

Written evidence submitted by Barnardo's (OSB84)

Response to the Online Safety Public Bill Committee call for evidence

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1) About Barnardo's

Barnardo's is the UK's largest national children's charity. In 2020-21 we supported 382,872 children, young people, parents and carers, through more than 791 services and partnerships. Barnardo's has a long-standing history of providing services to children and young people not living with their parents – we were founded to provide food, shelter and skills to children living on the streets of Victorian London. Today we provide support to families who are struggling; we are the largest voluntary provider of adoption and fostering services; and we provide support to care leavers up to the age of 25. We also run 15 residential services across the UK. These cater for children with a variety of needs, including emotional and behavioural difficulties, special educational needs and autism, and life limiting conditions.

In addition, we host the [Centre of Expertise on Child Sexual Abuse](#) which reaches 1000s of professionals through its training and research and the [National FGM Centre](#), a partnership between Barnardo's and the Local Government Association, which works with professionals and in communities to educate and prevent FGM.

Through our direct support to children and young people in our services across the UK, we know that children are facing online grooming, coercion and threats on a daily basis.

2) The Online Safety Bill

Summary

- The Online Safety Bill is a vital opportunity to protect children from a wide range of harms online.
- Internet companies have a significant impact on children's lives yet do not have legal obligations to act in the best interests of children. They should have a corporate responsibility to keep children safe.
- Harmful content poses a serious risk to children's mental health, and their understanding of consent and healthy relationships.
- It is essential that the Bill is **not delayed** and that **age verification is enforced as soon as possible**, to prevent children stumbling upon violent and extreme pornography.
- However, though necessary, age verification is not sufficient to tackle the harms and abuse that pervade commercial pornography sites.
- As the Bill stands, content that is not permitted on DVD can still be published online. We urge MPs to **correct this inconsistency** to better protect children by ensuring that commercial pornography companies remove harmful, violent and abusive content from their sites.

- Given the growing danger posed by gangs, we are also calling for **child criminal exploitation** to be named as an offence in the Bill, alongside child sexual abuse.

3) Harmful pornography and its impact on children

This Bill cannot just be focussed on social media sites. It must extend its reach to provider-based content. Beyond the important duty to introduce age verification, the Bill does not go far enough in regulating pornography sites so as to protect children from accessing harmful content. Viewing ^{1[OBJ]} ^{2[OBJ]} The impact of watching pornography can be traumatising for children, affecting how they view the opposite sex and attitudes to sex and consent.

Recent Data from Barnardo's 2021 survey of frontline practitioners found that across our wide range of services:³

- 26% of practitioners have supported children who they know have accessed pornographic material while underage.
- 32% of practitioners felt accessing pornography under-age led to children developing unrealistic expectations of sex and relationships.
- 28% of practitioners felt accessing pornography under-age led to children displaying inappropriate sexualized behaviours.
- 22% of practitioners felt accessing pornography under-age negatively impacts Mental Health and Wellbeing.

The BBFC research found that while Pornhub was the site that young people tended to use the most, xHamster, xVideos, and RedTube were also popular. Many first experienced pornography accidentally. Many respondents described their first viewing of pornography as having occurred "accidentally" via a number of routes. These included:

- Google searches where many described unwittingly searching terms such as 'sex' or 'porn' without understanding what these words meant
- Receiving links to videos on pornographic sites from friends without knowing what the content would include
- Adverts or pop-ups on film streaming, sport streaming or gaming websites, which host content that is often shared illegally
- Being shown videos on a friend's phone. Often this happened when they started secondary school, aged 11 or 12 years old ⁴

The devices children were using at the time varied, although it tended to be on a family desktop or laptop computer, or on a personal tablet or phone. Intentional pornography use increased with age.

¹ [Review of sexual abuse in schools and colleges - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/reviews/sexual-abuse-in-schools-and-colleges)

² [Children see pornography as young as seven, new report finds | BBFC](https://www.bbfc.gov.uk/news/children-see-pornography-as-young-as-seven-new-report-finds)

³ [Barnardo's survey reveals the harm done to children by harmful pornography – Culture Sec must | Barnardo's \(barnardos.org.uk\)](https://www.barnardos.org.uk/news/barnardos-survey-reveals-the-harm-done-to-children-by-harmful-pornography-culture-secretary-must)

⁴ [Porn survey reveals extent of UK teenagers' viewing habits | Young people | The Guardian](https://www.theguardian.com/uk-news/2019/feb/14/porn-survey-reveals-extent-of-uk-teenagers-viewing-habits)

Long term impacts of viewing pornography

Longitudinal studies with young people in North America find that pornography use can predict sexual coercion and aggression.⁵ In one study, viewing violent pornography increased the risk that adolescents would be sexually aggressive by six times (two years later). It also increased the risk of passively standing by (thereby enabling it).⁶

“Sophisticated algorithms are being trained on our children to shape their sexuality towards corporate profit – towards uncaring and impersonal sex including sexual violence & manipulation, and away from sexualities that are about chemistry, appreciation, attunement and flow”. - Dr Elly Hanson, clinical psychologist and therapist and expert in the impact of pornography on children.⁷

Barnardo’s Practitioners responding to an internal survey commented:

‘I’ve seen multiple examples of online pornographic access being a pathway to other inappropriate material and sites where young people have been exploited... Examples of children as young as 8yo being exploited and key factor including distorted thresholds to sexual activity as a result of previous access to online pornographic material.’

‘Young person being inappropriate to children of a younger age on social media by sharing and requesting images. Young person sharing this content with peers. I believe this has resulted in the majority of young people being more vulnerable to online predators as frequent exposure to pornographic content is becoming more and more normalised on platforms such as TikTok.’

4) Key Issues within the Bill

a) Fast track age verification for pornography sites and ensure that age verification means robust, effective, independently monitored systems.

- In 2015/16 pornography was accessed 1.4 million times by UK children every month. That number is likely to be higher now due to the increase in time spent online during and post pandemic. Therefore, at the very minimum over the next three years **children could be accessing pornography over 50 million times.** ⁸
- Barnardo’s frontline services say children they support are watching pornography depicting illegal acts, violence and child sexual abuse. We see first-hand that watching this content harms children’s mental health and can normalise aggressive, coercive and harmful sexual ⁹activity.

⁵ 2019, The Association Between Exposure to Violent Pornography and Teen Dating Violence in Grade 10 High School Students Whitney L. Rostad, Daniel Gittins-Stone, Charlie Huntington, Christie J. Rizzo, Deborah Pearlman,⁵ and Lindsay Orchowski

⁶ Ibid

⁷ [Dr Elly Hanson Clinical Psychologist](#)

⁸ 2015, Digital Economy Act Consultation, DCMS

- Barnardo’s frontline workers say some children are even copying acts they have seen in pornographic videos, despite feeling uncomfortable or scared. Some children see these acts as an expected part of a relationship, rather than identifying it as abusive.
- The British Board of Film Classification (BBFC) has found that children are stumbling on pornography online from as young as seven. Their study also shows that half of 11 to 13-year-olds have seen pornography at some point. This rises to two-thirds of 14 to 15-year-olds and four in five 16- to 17-year-olds.¹⁰
- On the 31st March, we published an open letter to pornography sites viewed in the UK asking them to work together to keep children safe from their content by implementing age verification as soon as possible and to do much more to remove illegal and harmful content from their platform. This letter was supported by a range of organisations and individuals including Women’s Aid, NSPCC and the Children’s Commissioner for England as well as a range of MPs. To date we have had well over 1000 signatories to the letter.¹¹
- We are pleased that following representations from Barnardo’s and other organisations, Part 5 of the Online Safety Bill now includes the following duty on page 60 (68 -2): **A duty to ensure that children are not normally able to encounter content that is regulated provider pornographic content in relation to the service (for example, by using age verification).**
- However, we do have concerns that the wording of this clause does not ensure that pornography providers will implement robust, effective and independently verified systems. This duty cannot just be a tick box exercise, it must prevent children from being able to see pornography online.

Recommendations

- **We recommend that this legislation is fast tracked to ensure that children are protected at the earliest possible opportunity. This could be achieved by adding time limits into the clause. We also recommend that the clause is strengthened by adding a line that specifies:**
“this age verification must meet minimum standards as set out by Ofcom.”

Case studies

One 10-year-old girl regularly made highly sexualised comments in school along with groans and moans. She told schoolteachers that her favourite thing was ‘prawn’, meaning ‘porn’. Barnardo’s has been supporting the teachers and the child

¹⁰ <https://www.bbfc.co.uk/about-us/news/children-see-pornography-as-young-as-seven-new-report-finds>

¹¹ [Sign our letter to prevent children from accessing violent pornography | Barnardo's \(barnardos.org.uk\)](#)

b) Regulate pornographic content

- We are extremely concerned that Page 20 of the Online Safety Bill's risk assessment⁵ states that pornographic website publishers do not need to implement the same safety measures as other websites.

Duty	All UGC services	Category 1	Category 2A	Category 2B	Pornography publishers ⁷⁶
Risk assessment duty: to assess the level of risk on the platform	✓	✓	✓	✓	×
Illegal duty: to put in place systems and processes to minimise and remove priority illegal content and to remove non-priority illegal content when identified through user reporting.	✓	✓	✓	✓	×
Child safety duty: If the platform is likely to be accessed by children, to put in place systems and processes to protect children from harmful content.	✓	✓	✓	✓	×
Legal but harmful duty: to address legal but harmful content accessed by adults, through enforcing a platform's own terms of service.	×	✓	×	×	×

- Research from leading academics has found that many commercial pornography sites have 'depictions of practices that meet criminal standards of sexual violence, including rape, incest and [image-based sexual abuse, known as] so-called 'revenge porn,' (and) are labelled in ways that not only minimise or remove their criminality, but often mock or belittle the possibility of harm.'¹²
- Extreme pornography is defined in legislation and includes 'explicit and realistic' images of rape and serious violence. This content is illegal to possess in the UK but is still found on many commercial pornography sites. We also believe that other content which the BBFC refuses to classify for DVD/Blu-ray should not be accepted online. This includes depictions of sexual violence that fall short of the legal definition of extreme pornography, material that promotes an interest in sexually abusive activity, and acts likely to cause serious physical harm.
- Barnardo's recently commissioned YouGov polling which found that almost **70 per cent of UK adults (69%) agree that this extreme pornography which would be illegal on DVD should also be illegal online.**
- Police and practitioners are also concerned about the increasing number of young men who have developed an interest in child sexual abuse material via mainstream online pornography. Experts agree that people watching abuse-themed pornography, increasingly widespread on the most watched sites, is making it easier for them to take the next step of watching real abuse of real children.¹³
- As the Bill stands this content will still feature on these sites.**

¹² Sexual violence as a sexual script in mainstream online pornography, Fiona Vera-Gray, Clare McGlynn, Ibad Kureshi, Kate Butterby - 2021

¹³ https://www.theguardian.com/global-development/2020/dec/15/how-extreme-porn-has-become-a-gateway-drug-into-child-abuse?fbclid=IwAR0JqgKlZxs6xyyV8ZzYyPmoYKZTpijF8d_cdDGdHww1IaVqxWTLmZTu5wU%3E

- In the Digital Economy Act, the then Age verification regulator had responsibility for taking action against a person/site who was making prohibited material available on the internet to persons in the United Kingdom, In this section “prohibited material” means either of the following— (a) the whole or part of a video work— (i) if it is reasonable to assume from its nature that the video work was produced solely or principally for the purposes of sexual arousal, and (ii) if the video works authority has determined the video work not to be suitable for a classification certificate to be issued in respect of it; (b) material whose nature is such that it is reasonable to assume— (i) that it was produced solely or principally for the purposes of sexual arousal, and (ii) that the video works authority would determine that a video work including it was not suitable for a classification certificate to be issued in respect of it. This must also be included in the Online Safety Bill.
- **We recommend that the Bill must be amended to ensure that all sites that contain pornographic material whether user generated or commercially provided are held accountable for the harmful and illegal content on their sites.**

What do we mean by legal but harmful?

Extreme pornography which depicts illegal acts such as child sexual abuse and rape is covered in existing legislation. However, this legislation is proving to be ineffective in enforcing the removal of this content from these sites. This is why the Online Safety Bill needs to include measures to allow Ofcom to act more quickly on these sites in the same way as it will on social media sites.

Separate from illegal content, pornography sites also contain content which is not currently covered in legislation but is extremely harmful. This content would not be permitted by the BBFC offline when they classify in R18 pornographic dvds/blue rays.

This content includes:

- Depictions of sexual violence that fall short of the very specific legal definition of extreme pornography
- Material that promotes an interest in abusive relationships such as incest
- Acts likely to cause serious physical harm such as breath restriction or strangulation

As the Bill stands this content will still be permitted on commercial pornography sites despite evidence that shows the harm it causes to adults and children. We are pleased that the Bill tackles harmful but legal content in a variety of other ways but this clear omission is very concerning.

Legal but harmful case study

One 13-year-old boy had been a keen sports enthusiast but during lockdown away from school he spent more time online and watching pornography. He particularly watched content that portrayed public sexual harassment which resulted in consensual intercourse. These films showed women enjoying being approached and harassed by strangers in a public place. After viewing this videos, he went on a bike ride and exposed himself to a much older woman and made sexually suggestive

comments to her. He was then subsequently arrested, convicted of a sexual offence and excluded from school. When he was referred to Barnardo's he disclosed that he had been specifically viewing content which portrayed men exposing themselves in public to women who enjoyed this and then engaged with the men sexually. Having never been aggressive or in trouble before, and his feeling of shame at discovering that women did not like this approach, the Barnardo's professionals who supported the boy felt that his actions were directly linked to what he had seen portrayed online.

The content that Michael watched would not have been permissible offline on a pornographic DVD yet it is freely available online. This is the discrepancy that the Online Safety Bill needs to address.

c) Include Child Criminal Exploitation in listed harms in the Bill

- We welcome the proposed '**duty of care**' on social media companies, and some other platforms that allow users to share and post material, to remove 'harmful content'. This duty rightly includes content that is legal but harmful to users, including children. It is also welcome that child sexual abuse (CSA) is listed as a priority offence in the Bill.
- However, the Bill does not cover another form of abuse: child criminal exploitation. This is where a **child is manipulated or coerced into undertaking criminal activity**. It often takes months or longer for criminal exploitation to be identified, and sometimes the child is criminalised. This is supported by Serious Case Reviews which illustrate that children are often not being safeguarded early enough.¹⁴
- Children can be exploited as young as nine¹⁵ and the problem is growing. **The number of 'children in need' assessments that identified gangs as a factor increased by 34% in 2020 compared to 2019.**¹⁶
- During the lockdowns, **our services reported that many criminal gangs adapted their practices and focussed more online.**¹⁷ **There was an increased use of online apps and social media to recruit.**
- Alongside the Children's Society, we **believe that the Online Safety Bill is an opportunity to strengthen legislation on online grooming for the purpose of children criminal exploitation.** Naming CCE on the face of the bill (like CSA is already) removes the need for this to be addressed in secondary legislation later and Ofcom can take faster enforcement action against tech firms which fail to remove harmful content.

Case study – CCE online

Jamie aged 17, had been approached by an unknown adult on the social media site [Snapchat](#). The adult reportedly contacted him several times with the offer of work. Jamie initially refused but eventually took up the offer of work due to boredom and isolation during the pandemic. He provided his phone number to the adult. Jamie was contacted on his phone

¹⁴ The Child Safeguarding Practice Review Panel – It was hard to escape – report (publishing.service.gov.uk)

¹⁵ [counting-lives-report.pdf \(childrensociety.org.uk\)](#)

¹⁶ <https://explore-education-statistics.service.gov.uk/find-statistics/characteristics-of-children-in-need/2020>

¹⁷ [County lines' drug gangs tracking children via social media | Drugs | The Guardian](#)

and instructed to meet with a second adult. He was provided with a bike by this individual and directed to a third adult who provided him with a package containing drugs. Jamie said he was afraid of the people he had become involved with and feared refusing instructions. He was subsequently instructed via phone calls to meet numerous individuals at different locations to deliver drugs. Jamie was searched by the police and arrested between deliveries. He was held in custody overnight without an offer of a phone call to his parents and interviewed the next morning. He was released under investigation for Possession with Intent to Supply. After over 6 months, Jamie and his family did not receive any communication from the Police or Children's Services about any support or whether he would be charged. Jamie's parents moved house during this period as an effort to protect him. Approximately 10 months after the incident, Jamie was involved in a traffic incident whilst riding his bike. Police at the scene discovered that he was in possession of illegal drugs. Jamie told his parents that he had been located by his initial traffickers who told him he had accrued a 'drug debt'. He was told to pay a considerable sum of money upfront or work for them in delivering substances as before. There seemed to be no consideration that he may have been trafficked or exploited and no referral to the National Referral Mechanism (NRM). Had a referral been submitted for assessment, it would have found that he was being exploited much earlier. A referral was finally made several months after Jamie's initial arrest. He is now being supported by Barnardo's.

D) Mental Health – access to data and algorithms

- We know that the pandemic has exacerbated the increase in children and young people struggling with their mental health. The number of children with diagnosable mental health conditions has also significantly increased since 2017: **For 6 to 16-year-olds** the prevalence has increased from **one in nine to one in six** in 2021¹⁸
- Barnardo's quarterly surveys of frontline workers since March 2020 have showed a steady increase in concerns about the deteriorating mental health of the children and families, they work with:
 - **In April 2020 seven out of 10 practitioners reported an increase** in mental health issues among the children, young people and parents they worked with. By April 2021 this had increased to **nine out of ten practitioners**.¹⁹
- The Government has identified a link between social media and mental health.
- In January 2022, the Government responded to a Parliamentary question by stating that the Department of Health and Social Care has funded a systematic review through the National Institute for Health Research (NIHR) to explore the relationship between social media and other online content and body image and disordered eating in children and young people.²⁰
- The Parliamentary Scrutiny Committee established to consider the draft Online Safety Bill recommended that social media companies must be forced to assess and report the harm

¹⁸ <https://digital.nhs.uk/data-and-information/publications/statistical/mental-health-of-children-and-young-people-in-england/2021-follow-up-to-the-2017-survey#summary>

¹⁹ Barnardo's Practitioner Survey April 2020 and April 2021

²⁰ <https://questions-statements.parliament.uk/written-questions/detail/2021-12-16/94560>

caused by their algorithms.²¹ Unfortunately, the Government didn't add this recommendation to the Bill. Instagram has said it would allow its users to switch to a chronological feed of posts rather than one ordered by its algorithms after it was criticised for promoting harmful content through its algorithm designs

- Barnardo's believes that all online providers whether social media (Facebook, TikTok, Twitter, Instagram), search engines or other websites have a corporate responsibility to safeguard the information that children are subjected to. Whether that's the data they keep which then feeds the algorithms to the content that then gets directed to young and often impressionable people.
- It was only through the revelations of whistle-blower Frances Haugen that we know Meta had data showing Instagram is harmful for teenage mental health.
- Haugen shared Facebook's internal research demonstrating:
 - **One in five teens** (UK and US) say that **Instagram makes them feel worse**²²
 - **23% of UK Girls** say that **Instagram makes them feel worse**²³
 - **30% UK Teens who struggle** with mental health say **Instagram makes it worse**²⁴
 - **21% of UK Teenagers were more likely to report wanting to hurt or kill themselves** compared to 14% of US participants.²⁵
 - **13 per cent of teenagers** in the UK said their **feelings of wanting to kill themselves had started on Instagram**²⁶
 - **40% of UK and US Instagram users** who reported feeling **'unattractive' said the feeling began on the app**²⁷
- The NSPCC and 50+ children's charities wrote to Meta asking to see the research in full, but the company has not complied. The family of Molly Russell, the 14-year-old who committed suicide after viewing harmful content online, is still waiting for Meta to disclose information relevant to her death.
- The 'user empowerment' in the Bill currently only applies to adults, rather than children. The Government outlined in the impact assessment that user empowerment would be separate to the protections outline for children online.
- Children will have individual views on what sort of content they may not want to see and what may be harmful. For example, beauty or fitness-related content that is concerning to a child who is recovering from an eating disorder may be unproblematic (or less problematic) for a child who is not. Barnardo's recommends that any 'user empowerment' requirement that is extended to adults should apply equally to children.

17 June 2022

²¹ [No longer the land of the lawless: Joint Committee reports - Committees - UK Parliament](#)

²² <https://about.fb.com/news/2021/09/research-teen-well-being-and-instagram/>

²³ <https://about.fb.com/news/2021/09/research-teen-well-being-and-instagram/>

²⁴ <https://about.fb.com/news/2021/09/research-teen-well-being-and-instagram/>

²⁵ <https://about.fb.com/news/2021/09/research-teen-well-being-and-instagram/>

²⁶ <https://about.fb.com/news/2021/09/research-teen-well-being-and-instagram/>

²⁷ <https://about.fb.com/news/2021/09/research-teen-well-being-and-instagram/>