

#KeepKidsOffPorn Campaign

Ensure that Age Verification for online pornography remains in the Online Safety Bill, is enacted swiftly and enforced effectively.

Summary of Asks:

- 1. Ensure that the standalone duty for robust, independent, standards-based Age Verification to protect children from exposure to pornography remains in the Online Safety Bill.**
- 2. Include a statutory deadline for these Age Verification measures to commence within 6 months of the Bill receiving Royal Assent.**
- 3. Give Ofcom powers to commence business disruption measures after seven days notice in respect of any non-compliant pornographic content.**

As a broad coalition of charities and organisations formed in 2022 and campaigning to Keep Kids Off Porn, we were relieved that the Online Safety Bill now includes a standalone duty for all websites publishing pornography to implement Age Verification.

However, history has taught us that just because Age Verification is in the Bill doesn't necessarily mean that it's going to remain there. Part 3 of the Digital Economy Act mandating age checks for porn sites was enacted in 2017 but never commenced. This cannot be allowed to happen again.

Age Verification must be enacted as soon as possible and not subjected to further delay. Seven long years have passed since the Conservative government promised to protect children from online pornography and since then, resulting in around 4 million more UK children being exposed to porn or its impact for the first time.

Finally, Age Verification must be workable and effective. Without enforcement powers better suited to the pornography industry, we can anticipate that rates of non-compliance will be high. No porn site should consider itself above the law.

Our Asks in detail:

1. Ensure that the standalone duty for robust, independent, standards-based Age Verification remains in the Online Safety Bill.

Age Verification for online pornography is a vital child protection measure that aligns the online and offline worlds. It is a scandal that children continue to have free, easy access to the increasingly extreme online pornography that normalises and legitimises misogyny, coercion and violence against women and girls.

Ultimately, our children are paying the price for our inaction. Pornography is shaping our children's understanding of sexuality and undermining their ability to form healthy and satisfying sexual relationships. In reducing women and girls to sex objects; it drives "rape culture", normalising harmful attitudes and inspiring sexual harassment and abuse in our schools and universities.

Age Verification should remain at the heart of the OSB: this legislation must be enacted. It must also be clearer: currently, the confusing and even contradictory drafting of the Bill

means that not all online pornography will be captured by these measures. Age Verification laws should be simple and straightforward, applying to all pornographic content wherever it appears.

The #KeepKidsOffPorn campaign recently commissioned a poll to gauge UK attitudes on this issue. It found that in the opinion of the British people:

- **Age Verification is urgently needed to protect children:** 80% support it and 75% overall want it introduced '*as a matter of utmost urgency*' (inc 82% of women).
- **Online pornography is harmful for children:** 80% believe it's damaging for a child under 18 to view online porn, and almost three-quarters of parents (72%) are worried about the impact on their children of porn being easily accessible.
- **Children's easy access to porn is impacting the whole of society:** 7 in 10 believe the ease of access to porn has affected society for the worse, and 77% are concerned about '*damaging attitudes towards relationships and intimacy*' of watching porn.

2. Include a statutory deadline for Age Verification measures to commence 6 months after the Bill receives Royal Assent.

There is a very real danger that the implementation of Age Verification could be delayed for an unconscionably long time. It is vital we grasp the seriousness of the issue of children's free, unfettered access to online pornography, that we give it the priority it deserves and maintain a sense of urgency.

The Conservative Party's promise to protect children from pornography now enjoys widespread support across all parties in Parliament and its fulfilment is long overdue. There has never been a good excuse for allowing porn sites to continue profiting from a business model that puts children at risk. After seven years of deferral and delay, how much longer will children in the UK have to wait to get the protections they deserve?

The deadline we are proposing is reasonable and realistic. The technology for privacy-preserving age checks before adults can access pornographic websites has been ready for years— and indeed is already being implemented at scale in other jurisdictions, such as France and Germany.

By the time the Bill receives Royal Assent, Ofcom must have already prepared its guidance for Age Verification for consultation. Six months later, Ofcom will have considered this feedback and must be ready to exercise its powers of investigation and enforcement. It cannot and should not delay until Part 3 is commenced.

3. Give Ofcom the power to commence business disruption measures for all non-compliant pornography websites if no action is taken within 7 days of notice.

Pornography websites have admitted that their refusal to implement Age Verification measures is driven mainly by their fear of losing out to the competition. They are awaiting universal Age Verification before they take action on this issue.

However, as we have seen in France and Germany, the commercial incentive to cheat the system is so strong that even some of the biggest porn sites have failed to comply. They will challenge in the courts, ignore the regulator's orders or even circumvent blocking by "domain hopping".

It is vital that every single provider publishing pornography is made to comply with Age Verification law. For this to happen, Ofcom must have enforcement powers that are better suited to the unique nature of the pornography industry.

There are 4 - 5 million porn sites accessible from the UK. Many of these lack the usual organisational structure and do not have traceable executives who can be held to account for misconduct. As the Bill currently stands, we envisage a situation where Ofcom would not know where to issue its fines and notices of enforcement action, and would have no way to enforce these overseas. Websites could also take advantage of the long delays if Ofcom were forced to issue individual court orders against each one, which could be subject to lengthy appeals processes.

We propose that, having assessed the available evidence, if Ofcom concludes that a particular pornography provider is in breach of Part 5, it shall issue a notice of its intention to commence interim service restriction orders (124) that are part of the business disruption measures set out in Part 7. The owner/responsible person for the web page, site or service will then have seven working days to produce evidence of its intention to bring itself into compliance with Part 5 within such period as Ofcom decides is reasonable in the circumstance. Failing that, business disruption measures shall take immediate effect until the site is compliant or it is successful in any appeal to the courts.

This precautionary principle approach is more than warranted given that the stakes are so high. It will incentivise high rates of compliance, creating a level playing field for porn sites and sending out the message that every single porn site will be held to account for breaking the law.

#KeepKidsOffPorn

SIGNATORIES:

CEASE

5Rights Foundation

CARE

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

Dr Elly Hanson

Andrew Hawkins, Democracy 3.0