



Online Safety Bill: Illegal and prohibited pornographic material

Summary

- The Online Safety Bill does not go far enough to tackle abusive and violent pornographic content online, including content which would be prohibited and so illegal on DVD and Blu-Ray – but is prevalent online.
- This includes content which suggests sexual activity with children (where adult actors are made to look like children), content which depicts incest, and content which depicts the infliction of pain or acts which are likely to cause serious physical harm, whether real or (in a sexual context) simulated.
- Evidence suggests that viewing content which sexualises children can be a gateway to viewing and seeking out illegal child sexual abuse material, and potentially even contacting and abusing children on and offline.
- YouGov polling for Barnardo's found that almost 70 per cent of UK adults (69%) agree that pornography which would be illegal on DVD should also be illegal online.
- We, the above organisations, in partnership with John Carr OBE, Secretary for the Children's Charities' Coalition on Internet Safety (CHIS), fully support the amendment tabled by Baroness Benjamin to the Online Safety Bill, which would require service providers to exclude any pornographic content that would be classified as more extreme than R18, and would be prohibited offline or on UK-based Video on Demand Services. This would address the inconsistencies between on and offline regulation of pornographic content.

We urge Peers to speak in support of this amendment at Committee Stage of the Bill.

What Sort of Content would be Prohibited?

Prohibited content is material that the British Board of Film Classification (BBFC) would find unsuitable for classification, including at the R18 category. The BBFC will not classify any pornographic content that is illegal or any material that is potentially harmful, for example because it depicts and/ or promotes **child sexual abuse, incest, trafficking, torture and harmful sexual acts**.¹ It includes material which promotes violent sexual activity, including breath restriction (strangulation), and depicts sexual activity with adult actors made to look like children: petite, young-looking performers made to look underage through props such as stuffed toys, lollipops and school uniforms. It also includes content which depicts sexual activity between family members, such as between fathers and daughters and brothers and sisters. This content is extremely harmful,

¹ [BBFC Classification Guidelines](#), 2019, page 28

promoting violence against women and girls, sexualising children and driving the demand for ‘real’ child sexual abuse material.

Such content is extremely prevalent online. In 2019, 39 billion searches were made on Pornhub, with one of the most frequent search terms being ‘teen’.² Although commercial pornography sites such as Pornhub have banned certain search tags and descriptors that overtly suggest underage sexual activity, such as ‘children’, ‘underage’ and ‘child young’, CEASE has found that content which suggests underage sexual activity remains prevalent, including search tags like ‘classroom teacher’, ‘exxxtrasmall’ and ‘barely legal’. Examples of titles of hosted videos on the site include ‘Cute schoolgirl gets f***ed by her English teacher’ and ‘Daddy F**** Me Hard Before School’.³

Such depictions of sexual activity with the title ‘teen’ are often particularly violent.⁴ 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’.⁵

Although ‘teen’ could legitimately refer to those over 18, much of the content found in the study did suggest sexual activity with underage girls. Titles includes terms such as ‘pigtails’, ‘homework’, and ‘braces’.⁶ Further, the most frequent form of sexual violence found in pornographic content was sexual activity between family members.⁷

Why are we concerned about the impact on users of pornographic content, including children?

The Government Equalities Office found that there was substantial evidence of association between the use of illegal pornography and harmful attitudes and behaviour towards women and girls.⁸

Evidence collected for the Government’s 2021 *Tackling Violence against Women and Girls Strategy* found: “a widespread consensus about the harmful role of violent pornography can play in violence against women and girls, with most respondents to the open public surveys and many respondents to the nationally representative survey agreeing that an increase in violent pornography has led to more people being asked to agree to violent sex acts...and to more people being sexually assaulted.”⁹

Evidence shows that the excessive consumption of content which sexualises children can result in offenders viewing illegal child sexual abuse material.¹⁰ As increasingly extreme pornography becomes available on mainstream sites – including pornography which depicts sexual activity with ‘child-like’ performers – the threshold of what is ‘acceptable’ is lowered, legitimising those who access extreme and abusive content.¹¹ A user may ‘spiral’, seeking more and more extreme

² https://www.police-foundation.org.uk/2017/wp-content/uploads/2022/07/turning_the_tide_FINAL-.pdf

³ https://cease.org.uk/wp-content/uploads/2021/07/210607_CEASE_Expose_Big_Porn_Report.pdf

⁴ <https://academic.oup.com/bjc/article/61/5/1243/6208896>

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

⁶ <https://academic.oup.com/bjc/article/61/5/1243/6208896>

⁷ <https://academic.oup.com/bjc/article/61/5/1243/6208896>

⁸ <https://www.iicsa.org.uk/key-documents/28604/view/INQ006736.pdf>

⁹ *Tackling Violence against Women and Girls Strategy*, HM Government, July 2021, page 35

¹⁰ https://www.theguardian.com/global-development/2020/dec/15/how-extreme-porn-has-become-a-gateway-drug-into-child-abuse?fbclid=IwAR0JqKlZxs6xyvV8ZzYyPmoYKZTpijF8d_cdDgGdHww1laVqxWTLmZTu5wU%3e

¹¹ https://www.theguardian.com/global-development/2020/dec/15/how-extreme-porn-has-become-a-gateway-drug-into-child-abuse?fbclid=IwAR0JqKlZxs6xyvV8ZzYyPmoYKZTpijF8d_cdDgGdHww1laVqxWTLmZTu5wU%3e

pornography to fulfil them – meaning that the next click could be illegal child sexual abuse material.¹²

Pornography platforms design their sites to keep users on the site for as long as possible, in order to increase their exposure to adverts – increasing their revenue. As pornography affects the brain in a way that can make the user ‘spiral’, pornography companies monetize this by presenting ever more extreme content to its users.¹³ Estimates place the pornography industry’s value at approximately \$97 billion, which is even bigger than Hollywood.¹⁴

Former Chief Constable Simon Bailey told the Independent Inquiry into Child Sexual Abuse that the ready availability of free online pornography was *‘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’*.¹⁵ A number of studies have also attributed the widespread access of pornography to a growth in male erectile dysfunction, including *“an increased need for more extreme, specialized or “kinky” material to become aroused”*.¹⁶

The Lucy Faithfull Foundation, a UK-wide charity dedicated to the prevention of child sexual abuse, have warned that what they are seeing *“on a daily basis is the conflation of easy access to hardcore and deviant pornography and an interest in child molestation. The link is unambiguous”*.¹⁷ Data shows that the consumption of online legal adult pornography increased during the pandemic, with half of the UK adult population visiting an adult content site and/ or app in September 2020.¹⁸ According to the latest data from Stop It Now!, 276,414 people sought advice or support via its online self-help modules or its confidential helpline in 2022 – treble the number of people from during the pandemic in 2020.¹⁹ The Director of Stop It Now! UK & Ireland, Donald Findlater, warned that *“The way people use pornography today is unrecognisable from 20-years ago. The days of top-shelf magazines have been replaced by sophisticated methods that can show people things online they weren’t looking for or usually interested in. This can mean people then search for and need more extreme videos to be satisfied, with some individuals then looking for under-age material and offending as a result.”*²⁰

Case Study from Lucy Faithfull Foundation²¹

Peter, 40, is an academic and now lives alone. He has no children, nor does he have direct contact with any. He was arrested for engaging in sexual communication with a child online, including sending explicit images of himself and requesting self-generated sexual images from a child.

¹² <https://www.irishe Examiner.com/news/arid-20036653.html>

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

¹⁴ https://cease.org.uk/wp-content/uploads/2021/07/210607_CEASE_Expose_Big_Porn_Report.pdf

¹⁵ <https://www.iicsa.org.uk/reports-recommendations/publications/inquiry/final-report>

¹⁶ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5039517/>

¹⁷ <https://www.theguardian.com/global-development/2020/dec/15/how-extreme-porn-has-become-a-gateway-drug-into-child-abuse>

¹⁸ https://www.ofcom.org.uk/data/assets/pdf_file/0013/220414/online-nation-2021-report.pdf

¹⁹ <https://www.lucyfaithfull.org.uk/featured-news/number-of-people-seeking-support-about-online-child-sexual-abuse-triples-since-the-first-lockdown.htm>

²⁰ <https://www.lucyfaithfull.org.uk/featured-news/number-of-people-seeking-support-about-online-child-sexual-abuse-triples-since-the-first-lockdown.htm>

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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

Following his arrest, the police provided him with Lucy Faithfull Foundation's Stop It Now! helpline details and he has had regular contact with the helpline over several months.

During his calls, Peter spoke about his poor mental health over a number of years, including anxiety, depression and self-harm. He explained that he had begun viewing legal adult pornography online about 10 years ago, and that this behaviour had escalated quickly to sexual chat with adults and then sexual communication with children of varying ages, mostly pubescent girls.

Peter disclosed that he had been engaging in such conversations with children for the last five years and that the severity and frequency of his online behaviour had escalated during lockdown. He believes this was, at least in part, due to him being inactive and feeling isolated.

Interviews with offenders who viewed child sexual abuse material in the UK indicate that most had not intentionally sought out child sexual abuse material, but it was the result of 'entrenched pornography use' and spiralling online behaviour.²² Their initial engagement with child sexual abuse material was often incidental rather than purposeful, and nine out of ten offenders said that they initially found child sexual abuse material through online pop-ups and linked material while looking at pornographic material.²³

The largest ever survey on the thoughts and behaviours of people who watched child sexual abuse material online has found significant evidence that those who watch illegal material are at high risk of going on to contact or abuse a child directly.²⁴ Almost half (42%) of respondents to the survey said that they had sought direct contact with children through online platforms after viewing child sexual abuse material, and 58% reported feeling afraid that viewing child sexual abuse material might lead them to committing abuse in person.²⁵

As well as the impact on adults and the victims of child sexual abuse and exploitation online and offline, pornographic content that depicts sexual activity with 'child-like' performers or between family members can impact children who see this content.

This content in particular normalises abuse and violence towards children, particularly girls. As long as harmful, abusive content remains online, children will be able to access it. Concerns about the need to protect children were reiterated in January 2023 by the Children's Commissioner for England who said, "*young people are frequently exposed to violent pornography, depicting coercive, degrading or pain-inducing sex acts; 79% had encountered violent pornography before the age of 18. Young people expressed concern about the implications of violent pornography on their understanding of the difference between sexual pleasure and harm. Indeed, this report finds that frequent users of pornography are more likely to engage in physically aggressive sex acts.*"²⁶

This is why we also support robust and independent age verification to prevent children from being able to access pornography wherever it occurs online.

²² https://www.police-foundation.org.uk/2017/wp-content/uploads/2022/07/turning_the_tide_FINAL-.pdf

²³ <https://www.iwf.org.uk/news-media/news/new-research-shows-action-needed-to-stop-people-seeing-indecent-images-of-children-for-the-first-time/>

²⁴ <https://tsjournal.org/index.php/jots/article/view/29>

²⁵ <https://tsjournal.org/index.php/jots/article/view/29>

²⁶ 'A lot of it is actually just abuse' – [Young People and Pornography](#), Children's Commissioner for England, Jan 2023, page 5

Case Study from Barnardo's

There are also children who view pornography to try to understand their own sexual abuse. Unfortunately, what these children find is content that normalises the most abhorrent and illegal behaviours.

This includes 15-year-old Elizabeth* who has been sexually abused by a much older relative for a number of years. 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.

*Please note all names have been changed.

How can The Online Safety Bill ensure the rules are the same online as offline?

The Bill could be amended to prevent content from being uploaded online if it would fail to attain an R18 certification offline and contains prohibited material.

An inquiry by the APPG on Commercial Sexual Exploitation into the pornography trade recommended that the Bill make the regulation of pornography consistent between the online and offline spheres.²⁷

Online, there is no equivalent standard to the BBFC's regulation of DVDs or Blu-Rays, as the internet has evolved with the equivalent regulatory oversight. YouGov polling for Barnardo's found that almost 70 per cent of UK adults (69%) agree that pornography which would be illegal on DVD should also be illegal online.²⁸

The amendment tabled by Baroness Benjamin will address this disparity between offline and online standards and protect children by preventing content from being uploaded online if it would fail to attain an R18 certification and contains prohibited content.

Amendment on illegal and prohibited pornographic material – tabled by Baroness Benjamin

Clause 72, page 65, line 41, at end insert—

“(2A) A duty to operate a regulated service which does not contain any prohibited material, where “prohibited material” has the same meaning as section 368E(3)(a) and section 368E(3)(b) of the Communications Act 2003 (harmful material).”

Contact Details

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²⁷ <https://www.appg-cse.uk/wp-content/uploads/2023/02/Inquiry-on-pornography.pdf>

²⁸ <https://www.barnardos.org.uk/news/almost-70-uk-adults-support-tighter-controls-online-pornography-content>