as a serious criminal offence.

Question 9: Would the introduction of a new criminal offence be a better form of regulation?

B. Don't Know

Perhaps not initially for the reasons given above. If a Criminal Offence is introduced it must be framed in terms of *harm*, not obscenity. Perhaps the existing legislation provided by The Serious Crime Act, 'Sexual Communication with a Child' (Part 5, Section 15) could be adapted since it applies in spirit, if not in letter, already to the porn industry's sexual communications with children: www.notbuyingit.org.uk/SeriousCrimeAct ?

Question 10: To what extent do you agree with the introduction of a new regulatory framework?

C. Strongly agree

Question 11: Should a new framework give powers to a regulator/regulators to (select all that apply):

YES. Strongly agree with all of the below:

- e. monitor compliance with the new law by pornographic websites
- f. notify non-compliant sites (and the companies that run them) that they are in breach of the new law
- g. direct non-compliant sites (and the companies that run them) to comply with new law
- h. 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)

- i. direct payment providers and ancillary services to withdraw services from non-compliant sites
- j. issue fines to non-compliant sites
- k. set standards for age verification controls, and determine content which is in scope

Question 12:

Do you think that a co-regulatory approach involving more than one regulator would be appropriate in this context?

B. No

As this consultation points out, this is a hugely complicated area demanding a range of expertise and considerable resources. It will surely be difficult and we believe impractical, for co-regulation by existing bodies (possibly with different levels of commitment) to adopt the well-coordinated, rapid-responding approach that is clearly needed.

In terms of 'stakeholders' – we urge the human rights groups (women's and children's) be included to ensure the regulator is genuinely driven by the harm of pornography for young people. Clearly experts on porn industry marketing and trends need to be constantly advising on the rapidly shifting internet terrain also.

Do you think that a single regulator would be more appropriate? If so, please specify which regulator, if you have a view.

c. None of the Above

We would urge for the Government to aim to set up a *new regulator* to take on all work in this area in a highly committed manner with genuine understanding and concern for the underlying issues. Ideally it should be

in regular communication with human rights groups (particularly women's and children's groups) to help reinforce best practice.

In time it could expand to regulate other areas of online pornography - such as the continued presence of large volumes of extreme abusive porn still widely available on the internet, despite that fact that its production, sale and procession has been illegal in the UK for some time.

We appreciate that setting up a new regulator might seem more costly initially but feel that since it could operate in a much more effective and focused manner, it could quickly prove more cost effective, not least through bringing in fines.

Sadly, we have little faith in any existing regulator taking on this work. Our considerable combined experience over many years of all existing regulators and their approach to issues of gender and sexualisation, are very discouraging. Regulators are often lackadaisical at best (the BBFC, for instance, frequently under-rates movies despite considerable levels of violence or inappropriate sexual content, eg the 'Bourne series' or 'The Internship', all rated 12A).

The response of many regulators to concerns or complaints also leaves much to be desired. Any regulator dealing with children's access to pornography needs to deal with concerns when they are raised by children, parents or others with great sensitivity and a genuine understanding of the issues

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

Yes, initially. However, the sheer volume of 'less popular sites' could still tally to a large overall total. In addition, as pointed out in this consultation, this is a (rapidly) shifting landscape – if popular sites become less accessible, children can quickly start using the less popular sites. Indeed the porn industry will be quick to make sure that they do. They may initiate a 'scatter gun' approach, ensuring a large number of sites with relatively

low numbers instead of relatively few sites with large numbers of child visitors.

Whatever regulator is in place, clearly it needs to be able to adapt rapidly to change to keep up with the porn industry.

We are also concerned by the German model cited, whereby only German-hosted (.de) sites are targeted by the German authorities. This is meaningless in the international world of porn. Even if most UK children visit UK sites, that will quickly change if only UK sites are targeted by the regulator.

There must be a way to block non-UK based sites and even to fine some of them/their payment providers. We should be doing far more to work at the international level. By doing so, not only could the Government start to properly protect our children but it help prevent children around the world from being targeted. This work could be seen (and perhaps funded) as both a domestic and international project.

Question 14. Should smaller and micro-sized businesses (such as some payments and ancillary services) be exempt from the scope of the policy?

B. No

Absolutely not. What sort of message does that send out - a two-law society? Besides which, this is needlessly opening up a loophole that the porn industry will be quick to exploit.

Question 15: Overall, are you broadly in favour of the proposals set out in the consultation?

a. Yes

But it needs to be well funded to succeed. Presumably fines levied from non-compliant sites will assist in this.

Question 16: How effective do you think the Government's preferred approach would be in preventing children from accessing online pornography?

B. Very effective.

We hope! However, as this consultation points out, this issue needs to be attacked on many fronts and one of these *has* to be public awareness raising and schools education. Funds *have* to be set aside to educate the public over the harm associated with porn and to provide quality, comprehensive schools education over its harm (preferably in the wider context of 'sex and relationships education'). The mainstream media's incessant and inexcusable objectification of women, which serves to 'groom' children for consuming (or indeed taking part in) pornography also has to be addressed. This is why a distinct regulator, with a wide remit that encompasses all these issues, is ultimately needed.

How fitting if this is part-funded through fines levied from the porn industry.