



Department  
for Culture  
Media & Sport

# Child Safety Online: Age Verification for Pornography

February 2016



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## FOREWORD

The UK is a world leader in child online safety - in our ambition, in our approach and in our action - partnering Government, industry and the charity sector to deliver measures that combine a fundamental respect for freedom of expression online, with robust tools for parents and children to avoid content they don't wish to see and legal protections against abuse and illegal content.

But we cannot be complacent. Government has a responsibility to protect citizens from harm, especially the young and most vulnerable. Connected life has fundamentally changed the way we live our lives and with that our roles and responsibilities as parents, teachers, and individuals. So we need to continuously consider afresh how best to protect children in this context, accepting that families need a bit more support in the near term to cope with these changes. Just as the internet constantly adapts and innovates, we need to continuously review and improve how we work together to protect children online.

Offline, there are clear expectations that children will be protected from seeing pornographic material - sexually explicit magazines are put on the top shelf, and pornographic videos can only be sold to over-18s. It goes against these accepted values that children are able to see free-to-access 'tube' sites online, displaying very explicit, High Definition videos that are auto-played on landing pages. Pornography has never been more easily accessible online, and material that would previously have been considered extreme has become part of mainstream online pornography. When young people access this material it risks normalising behaviour that might be harmful to their future emotional and psychological development.

Our approach to the protection of children must keep pace with the evidence of the harms to which they may be exposed, and their concerns. We must also be mindful of the ease with which pornography can be freely accessed. In much the same way as society's attitudes to drink-driving, driving without seatbelts, and the potential harms of tobacco and gambling have changed, we must also consider how the ease of accessing pornography online, and the nature of that pornography, has changed the context for discussion.

However children are accessing content, our objective is the same: to protect children from distressing or unrealistic images of sex. Clearly, these images risk harming their ability to develop healthy personal relationships based on respect and consent. This applies whether they are accidentally stumbling across content, or are deliberately seeking it out to help them understand sex and relationships. In the latter case, they may also be accessing content that they are not yet equipped to understand, or find it hard to pull away from.

These different means of accessing pornography suggest more than one solution is needed and we are aware that there is no single solution here. Tech savvy young people determined to access pornography will always find ways to do so and the internet is only one of the routes via which children are exposed to pornography.

It is not unhealthy for teenagers to be interested in sex. But we can and should do more to ensure that children, particularly younger more vulnerable children, cannot easily access sexual content which will distress them or harm their development. This is why we set out in our manifesto our commitment to require age verification for access to pornographic content online, and this consultation sets out our preferred approach to delivering that commitment.

The focus of this proposed approach is on commercial pornography providers - we expect those profiting from the growth of online pornography to see the protection of children as a core responsibility of doing business. We look to these businesses, for whom the UK is an important and lucrative market, to work with us and to ensure children are not exposed to harmful content online, or content that is not suitable for their age group.

We also want to make the most of our outstanding charity sector and other initiatives that are being delivered through partnerships, building on these to launch a campaign to raise awareness of online safety issues. We will also be working closely with internet providers to explore what further progress can be achieved through the use of parental control filters.

It is important to note that we do not intend or wish to prevent adults from accessing legal content, and we are clear that this is neither about censoring legal activities, nor censoring the internet. However, this must not get in the way of our duty of care to our young people.

The principle of protecting the young and vulnerable reflects our society's most fundamental and deeply-held values. As our lives are increasingly being played out online, we must be prepared to take brave steps to ensure the world evolving online is a world with our children's interests at heart.

*Co-Chairs of the UK Council for Child Internet Safety:*

*Baroness Shields OBE, Minister for Internet Safety and Security  
Karen Bradley MP, Minister for Preventing Abuse and Exploitation  
Edward Timpson MP, Minister of State for Children and Families*

## HOW TO RESPOND

Our preferred method of capturing your responses to our consultation questions is via our dedicated survey. This, as well as further information including the Report of the Expert Panel for DCMS, can be accessed at:

[www.gov.uk/government/consultations/child-safety-online-age-verification-for-pornography](http://www.gov.uk/government/consultations/child-safety-online-age-verification-for-pornography).

If you would like to submit material that cannot be uploaded to the website, please send to [AVConsultation@culture.gov.uk](mailto:AVConsultation@culture.gov.uk).

Hard copy responses can be sent to:

**FAO Child Online Safety Team  
Age Verification consultation**

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**4th Floor  
Department for Culture, Media and Sport  
100 Parliament Street  
London SW1A 2BQ**

The consultation will run until midday on **Tuesday 12 April 2016**.

Information provided in response to this consultation may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000.

## INTRODUCTION

### The UK Approach

The UK is at the forefront of child online safety, due in no small part to our collaborative approach working with the key stakeholders in this sector.

The reviews of Tanya Byron (2008, 2010) and Reg Bailey (2011) made recommendations concerning internet industry self-regulation to protect children; much progress has been made since then. Tanya Byron recommended the creation of a 'UK Council for Child Internet Safety' (UKCCIS) – a body which would be responsible for developing and overseeing child internet safety solutions. The UKCCIS is chaired by Ministers from three Government departments and continues to meet quarterly<sup>1</sup>.

The UKCCIS includes a number of working groups - on Filters, Evidence, Education, Social Media, and Age Verification, each of which is chaired by, and enjoys the support of, experts in the field. Recent work by the body includes the production of two practical guides on social media: first, a guide for providers of social media and interactive services urging them to build safety by design into their platforms and services; and second, a guide to help parents understand the risks and benefits of their children's use of social media, and prevent risks from becoming problems.

### The scale of the problem

To provide an insight into the websites children are viewing, DCMS analysed statistics from comScore in May 2015. This data indicated that access by children and adolescents to the category 'XXX Adult'<sup>2</sup> online is high. Further research has also set out clearly the concerns young people have, and the need for intervention:

**Figure 1 - The scale of the issue, in numbers**

<b>1.4 million</b>	...unique visitors under 18 accessed adult sites from their desktop <sup>3</sup> . This represents...
<b>c.20%</b>	...roughly one fifth of under-18s accessing the internet <sup>4</sup> .
<b>13%</b>	...of children aged 6-14 visited an adult site in May 2015 <sup>5</sup>
<b>1 in 5</b>	...of children aged 11-17 surveyed on behalf of the NSPCC's

<sup>1</sup> [www.gov.uk/government/groups/uk-council-for-child-internet-safety-ukccis](http://www.gov.uk/government/groups/uk-council-for-child-internet-safety-ukccis)

<sup>2</sup> Content such as pornography or violence, that is not generally thought to be appropriate for viewing by children

<sup>3</sup> comScore MMX, May 2015, U.K

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

	ChildLine service said they'd seen pornographic images that had shocked or upset them <sup>6</sup>
<b>70%</b>	...of 18-year-olds surveyed felt that pornography can have a damaging impact on young people's views of sex and relationships <sup>7</sup> .
<b>78%</b>	...of women questioned believed that pornography encourages society to see women as sex objects (and 61% of men) <sup>8</sup>
<b>45%</b>	...of 18 to 19-year olds frequent internet users who viewed pornography reported that in hindsight they were too young when they were first exposed to it <sup>9</sup>
<b>6 x</b>	One study found that adolescents who viewed violent pornography were six times more likely to report engaging in sexually aggressive behaviour than their peers who did not <sup>10</sup>

In his speech on 22 July 2013 the Prime Minister set out how seriously the Government takes the issue of child internet safety. We have delivered a robust system: firstly, we restrict access to illegal child abuse images online, extending the existing extreme pornography offence to capture possession of extreme pornographic depictions of rape. Secondly, we have delivered tools to help parents limit children's access to age-inappropriate and potentially harmful material through the use of family friendly filters. Working together, Government and industry partners have made great strides in a number of areas over recent years. These include driving forward global progress on tackling child abuse imagery online through the WeProtect initiative, and establishing a child abuse image database to reduce the time taken to identify images and increase the ability of law enforcement to identify victims.

Other countries have taken steps to address child protection online. For example, in Germany a provider of pornographic content aimed at German users is placed under a duty by law to ensure minors cannot easily access it. This duty is fulfilled by means of applying access controls and applies to any party (i.e. provider of pornographic content or material) offering content accessible in Germany. As is set out on pages 31-32, this has led to a significant shift in behaviour on the part of major commercial pornography providers, whereby age verification controls have been introduced on all sites intended for German audiences.

<sup>6</sup> [www.nspcc.org.uk/fighting-for-childhood/news-opinion/online-porn-evidence-impact-young-people/](http://www.nspcc.org.uk/fighting-for-childhood/news-opinion/online-porn-evidence-impact-young-people/) (an online survey of 2,000 children)

<sup>7</sup> Parker, I. (2014). *Young people, sex and relationships: The new norms*, Institute for Public Policy Research, <http://www.ippr.org/read/young-people-sex-and-relationships-the-new-norms>

<sup>8</sup> Ibid.

<sup>9</sup> Livingstone, S. and Bober, M. (2004). *UK children go online : surveying the experiences of young people and their parents*, LSE Research Online.

<sup>10</sup> Ybarra, M. L., Mitchell, K. J., Hamburger, M., Diener-West, M., & Leaf, P. J. (2011). *X-rated material and perpetration of sexually aggressive behavior among children and adolescents: is there a link?*. *Aggressive Behavior*, 37(1), 1-18.



It is clearly important that other nations have also been considering their own approaches to how best to protect children from potentially harmful content on the internet. However, we want to continue to lead the way. We want to build on models such as that in Germany, and to draw lessons from what has worked well and set out in practical terms how to tackle commercial providers, which are based abroad. In this consultation we describe a preferred approach that involves proportionate regulatory activity, targeted at the most popular commercial sites, in order to deliver the greatest benefit and protections for children from potentially harmful content.

## Filters and parental controls

In his speech the Prime Minister challenged Internet Services Providers (ISPs) to develop more robust filtering tools for parents. These remain a key tool for parents to protect their children from exposure to inappropriate content online. Filtering by ISPs and mobile network operators at device or platform level now provides one of the most effective mechanisms for parents to limit children's access not only to pornography, but other age-inappropriate and potentially harmful content, such as self-harm, pro-anorexia and extreme violence.

Since 2005, mobile phone operators have applied default-on filters to internet enabled handsets<sup>11</sup>. These filter out age-inappropriate content including pornography, and users who wish to access this content are required to contact their operator to prove they are aged 18 or over. Since 2013, the British Board of Film Classification (BBFC) has provided an independent framework to mobile network operators, which is used to filter internet content available via mobile networks based on its published Classification Guidelines for film and video<sup>12</sup>. The BBFC also provides an appeals and complaints procedure for anyone<sup>13</sup> who is dissatisfied with the application of the framework to a specific piece of content.

Since 2013, public WiFi is also automatically filtered and pornography blocked in many places where children regularly visit, and innovations in this area include the 'Friendly WiFi' scheme, operated by RDI (DI (UK) Holdings Ltd, which provides a clear indication to parents that the public WiFi in a specific location automatically filters pornographic content.

Figure 2: The Friendly WiFi logo



<sup>11</sup> [www.mobilebroadbandgroup.com/documents/UKCodeofpractice\\_mobile\\_160515.pdf](http://www.mobilebroadbandgroup.com/documents/UKCodeofpractice_mobile_160515.pdf)

<sup>12</sup> [www.bbfc.co.uk/what-classification/guidelines](http://www.bbfc.co.uk/what-classification/guidelines)

<sup>13</sup> '...any website owner, content provider, consumer or any other person' - <http://www.bbfc.co.uk/what-classification/mobile-content/appeals>

In summer 2013, agreement was reached with the four major ISPs in the UK - BT, Sky TalkTalk, and Virgin Media (covering around 90% of the market) - to offer new and existing customers an unavoidable choice on whether to install network-level family friendly filters by the end of December 2014<sup>14</sup>. These filters apply to all devices in the home that use the domestic internet connection - including desktop computers, laptops, tablets, smartphones, smart/ connected TVs, and games consoles.

Sky took the decision in January 2015 to turn its 'Broadband Shield' filtering system on by default for existing customers. All customers who had not made an active choice either to disable or to switch on the filters were emailed and encouraged to do so. When trying to access a website deemed unsuitable for under-13 year olds during the day, customers were taken to a page presenting them with the choice of activating/disabling their filters, or changing their settings. By July, Sky reported that around 70% of the customers to whom it had rolled out 'Broadband Shield' had opted to keep it, with the majority keeping parental controls in place<sup>15</sup>. Sky has since announced that it will also turn filters on by default for new customers.

The Government sees such high levels of take-up resulting from this default-on approach as a positive sign, and will continue to discuss with ISPs (including smaller providers) the potential for driving up the provision, effectiveness and usability, and uptake of parental filters. We are keen to help ensure that parents feel increasingly confident in their use, and a strong, effective filtering regime, which is well known and understood by UK families, remains a high priority for the Government. However, Government recognises that some customers may choose to disable filters, and that it is their right to do so.

To further protect young people, we announced last year that UK-produced online music videos from Warner Music, Universal and Sony unsuitable for children would include age ratings via an industry-led scheme. The UK's independent labels are also participating in this scheme. These age ratings now appear on sites such as YouTube and Vevo – a step towards delivery of the Government's manifesto commitment that all such online music videos will be age rated. Efforts are underway to actively encourage US music labels to develop a similar approach for music videos made available in the UK, and for age ratings to be linked to parental controls.

## **Children's Access to Pornography in the UK**

It is accepted practice that adult magazines are placed on the top shelf at the newsagent, and often they are also placed inside opaque covers, which hides from open view any explicit images that might appear on the cover pages. While there is no legislation specifically covering the manner of the sale of pornographic books or magazines<sup>16</sup> the placing of this material out of the eye-line of children has come to be expected, in order to limit the chance of a child inadvertently seeing it.

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<sup>14</sup> There remain a small number of ISPs who do not provide filters to their customers. However, parents are, on the whole, able to choose from a number of ISPs for their home internet access, and are able to make what they consider to be the best choices for their families. Even where the smaller ISPs do not provide family friendly filters, there are several free filtering solutions available which can be installed by those homes that want them.

<sup>15</sup> <https://corporate.sky.com/media-centre/our-blog/2015/sky-broadband-shield-roll-out-an-update>

<sup>16</sup> Although note the possible application of the Obscene Publications Act 1959 (see page 13)

On linear TV, the Ofcom Broadcasting Code sets out that broadcasters must take all reasonable steps to protect under-18s from material that is unsuitable for them, such as through appropriate scheduling (i.e. 'the watershed'). Sexual material (British Board of Film Classification 18 classification equivalent) is not allowed other than between 10 p.m. and 5 a.m., and for on-demand or catch-up services must be protected by PIN access controls. R18 content is prohibited altogether as any content that might "seriously impair the development" of minors (such as extreme sexual content) must not be broadcast at any time. Online television-like Video On-Demand services situated in the UK are also regulated<sup>17</sup> and content that might seriously impair the development of minors is only made available in such a way that ensures that minors will not normally hear or see it. This means that 'hard-core pornography' that has been, or would be, rated "R18" by the BBFC must be put behind access controls<sup>18</sup>.

More details of this system are provided on page 12, and information on the acceptable standards for age verification systems is set out in figure 3 below. Further details about age verification are provided at Annex 1. **Our clear starting point is that systems which simply require users to tick a box, or to enter their birth date to confirm they are over 18 are not sufficiently robust.**

### **Figure 3: Age Verification standards in the UK - video-on-demand**

Currently, Content Access Control (CAC) Systems are required for video on-demand sites situated in the UK that provide specially restricted material (e.g. classified as R18 or R18 equivalent material, or other material that might seriously impair the physical, mental or moral development of persons under the age of 18).

Ofcom's guidance document gives an outline of the technical tools which may be acceptable for age verification purposes:

- *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.*
- *A reputable personal digital identity management service that uses checks on an independent and reliable database, such as the electoral roll.*
- *Other comparable proof of account ownership that effectively verifies age. For example, possession and ownership of an effectively age-verified mobile phone.*

*Where they are required, CAC Systems must be fit for purpose and effectively managed so as to ensure that in Ofcom's opinion people aged under eighteen will not normally see or hear specially restricted material. Ofcom will consider the adequacy and effectiveness of CAC Systems on a case by case basis and keep them under review...*<sup>19</sup>

<sup>17</sup> Communications Act 2003 (implementing the Audio Visual Media Services Directive (AVMSD))

<sup>18</sup> R18 material includes sex works containing clear images of real sex, strong fetish material, sexually explicit animated images, or other very strong sexual images. The difference between 18 and R18 is a special BBFC classification unknown in other European countries.

<sup>19</sup>[http://stakeholders.ofcom.org.uk/binaries/broadcast/on-demand/rules-guidance/rules\\_and\\_guidance.pdf](http://stakeholders.ofcom.org.uk/binaries/broadcast/on-demand/rules-guidance/rules_and_guidance.pdf)

Further details of Age Verification systems and associated risks are provided at Annex 1.

On Demand Programme services that are operated by providers established outside the UK are not required to comply with the rules governing UK providers. Research by the Authority for TV On Demand (ATVOD) published in March 2014 revealed that the vast majority of sites visited were not UK-based, and *'...23 of the top 25 adult websites visited by UK internet users... provide instant, free and unrestricted access to hardcore pornographic videos and still images featuring explicit images of real sex'*. Much of this content is available free of charge and no age verification is needed to enter the sites. There are protections for children in respect of content provided within the EU, under the Audiovisual Media Services Directive (AVMSD), however member states interpret these differently across the EU, and these protections only apply for 'TV-like' services (see page 21 for further details). The European Commission is currently reviewing the AVMSD, and the UK will be pushing for strong child protection measures within this.

#### **British Board of Film Classification (BBFC)**

The BBFC is an independent media content regulator that classifies films and video works before publication and awards age ratings according to its published Classification Guidelines. The classification standards it uses are in line with public expectation and are updated every 4-5 years through a major public consultation exercise (the last consultation was in 2013 and involved over 10,000 adults and teenagers). In this way, the BBFC ensures that it keeps up to date with, and reflects in its decisions, changing attitudes in British society.

Hard copy videos (primarily DVDs and Blu-Ray discs) are subject to a mandatory regime of classification by the BBFC, and retailers must ask for proof of age if necessary. Cinema screenings are also subject to a similar BBFC regime<sup>20</sup>. Where the BBFC rates content as only suitable for those aged 18 or over, it is a criminal offence to supply the video, DVD or cinema screening in breach of its classification. Local Authorities are empowered to enforce this. In the case of hard copy video works that contain strong sexual content (rated R18 by the BBFC), these may only be supplied in licensed sex shops, into which it is a criminal offence for licensees to allow under-18s to enter. It is a criminal offence for this material to be supplied other than through these licensed premises, and Local Trading Standards authorities (and other law enforcement bodies) are responsible for enforcement.

Hard copy video games (on disc or cartridge) are covered by a mandatory Pan-European Game Information (PEGI) classification regime, operated in the UK by the Games Rating Authority. If such a game is rated PEGI 18 it is a criminal offence to supply it in breach of its classification. As part of its agreed arrangements with the BBFC, the Games Rating Authority will ensure that any video games containing pornographic sexual content will be passed to the BBFC for classification in the R18 category. As with R18 videos, a video game rated R18 by the BBFC could only be supplied in a licensed sex shop. To date, however, no hard copy games put forward for classification have been found to contain pornographic content.

<sup>20</sup> Under the Video Recordings Act (VRA) and the Licensing Act 2003 respectively.

Where games are supplied only through digital distribution, they may be covered by voluntary industry initiatives such as the PEGI Online label and the International Age Ratings Coalition (IARC) system. IARC, for example, applies the age ratings of its participating national age rating bodies to games and apps offered online and on mobile devices. In the UK, consumers will see PEGI ratings when accessing games classified under the IARC system. Storefronts using the IARC system include Google Play and the Windows store.

Despite accepted practices offline as described above, in the online world, few barriers exist to protect children. None of the pornographic sites most visited by UK consumers are UK-based, and as such they are not subject to any current UK regulation.

Ultimately, this is about questioning the status quo. We need to adapt our laws now in order to continue to protect children online in the same way as they are protected offline. This is not about introducing new or unprecedented standards; it is simply about reflecting our offline codes and standards in the online world.

### **What is available on pornographic sites**

“We don’t want children to learn about sex and relationships through the warped lens of adult pornography – there are good reasons for restricting pornographic magazines and DVDs to adults, which the NSPCC has long argued should apply equally online. The easy availability to children of online pornography, much of it extreme, violent and profoundly degrading, is of deepening concern. It can leave them feeling frightened, confused, depressed or upset”.

*Peter Wanless, Chief Executive of the NSPCC, The Telegraph (2015)*

The pornographic content available online – its prevalence, accessibility and its nature – is of a different order of magnitude to what was available 10 or 20 years ago. The landing pages of the majority of the most popular pornographic sites contain explicit, un-simulated depictions of performers carrying out a wide variety of sexual acts in a range of scenarios, often in the form of, or accompanied by, short video clips or ‘gif’ animations of an explicit nature. These then link to other areas of the site where further explicit material can be found. Generally, material is not behind any sort of age or pay barrier, and only very infrequently is there any form of warning that the content is only suitable for adults.

In addition to a wide variety of legal pornographic content, many sites feature content that depicts, for example, abuse or rape, including sex between purported family members, scenarios involving non-consensual activity, actors presented to appear under the age of consent, and aggressive and violent sex. Such content would be refused classification under BBFC Guidelines and may be considered in breach of the Obscene Publications Act 1959. Content which would be likely to be judged extreme under the Criminal Justice and Immigration Act 2008 can also be found online.

### **Prevalence - how many children view pornographic material?**

There is no clear consensus in the academic literature about the proportion of children viewing pornographic material or what type of content is seen. Children are more likely to

report accidental rather than deliberate viewing of pornography<sup>21</sup>, however there is considerable variation across studies.

The Government analysed May 2015 statistics from comScore<sup>22</sup> to provide an insight into the websites children are viewing. This data indicates that access by children and adolescents to pornographic content online is high. In May 2015, 1.4 million unique visitors under 18 years old accessed online sites classified as containing pornographic content from their desktop. Approximately half (732,000) were users aged 6-14, which represents 13% of all children online in this age group. In other words, 13% of children online aged 6-14 visited a pornographic site in May 2015. Including 15-17 year olds, the amount of under-18s that visited a pornographic site rises to almost 20%<sup>23</sup>. The Net Children Go Mobile study from 2014 found that 17% of UK 9-16 year olds said they had seen sexual images online or offline within the past twelve months<sup>24</sup>. Further, research in 2014 by the Institute for Public Policy Research (IPPR) found that 7 out of 10 of the young people they surveyed said 'accessing pornography was seen as typical' while they were at school, and most typically between the ages of 13 and 15<sup>25</sup>.

As is amply demonstrated in the 'Evidence of Harm' section of this consultation at Annex 2, existing research indicates that pornography, and its proliferation on the internet, is a concern amongst young people, as well as their parents and carers. Longitudinal studies have also established possible links between the viewing of hard-core or violent pornography by younger people and increased sexually aggressive behaviour later in life.

## Routes to access

While easy online access to pornographic websites might suggest this as the primary way in which children access pornography, the DCMS-commissioned expert panel report, which has been published alongside this consultation, suggests that other online routes such as social media and search engines, as well as traditional mass media play an important role in children's exposure<sup>26</sup>. The expert panel report discusses a variety of means by which under-18s might see pornographic material online, including pornographic websites; photo or video-sharing platforms; search engines; and social networking sites (see pages 8-16 of the report of the DCMS expert panel for more detail). Escort services, live web broadcasts and streaming of sexual content are also found. Mobile phones are increasingly reported as one

<sup>21</sup> Horvath, Miranda A. H. and Alys, Llian and Massey, Kristina and Pina, Afroditi and Scally, Mia and Adler, Joanna R. (2013) '*Basically... porn is everywhere*': a rapid evidence assessment on the effects that access and exposure to pornography has on children and young people. Project Report. Office of the Children's Commissioner for England, London, UK.

<sup>22</sup> comScore Media Metrix, May 2015, U.K.

<sup>23</sup> This data only covers desktop access but it is important to note that many people access pornographic websites from their smartphone / tablet so in reality this figure could be higher. For instance pornhub (a popular free tube site) statistics stated that in 2014, 65% of access to their site from the UK was via a smartphone or tablet. <http://www.pornhub.com/insights/2014-year-in-review> (accessed November 2015)

<sup>24</sup> Livingstone, S. Haddon, L. Vincent, J, Mascheroni, G. and Ólafsson, K. (2014). *Net Children Go Mobile: The UK Report*. London: London School of Economics and Political Science.

<sup>25</sup> Parker (2014)

<sup>26</sup> Expert panel report

of the main sources of both exposure and access, and user-generated sexual content is also common, whether sexting<sup>27</sup>, photo sharing, or user-generated audiovisual content.

## Campaigns

Protective tools such as filters are one element of the solution, but it is also vital that we raise awareness of the impacts of children being exposed to inappropriate and potentially harmful online content, and help build resilience amongst young people. Through this, when they do see this material they will be better able to understand that it does not reflect real life and to pull away from it. Government has taken action to support education through schools, for instance through Personal, Social, Health and Economic (PSHE) guidance and the inclusion of Internet Safety in the curriculum. Activities by third sector partners are also reaching children, young people and adults. For instance, the NSPCC's FAPZ campaign about online pornography engages directly with children and young people<sup>28</sup>, and there is useful information and guidance on sites such as ThinkUKnow<sup>29</sup>, Childnet<sup>30</sup>, and Parentinfo<sup>31</sup>.

**Alongside work to implement the outcomes of this consultation, the Government will develop an awareness-raising campaign about the risks of exposure to harmful content online at a young age, with additional material for use in schools and by parents.**

## Conclusion

This consultation focuses on an important strand of protection, the delivery of the Government's manifesto commitment **to require age verification for access to all sites containing pornographic material.**

We are keen to hear from parents, schools, child protection experts, the pornography industry, internet service providers and online platforms that provide access to pornographic content. We also want to hear from ancillary services such as payment providers and online advertisers. We are particularly keen to hear the views and experiences of young people to ensure that we are aware of the impacts of this policy. We have therefore commissioned a focused study from Brook and YouthNet / Get Connected to gather these views directly, which will run alongside this consultation. This research will gather insights from young people, both in face-to-face workshops and via an online survey, about their experiences of, and exposure to, online pornography.

Age verification on pornographic sites is not the whole story in terms of children's online safety, and multiple concerted efforts need to be made by all to protect children from the risks they will be forced to tackle, and the harms they may be subjected to, whilst online. As outlined here, much work is already underway and we will continue to work on a multi-

<sup>27</sup> It is important to bear in mind that under 18s may also be producers of user-generated content, as well as consumers

<sup>28</sup> <http://www.childline.org.uk/Explore/OnlineSafety/Pages/fapz-fight-against-porn-zombies.aspx>

<sup>29</sup> [https://www.thinkuknow.co.uk/14\\_plus/Need-advice/Porn/](https://www.thinkuknow.co.uk/14_plus/Need-advice/Porn/)

<sup>30</sup> <http://www.childnet.com/parents-and-carers/hot-topics/pornography>

<sup>31</sup> <http://parentinfo.org/articles/pornography/all>

stakeholder basis to see what more can be done to improve the provision, use, and effectiveness of technical tools and to raise awareness about these issues. However accountability for protecting children from pornography sits squarely on the shoulders of the commercial providers of pornographic content, who must take responsibility for the damaging effect their products and services are having on many children and young people.



## OUR PROPOSALS

We are committed to ensuring that the Government's manifesto pledge on age verification for online pornography is delivered. We want those who profit from such material being made available online to act in a legal, socially responsible way. In particular, this means companies running websites aimed specifically at the provision of pornographic content for commercial gain, and the advertisers and ancillary companies,<sup>32</sup> which make revenues from these companies.

No solution in this area will ever be perfect. The internet is constantly evolving and whatever protections put in place by the Government and industry, we should acknowledge that there may be ways around them. Further, the most determined young people, particularly those with the technological abilities to do so, are likely to try to find ways to circumnavigate certain protections. However, given the evidence of potential harm, it is clear that doing nothing to tackle this problem is simply not an option.

Following several months of discussions with key stakeholders including children's charities and parents' groups, internet service providers, mobile network operators, banks and credit card companies, and social media and search companies, we have drawn up a preferred overall approach, on which we are now seeking views. We are considering the detail of this approach now, which will be informed by responses to the consultation. We remain open to alternative approaches that will deliver our manifesto commitment.

Our approach is as follows:

### **A new approach to online pornography in the UK - Summary:**

- 1. Confirm the pornographic content in scope of this approach.**
- 2. Establish a new requirement in law for commercial providers to have in place robust age verification controls for online pornographic content in the UK.**
- 3. Legislate to establish a new regulatory framework, underpinned by civil sanctions.**

A new regulatory framework and civil regime would:

- Involve giving a regulator or regulators powers to enforce the new law, supported by a sufficiently flexible enforcement regime
- Monitor compliance with the new law by commercial pornography providers
- Identify sites which are in breach and notify them of this, giving them a period of time within which to become compliant
- Enable those that support the business model of pornographic content providers (such as payments, advertisers and other ancillary services) to withdraw services from commercial providers in breach of the law

<sup>32</sup> For the purposes of this consultation, the term 'ancillary services' refers to those services which support and profit from the delivery of pornography on commercial sites. These include, but are not limited to, payment systems, advertising on pornography sites, web-hosting services, and other revenue-generating processes associated with these sites.

- Notify providers of payment/ancillary services of sites in breach, enabling them to withdraw services from such sites
- Impose requisite sanctions where breaches have been identified and providers remain non-compliant
- Ensure a proportionate and prioritised regulatory approach to monitoring and enforcement
- Give the regulator discretion to set and monitor standards for age verification controls.

## 1. Pornographic content - scope of our approach

For the purposes of this consultation, and also for the delivery of the manifesto commitment, we must be clear on the content we intend to include in scope. Our starting assertion is that this requirement will apply to all pornographic content - as is clearly spelled out in that commitment. It is our intention to capture foreign sites providing pornography to UK users in the scope of this policy.

In the UK, the BBFC classifies content and applies age ratings. Within this, there are two categories which are defined as pornography, or ‘sex works’, i.e. “...works whose primary purpose is sexual arousal or stimulation”<sup>33</sup>. These are 18-rated pornography, and R18-rated pornography (see table below).

It is important to clarify that whilst other content may receive an 18 rating, such as films which feature violent scenes, where these are not specifically pornographic (works whose primary purpose is to arouse or stimulate), these are not in scope of this consultation.

The BBFC’s classifications that it uses for ‘sex works’ are outlined in the table below.

**For the purposes of this consultation, the Government is proposing that both categories of pornography are included, as being unsuitable for children.**<sup>34</sup>

### Figure 4: Pornography rated 18 and R18

The BBFC has two classifications that it uses for pornography, or ‘sex works’ - **18** and **R18**. The R18 category developed prior to the development of videos or DVDs, primarily to clarify what content should only be shown in a licensed sex cinema. The introduction of mandatory video classification in 1984 (through the Video Recordings Act 1984) mirrored the R18 sex cinema system by setting up an R18 video category for more explicit videos to be supplied only in licensed sex

<sup>33</sup> This builds upon the definition contained in section 63(3) of the Criminal Justice and Immigration Act 2008 and the Coroners and Justice Act 2009 s62 (3), namely content “of such a nature that it must be reasonably assumed to have been produced solely or principally for the purpose of sexual arousal”. The definition used by the DCMS-commissioned panel of academic experts, offered by Malamuth, 2001 - “sexually explicit media that are primarily intended to sexually arouse the audience” is also very similar.

<sup>34</sup> The definition being used here does not include sex education works aimed at adults, or narrative feature films, both of which may include explicit and un-simulated real sex. These are excluded from the definition of pornography because the primary purpose of these works is not sexual arousal or stimulation.

shops. The rationale was that children and those likely to be offended by such material would not easily come across it.

**Pornography rated 18:**



**Explicit works rated R18:**



- Sex works which only contain material which may be simulated are generally passed at **18**
- For the purposes of this consultation, we are not including all 18 rated content - only that which is classified as pornography.

- A specific category for explicit works containing clear images of real sex, strong fetish material, sexually explicit animated images, or other very strong sexual material involving adults
- There are restrictions on how R18 material can be supplied - films can only be shown in specially licensed cinemas, and hard copies can only be sold through licensed sex-shops (and are not permitted to be sold by mail order)

**What content would be refused classification by the BBFC?**

- material which is in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act (1959)
- material (including dialogue) likely to encourage an interest in sexually abusive activity which may include adults role-playing as non-adults
- the portrayal of sexual activity which involves real or apparent lack of consent. Any form of physical restraint which prevents participants from indicating a withdrawal of consent
- the infliction of pain or acts which may cause lasting physical harm, whether real or (in a sexual context) simulated. Some allowance may be made for moderate, non-abusive, consensual activity
- penetration by any object associated with violence or likely to cause physical harm
- sexual threats, humiliation or abuse which do not form part of a clearly consenting role-playing game.
- strong physical or verbal abuse, even if consensual, is unlikely to be acceptable

These guidelines will be applied to the same standard regardless of sexual orientation of the activity portrayed.

**Illegal content**

Our position is that all pornography - that which has received, or would receive an 18 or R18 rating from the BBFC - is in scope of our proposed approach, and should therefore have age verification controls in place.

Some forms of sexualised content are illegal under other legislation in the UK, including the Obscene Publications Act 1959<sup>35</sup> and the Extreme Pornography Offences in the Criminal Justice and Immigration Act 2008. While there are some legal provisions in place to restrict access to illegal content, we are of course aware and are concerned that material that the BBFC would refuse to classify, as well as illegal content, can be found online. However the focus of this consultation is underage access to pornographic content that is legal for adults to access.

**Consultation questions:**

**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
- b. No
- c. Don't know

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

- a. Moving images only
- b. Still and moving images
- c. Neither still nor moving images
- d. Other (please specify)
- e. Don't know

**2. Establish a new requirement in law for commercial providers to have in place robust age verification controls for online pornographic content in the UK.**

This new law would make clear that commercial providers of pornography online whose sites are available to UK consumers must have age verification controls in place. This directly delivers our manifesto commitment to require such controls. As is set out in further detail below, this new law will be underpinned by civil sanctions.

We do not intend that this should impact on individuals who engage in consensual sharing of private sexual photographs and films (not for commercial gain). However, online platforms whose businesses profit from facilitating that sharing should be captured by this regime.

<sup>35</sup> The Crown Prosecution Service offers guidelines on prosecution under the Obscene Publications Act (1959) and lists the categories of content most commonly prosecuted:  
[http://www.cps.gov.uk/legal/l\\_to\\_o/obscene\\_publications](http://www.cps.gov.uk/legal/l_to_o/obscene_publications)

Under the law currently, the Crown Prosecution Service has provided guidance which suggests that if children are likely to access R18 material<sup>36</sup> on a website, that material “may be considered to be obscene and subject to prosecution<sup>37</sup>” under the Obscene Publications Act. However, as it stands, there are limitations to the law and its enforcement.

Therefore, we will create a new law to require those providing commercial pornographic materials online in the UK to have robust age verification controls in place<sup>38</sup>.

**Consultation questions:**

**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
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree

We are interested to hear your thoughts on how age verification controls on pornographic websites should work. For instance, these could include the kinds of Content Access Control (CAC) Systems which Ofcom requires for video on-demand sites that provide specially restricted material and are situated in the (a to c below).

**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)

**3. Establish a new regulatory framework, underpinned by civil sanctions.**

In practice, this will mean placing the focus firmly on commercial pornography providers, and also empowering companies facilitating commercial pornography websites to withdraw their services from sites in breach of the law, and implementing a flexible, civil regime to enforce the law.

<sup>36</sup> See page 18 for definitions of 18 and R18 content

<sup>37</sup> [http://www.cps.gov.uk/legal/l\\_to\\_o/obscene\\_publications/](http://www.cps.gov.uk/legal/l_to_o/obscene_publications/)

<sup>38</sup> See Annex 1 for more detail on age verification tools

### 3.1 A focus on pornography providers

Significant progress has been made to date by many players in the internet ecosystem - especially the main internet service providers and mobile network operators - to improve the suite of tools available to families to ensure that they can enjoy a safe internet experience. However, little or no effort has been made by most providers of pornography to protect children from accessing their content. Our focus here is therefore on the role of pornographic sites, and the companies that facilitate and profit from them. We want these companies to be in no doubt that when their sites are accessed from the UK, their content must be made available in a way that is responsible. This means complying with our proposed new requirement that they put age verification controls in place.

### 3.2 Payment providers, advertising and ancillary services

It is our intention that through introducing a new law and making clear a requirement to have age verification controls in place, the companies involved in ancillary or support services that underpin the profits of online pornography would be enabled to withdraw their services from websites that are in breach of the law.

This is likely to principally affect payments services (who require in their existing terms and conditions that businesses using their services comply with national laws), as well as advertisers, web hosting services and others. With the introduction of a new law and regulatory regime we would expect these companies to make greater efforts to know their customers (the porn sites which use their payment systems and host their advertising, for example), and to ensure that the sites using their services are legally compliant. We have not specified exactly how the regulatory framework would operate with regards to ancillary services and below we seek views on appropriate enforcement mechanisms.

We have been very encouraged by the positive engagement we have had from the payments industry to date on these matters, and will continue to work with these services to ensure a proportionate and effective approach.

#### **Figure 5 - Business models - paid vs. 'free' content**

The business models of pornographic websites are varied and often unclear. A significant amount of pornographic content is available without any payment being required up-front. As previously stated, our clear focus in the delivery of our commitment is to enforce the requirement of age verification on commercial providers of pornography, many of which use free or 'tube' sites as a 'shop window', or a gateway to paid and subscription services. These can often be hosted on the same site, or accessible via adverts or banners on the free sites. Academic research in this area is limited, but some social network analysis<sup>39</sup> has highlighted that the online pornography industry relies on these affiliate websites to *'...ensnare the consumer in a series of mutually reinforcing websites designed to reduce consumer choice to extract maximum profit.'*

<sup>39</sup> Johnson, J.A (2011); *Mapping the feminist political economy of the online commercial pornography industry: A network approach* International Journal of Media & Cultural Politics,

A concise description of how such business models work was offered by ATVOD in their 2014 report, “For Adults Only? Underage access to online porn”, which makes the crucial point that the profits of the pay sites are inextricably linked to the free sites - which allow children access without verifying their age or requiring payment:

*“The leading pornographic businesses make their content available in two ways – by offering access to those who pay for a subscription and by providing unrestricted access for everyone to free clips, including on so-called ‘tube sites’ (such as Pornhub) which act as a shop window to promote the core subscription-based services. ...the provision of free unrestricted hardcore pornography is designed to generate revenue through associated pay services... It is clear that significant sums are flowing from UK customers to foreign websites which allow children to access hardcore porn. ...Without the money which flows to the underlying pay sites, the tube sites simply cannot exist.”<sup>40</sup>*

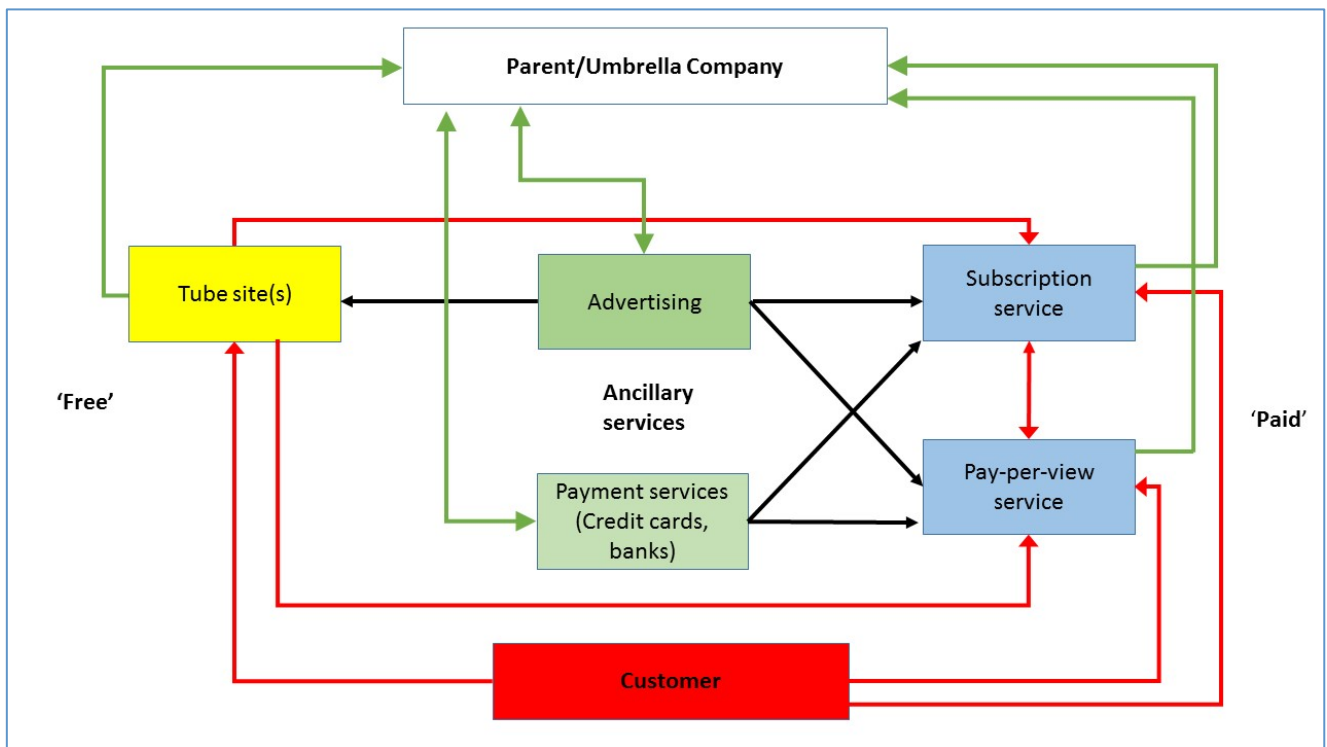
**Figure 6** below provides a basic, hypothetical overview of the potential business model of a commercial pornography provider. The inter-relationships can be highly complex, as can the revenue streams. Advertising will be placed both on ‘tube’ and also ‘pay’ sites, and clearly the latter sites will have payment services provided to process customer charges. Also, advertising which is placed on pornography websites will often be for other pornography sites and services, which may also be owned by the same parent/umbrella company.

Additionally, providers will offer their paid content in different ways - as well as offering monthly subscriptions to specific sites (or genres of sites), for example, video content can also offered on a pay per view basis, generally for relatively small amounts of money (under £5.00).

Crucially, the parent companies will often own both the ‘tube’ sites and the paid sites, and as shown below, customers may access paid content via that which is free at the point of use. As described by ATVOD’s quote above, this is how the tube sites can act as a ‘shop window’ for paid content.

<sup>40</sup> [http://www.atvod.co.uk/uploads/files/For\\_Adults\\_Only\\_FINAL.pdf](http://www.atvod.co.uk/uploads/files/For_Adults_Only_FINAL.pdf) ; p.5

**Figure 6: A hypothetical business model**



KEY:	
	Customer journey
	Flows of money
	Services provided

Our preferred approach is focused on identifying and enabling the withdrawal of underlying income streams of pornography online. It would be designed to address the profits of non-compliant commercial providers by enabling enforcement action either against non-compliant sites directly, or against their parent and subsidiary companies. Parent companies will be faced with the option either to comply, or to risk losing UK-based income streams.

**Crucially this approach will also mean that whether this content is provided for ‘free’ (in the ‘shop window’) or through paid services, the companies providing it will be in scope of the policy and required to comply.**

**Consultation questions:**

**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
- b. No
- c. Don't know

**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
- b. No

**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
- b. No
- c. Don't know

### **3.3 A new, flexible regulatory regime**

As we have set out previously, there is an existing civil enforcement regime that underpins the provision of hardcore, R18 rated pornographic content via video-on-demand UK providers. This is defined by the BBFC, and regulated for video-on-demand services in the UK by Ofcom (see [page 6](#)).

**The new regime for internet pornography, proposed here, would be broadly consistent with the current way in which these VOD services are categorised and regulated.** However our proposals would also apply to pornography that the BBFC would rate as category 18 sex works (see [Figure 4](#) above) and would apply to all online content, not just VOD services. Additionally, a new requirement (if based on the BBFC's classifications) would also establish common, well-understood standards across cinema, broadcasting, video-on-demand and the internet. Using standards as defined by the BBFC ensures that these can be more flexibly and nimbly applied, and adapted over time.

In section 3.5, we will set out in further detail how the regulatory framework might operate.

### **3.4 A civil or criminal offence/ regime?**

The Government's preferred approach is to develop a civil enforcement regime as the most appropriate form of regulation in this area. This would be broadly consistent with the existing Ofcom-led and BBFC-supported civil enforcement regime that underpins the provision of hardcore, R18 rated pornographic content via UK video-on-demand providers.

Civil sanctions already exist in this context: Ofcom can issue enforcement notices to cease or restrict access to content and/or impose financial penalties on providers who provide such content without ensuring that under-18s will not normally see or hear it. These are enforceable through the civil (rather than criminal) courts. Non-compliance can ultimately lead to the suspension or restriction of services, enforceable through criminal sanctions.

An example of recent action was that taken by Ofcom against Playboy TV UK/Benelux Ltd. in January 2013, whereby a financial sanction of £100,000 was imposed for breaches.

An alternative approach would be to make this a criminal offence. A criminal offence would arguably be consistent with the way in which physical recordings are dealt with: generally, it is a criminal offence to supply hard copy R18 videos unless in a licensed sex shop, and it is also a criminal offence for a licensee to knowingly permit an under-18 to enter their

shop. Such an approach would involve defining in law the pornographic content to be captured, probably by reference to the depiction of specific acts. This would result in a less flexible definition, as opposed to a definition based on BBFC classifications, which the BBFC can change over time to reflect changing cultural norms and public expectation.

We also intend to monitor implementation and effectiveness of this regime closely, retaining the option to consider a criminal regime in the future should this be deemed necessary to deliver our aims.

#### **Consultation questions:**

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

- a. Yes
- b. No
- c. Don't know

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

- a. Yes
- b. No
- c. Don't know

### **3.5 How might the new regulatory framework operate?**

In this section we will set out in further detail how the regulatory framework could operate, by setting out some high level principles, and also through consideration of existing regulatory bodies, and their functions, which already conduct relevant activities and enforcement in this area.

#### **Regulatory framework - principles**

Our intention is to establish a regulatory framework, and introduce new regulatory powers where required, in order to:

- Enforce the new law, supported by a sufficiently flexible enforcement regime
- Monitor commercial pornography providers' compliance with the new law
- Identify sites which are in breach and notify them of this, giving them a period of time within which to become compliant
- Enable those that support the business model of pornographic content providers (such as payments, advertisers and other ancillary services) to withdraw services from commercial providers in breach of the law
- Notify providers of payment/ancillary services of sites in breach, enabling them to withdraw services from such sites
- Impose requisite sanctions where breaches have been identified and providers remain non-compliant
- Ensure a proportionate and prioritised regulatory approach to monitoring and enforcement

- Give the regulator discretion to set and monitor standards for age verification controls.

## Penalties

Under a new civil regulatory framework for online age verification, it will be necessary to identify potential penalties to be applied to non-compliant sites. As such, and as a point of reference, we set out here the existing sanctions available to Ofcom in respect of video-on-demand content in the UK. These powers are set out in part 4A of the Communications Act (2003), and include powers to request information from providers of these services, to notify non-compliant providers, to suspend or restrict a service, and to impose penalties.

The regulator has discretion as to whether to impose sanctions, and the nature of the sanctions imposed, with constraints also set in statute. The upper limits of fines, for example, are set out in section 368J of the Communications Act, and the amount of the fine must be appropriate and proportionate (again - at Ofcom's discretion).

The range of existing sanctions available to Ofcom in respect of the regulation of video on demand services (or 'On Demand Programme Services', ODPS) is set out under Ofcom's Rules and Guidance (January 2016)<sup>41</sup> :

### **Figure 7 - Enforcement for video-on-demand in the UK**

If, having followed its published procedures, Ofcom finds that an ODPS provider has contravened any of the relevant requirements, it will normally publish a decision and explain why the ODPS provider has been found to be in breach. If necessary, Ofcom can use its powers under the Act to issue statutory enforcement notifications.

The requirements specified in an enforcement notification may in particular include requirements to do one or more of the following:

- cease providing or restrict access to a specified programme, or to programmes of a specified description
- provide additional information to users of the service prior to the selection of a specified programme by the user for viewing
- publish a correction in the form and place and at the time specified
- publish a statement of Ofcom's findings in the form and place and at the time specified.

Ofcom may consider breaches of the Rules for the imposition of sanctions, including financial penalties. Under current legislation, the amount of a financial penalty imposed on an ODPS provider can be up to 5% of the provider's applicable qualifying revenue or £250,000 (whichever is greater).

<sup>41</sup> [http://stakeholders.ofcom.org.uk/binaries/broadcast/on-demand/rules-guidance/rules\\_and\\_guidance.pdf](http://stakeholders.ofcom.org.uk/binaries/broadcast/on-demand/rules-guidance/rules_and_guidance.pdf), page 4.

The above details are included as factual background, and to provide a context for considering how a new set of regulatory sanctions might work in respect of the new law proposed within this consultation.

**Consultation questions:**

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

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree

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

- a. monitor compliance with the new law by pornographic websites
- b. notify non-compliant sites (and the companies that run them) that they are in breach of the new law
- c. direct non-compliant sites (and the companies that run them) to comply with new law
- d. 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)
- e. direct payment providers and ancillary services to withdraw services from non-compliant sites
- f. issue fines to non-compliant sites
- g. set standards for age verification controls, and determine content which is in scope
- h. other (please specify)

### **3.6 - Regulatory Context**

There are a number of existing regulatory bodies which are relevant, and which should be considered in this context. In this section we set out principles for how the regulatory framework should operate, and in particular what might constitute a flexible and proportionate approach. We also consider the existing regulatory landscape, and invite views from consultation respondents about the respective (potentially co-regulatory) roles that existing regulators might have in this new regime.

#### **Ofcom**

Ofcom is the UK's converged telecommunications regulator, with responsibility for the TV, radio and video on demand sectors, fixed line telecoms, mobiles, postal services, plus the airwaves over which wireless devices operate ('spectrum').

Since the beginning of this year, Ofcom has had sole responsibility for the regulation of video on-demand services that fall within the AVMSD<sup>42</sup> on the basis of BBFC standards and with support, as appropriate, from the BBFC. Ofcom is therefore responsible for determining which UK-operated websites need to be regulated, taking into account the definition provided by the AVMSD, and where the person who has editorial responsibility for the site resides. Of the UK-based on-demand services currently notified to Ofcom, 17 currently offer material equivalent to that classified R18 by the BBFC - a very small percentage of the total number of pornography sites which are potentially accessible to UK users.

Where a service contains content that under BBFC guidance has been, or would be, classified as R18, that content must be restricted and should be placed behind age access controls. If content has been, or would be, refused classification by the BBFC, it must not be offered at all. Technical tools that Ofcom has indicated may be acceptable for access controls include age verification via credit cards and are detailed on page 11. If regulated websites are found to be in breach and fail to comply after being notified, Ofcom currently has the powers to take further steps, including issuing fines or suspending the service under published procedures<sup>43</sup>.

## **The British Board of Film Classification (BBFC)**

The BBFC is an independent, not for profit, co-regulatory body, which is funded through fees charged to those who submit works for classification. The BBFC classifies the following:

- Films, trailers and advertisements on behalf of local authorities who license cinemas
- Video works (under the Video Recordings Act, 1984)
- Video works distributed over the internet on a voluntary, self-regulatory basis
- Commercial and internet content distributed via mobile networks - under a voluntary self-regulatory service (set out below)

## **Mobile internet content and the BBFC**

The “UK code of practice for the self-regulation of new forms of content on mobiles” was published in January 2004 by the Mobile Broadband Group (MBG) on behalf of all Mobile Network Operators (MNOs). It provides a series of undertakings regarding young people’s access to, and the classification of, mobile commercial content. The Code was formally published in January 2004 and the resulting Classification Framework (“the Framework”) was published in February 2005<sup>44</sup>.

The major UK mobile phone operators such as EE, O2, Vodafone and Three, as well as the larger mobile virtual network operators, subscribe to and support the Code and the Framework, which act as self-regulatory instruments. Between them, filters are applied by default for the vast majority of mobile domestic consumers. In 2008 Ofcom reviewed the

<sup>42</sup> Previously services were co-regulated by the Authority for Television On Demand (ATVOD) and Ofcom. It was announced in October 2015 that ATVOD’s co-regulatory responsibilities would be brought fully within Ofcom as of 1 January 2016.

<sup>43</sup> See <http://stakeholders.ofcom.org.uk/binaries/broadcast/tv-ops/vod/sanctions-procedures.pdf> for more details

<sup>44</sup> More detail on the Framework is available here: <http://www.bbfc.co.uk/what-classification/mobile-content/framework>

Code and adjudged it to be an example of effective self-regulation. The MNOs have robust processes in place for verifying the age of those seeking to remove the filters. Children are not able to remove the filters because customers have to be age verified before doing so; for example, by showing proof of age in-store before filters are removed.

The MBG appointed the BBFC to provide an independent framework used to filter internet content available via mobile networks. They define content that is unsuitable for customers under the age of 18 based on the BBFC's Classification Guidelines for film and video. The BBFC also provides an appeals complaints procedure for website owners, content providers or anyone else who is dissatisfied with the application of the Framework to a specific piece of content. A quarterly report detailing the appeals that have been made is published on the BBFC website.

### **Payments providers, advertising and ancillary services**

We are clear that whilst the onus is very much on the commercial providers of pornographic sites, we also want to work closely with the providers of payment services (such as card payment facilities) and other services (such as advertising) to achieve our policy aims. As such, in this section we consider how online and mobile financial transactions are currently regulated.

#### **Payments regulation:**

The Financial Conduct Authority (FCA) is an independent regulator of financial institutions and has three statutory operational objectives: to secure an appropriate degree of protection for consumers, to protect and enhance the integrity of the UK financial system, and to promote effective competition in the interests of consumers. The Payment Systems Regulator (PSR) is an independent subsidiary of the FCA, and regulates the UK's largest payment systems in pursuit of its statutory objectives to promote competition and innovation in the UK payments industry.

These regulators only have powers over some of the payment service providers who might be affected by this policy, and the nature of those powers would not be suited to enforcing regulation of the kind discussed in this consultation. As such, we do not think it would be appropriate to ask the FCA or the PSR to carry out this work.

PhonepayPlus regulates premium rate services - that is, goods and services which are charged to mobile phone bills. Within the scope of PhonepayPlus' remit, therefore, are apps, charity donations, votes for interactive TV programmes, live chat services, and other digital content such as music, videos and games. PhonepayPlus regulates these services based on a code of practice<sup>45</sup>, approved by Ofcom - this is enabled by sections 120 to 124 of the Communications Act 2003, which determine that Ofcom may approve a code made by other persons in respect of premium rate services.

In terms of legal compliance, the latest iteration of the code, the thirteenth, specifies in part two that premium rate services must be legally compliant, and particularly:

<sup>45</sup> <http://www.phonepayplus.org.uk/for-business/code-of-practice>

*2.1.2: PRS must not contain anything which is in breach of the law, nor omit anything which the law requires.*

*2.1.3: PRS must not facilitate or encourage anything which is in any way unlawful<sup>46</sup>.*

Additionally, in their General and Service-Specific Guidance<sup>47</sup>, PhonepayPlus also sets out guidelines for virtual chat services, including reasonable steps which service providers must take to ensure that where such services contain adult content, under-18s cannot access it. This includes requiring providers to verify the user is 18 before any charges are incurred, checking of date of birth, and also stipulates that this is an ongoing duty, and that if it becomes apparent during the course of the service that the user is under 18, it must be terminated immediately. Further, no one under the age of 16 is permitted to use virtual chat services of any kind, whether these contain adult content or not.

In this instance, the Government's policy aims are more likely to be met without regulation of payment service providers. Payment systems, including card schemes such as Visa and Mastercard, require that merchants must obey the law of the countries in which they operate. As discussed in this consultation, the Government intends to introduce a new offence to make it illegal for websites to provide pornographic content in the UK without age verification controls. Once this legal position is clarified, payment providers will have a clear mandate to withdraw payment services from non-compliant merchants.

### **Advertising regulation:**

The UK advertising industry is underpinned by a self-regulatory model (and, in respect of broadcast advertising, co-regulatory model, with Ofcom - see below). The **Advertising Standards Authority (ASA)** administers a regulatory system, funded by a levy on the industry, with a remit that incorporates, amongst other things, advertisements on the internet, including:

- banner and display ads
- paid-for (sponsored) search
- marketing on companies' own websites and in other space they control, like social networking sites Twitter and Facebook

There are specific protections for children in advertising, set out in the Committee of Advertising Practice (CAP) Code, an industry agreed set of rules that are enforced independently by the ASA. In particular, in both online and offline media, the CAP Code states that age-restricted products can only be marketed in an environment where at least 75% of the audience is aged over the minimum age requirement. To advertise, or to market on a particular site a brand should be satisfied that the site they are to serve has a target audience at or above the 75% threshold.

**The Police Intellectual Property Crime Unit (PIPCU)** is a specialist unit dedicated to tackling serious and organised online piracy, and is run by the City of London Police. The

<sup>46</sup> Ibid., page 5

<sup>47</sup> [http://www.phonepayplus.org.uk/~media/Files/13th-Code-of-Practice/Clean-version-of-special-conditions-notice-by-service/Guidance--The-Complete-Collection\\_Nov15.pdf](http://www.phonepayplus.org.uk/~media/Files/13th-Code-of-Practice/Clean-version-of-special-conditions-notice-by-service/Guidance--The-Complete-Collection_Nov15.pdf)

advertising industry plays an active role, and is represented in the membership of PIPCU by the Internet Advertising Bureau, the Incorporated Society of British Advertisers (ISBA) and the Institute of Practitioners in Advertising (IPA).

Alongside prosecution and other measures in place to deal with offenders, PIPCU runs Operation Creative. This is a partnership between PIPCU and the advertising and creative industries to prevent and disrupt copyright infringing sites. As part of Operation Creative, rights holders report copyright infringing websites to PIPCU, providing evidence of the alleged infringement.

If infringement is confirmed by PIPCU, the site owner is contacted and offered the opportunity to correct their behaviour and operate legitimately. If a website fails to comply then other tactical options may be used. This includes contacting the domain registrar to seek suspension of the site; and disrupting advertising revenue through the Infringing Website List (IWL). The IWL is an online portal providing the digital advertising sector with a list of copyright infringing sites. The aim is that advertisers, agencies and other intermediaries will use it as a brand safety tool and cease advert placement on these websites. Since its launch in 2013, there has been a 73% decrease in advertising from the UK's top ad spending companies on copyright infringing websites.

Given such successes, based on a voluntary, self-regulatory approach, we are keen to hear views through this consultation as to the ongoing role for advertisers in ensuring the safety of children online, and particularly in delivering age verification on pornographic sites.

### **A co-regulatory approach?**

Given that the scope of the proposed policy cuts across the remit of several existing regulators and other organisations, as outlined above - on-demand content available on the internet, definitions of pornographic content, the regulation of online and mobile payment systems, and internet advertising - we want to explore whether a co-regulatory approach would be the most appropriate mechanism to deliver the overall policy aims of age verification online, and the protection of children.

To take one example, The Advertising Standards Authority (ASA) and Ofcom have a co-regulatory partnership to regulate broadcast advertising. This co-regulatory arrangement was introduced in 2004, to deliver Ofcom's statutory duty to maintain standards for UK broadcast advertising, and also to meet the duty to pursue alternative forms of regulation where possible (under the Communications Act 2003).

The ASA is therefore responsible for maintaining standards in broadcast advertising, underpinned by the UK Code of Broadcasting Advertising. The Broadcast Committee of Advertising Practice (BCAP) is responsible for writing and maintaining this Code, but Ofcom retains overall sign-off on major changes to the Code. In administering the Code, the ASA is also able to refer broadcasters to Ofcom for further action, if required.

It is important to note that the Ofcom/ASA partnership is but one example, and should not be interpreted as the Government's preferred model. However, we want to work with the relevant regulators in this area themselves, the industry, and all other stakeholders to design the optimum regulatory framework. We are therefore seeking views through this consultation



as to whether a co-regulatory system would be most appropriate, and if so, how the roles and responsibilities between the respective parts of this system may be divided.

### Consultation questions

#### **Question 12: Do you think that a co-regulatory approach involving more than one regulator would be appropriate in this context?**

- a. If yes,
  - which regulator(s) should have a role?
  - which (if any) other stakeholders should have a role (e.g. industry)?
  - what should their respective roles be (please refer to the list of potential roles at question 11)?
- b. If no,
  - do you think that a single regulator would be more appropriate? If so, please specify which regulator, if you have a view.
- c. Don't know

### **3.7 - A proportionate approach**

There is an extremely large number of websites hosting pornographic content - circa 5 million sites or parts of sites are categorised as pornographic by Symantec, a leading cyber security company which provides a web categorisation service employed by many UK ISPs and Mobile Operators, with roughly 1.5 million new pornographic URLs coming online per year.

Within this, however, comScore data indicates that the top 50 pornography sites visited by UK users account for 70% of the total views of such sites, and the top 100 constitute 77% of the total.

It is therefore our preference that the approach to monitoring and enforcement is appropriate and proportionate - for example, focusing on the most popular sites amongst UK users, or those sites most frequently accessed by children and young people. We anticipate that the sites on this list would be subject to change, and therefore that the regulator would need to regularly reassess the list of top sites.

This would put the primary focus of regulatory activity on the sites most regularly visited by UK users, and which account for a proportionately far higher number of total visits to porn websites. Alternative proportionate approaches are also possible, for instance the regulator could target sites that (according to data) are most frequently visited by children.

Importantly, and as noted above, the business models underpinning such sites are complex, and are not solely based on paid-for content, but also revenue from advertising, click-throughs and ancillary services. It is therefore our view that such a proportionate approach would not only have the greatest impact in terms of age verification controls being put in place, but also by incentivising the companies which operate the most profitable and popular sites in the UK to act in a socially responsible way, and to comply with its laws.

## Figure 8 - Online child protection - the German Model

### What is the law?

In Germany there are rules<sup>48</sup> for the protection of minors in broadcasting and “telemidia” (a legal term developed to cover electronic information and communication services, which covers the vast majority of internet services). Within this regime, all pornographic content (but also other content that might harm minors, e.g. violent content or hate speech) directed at German users must have access controls.

- . There are two main aspects that need to be considered to fulfil this duty:
- a) through technical means which make it impossible or very hard for children to access this content (i.e. age verification controls that are in accordance with the legal requirements<sup>49</sup>)
  - b) by making such content detectable for filters which need to be approved by the German Commission for Youth Media Protection (Kommission fuer Jugendmedienschutz, KJM). This is achieved by providing an ‘XML-label’ which ensures that filtering software will be able to identify sites containing pornographic content<sup>50</sup>. The site must also carry a banner indicating that the label is being used, and the age required to access it.

### How is this enforced, and by whom?

A breach of this duty is an administrative offence, which is enforced by the KJM. This is an independent Commission made up of 6 Chief Executives of the 14 broadcasting regulators in Germany, and officials from the Laender<sup>51</sup> and Federal departments who deal with youth protection. It is assisted by an agency, “jugendschutz.net”, which is set up by the Departments dealing with youth protection in the Laender. Jugendschutz.net has the mandate to regulate telemidia, but has limited resources. Enforcement by the KJM is only partly effective: KJM and jugendschutz.net do contact providers who do not apply the necessary access controls, however enforcement through the courts is lengthy, and is difficult if the provider is situated outside Germany/the EU.

### What has the impact been on commercial providers?

International commercial pornography providers have age verification controls in place on sites targeted at German audiences since 2003. In practise, this means that domain names which end in ‘.de’ (i.e. those specifically aimed at German users) all have age verification controls in place.

This example does demonstrate that the existence of legal requirements on a domestic level can bring about change in the ways that commercial pornography providers operate, even international companies.

<sup>48</sup> Set out in the ‘Jugendmedienschutzstaatsvertrag’: <http://www.kjm-online.de/recht/gesetze-und-staatsvertraege/jugendmedienschutz-staatsvertrag-jmstv.html>

<sup>49</sup> It is possible to apply to the German Commission for Youth Media protection, or KJM, for an assessment of an age-verification solution

<sup>50</sup> These labels can be generated by providers here: <http://www.jugendschutzprogramm.de/label-generator.php>

<sup>51</sup> The 16 federal subdivisions, or States, of Germany - such as Bavaria, or Saxony.

There are also limitations to consider. As noted above, enforcement on non-compliant international sites is generally more difficult, as the German authorities cannot approach and/or enforce legal action directly against those registering sites not ending in '.de', as they are not based in Germany. Also, users in Germany wishing to avoid age verification controls could potentially do so by accessing sites with '.com' (or other) domain names.

However, given the significant impacts achieved in Germany - not least, leading international commercial pornography providers to introduce age verification controls for sites targeted at German users, we want to learn from and build on this approach. Our preferred way to deliver our manifesto commitment is to establish a proportionate, effective regulatory framework that targets the most popular commercial sites, to deliver the greatest impact in terms of protecting children online.

To enable a full assessment of how the regulatory framework should operate, we also invite views on whether (and how) small and micro-sized businesses might be exempted from the scope of the policy. Our view is that all commercial providers of pornography should be in scope, whatever their size. Equally, our position is that payments and ancillary services should not be exempted on the basis of their size - particularly in the event that a new law requiring age verification controls is introduced. We welcome views and evidence on this.

**Consultation questions:**

**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
- b. No
- c. Don't know

**Question 14: Wherever new regulation is proposed, the Government must consider impacts on smaller and micro-sized businesses (those with fewer than 50 employees) based in the UK, and whether these impacts are proportionate.**

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

- a. Yes
- b. No
- c. Don't know

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

- a. Yes
- b. No
- c. Don't know

**Question 16: How effective do you think the Government's preferred**

**approach would be in preventing children from accessing online pornography?**

- a. Extremely effective
- b. Very effective
- c. Moderately effective
- d. Slightly effective
- e. Not effective at all
- f. Don't know

## ANNEX 1: AGE VERIFICATION

At this consultation stage, we want to set out some principles about what constitutes robust age verification, and how these systems could be applied. Our clear position is that a simple ‘tick-box’ which requires website users to confirm they are over 18, or even just to enter a date of birth, does not constitute a satisfactory solution.

Child protection is central to our objectives, and the Government’s proposed approach relies on the implementation of robust age checks on sites offering pornographic content to UK users. There are, of course, challenges with age verification of non-UK based sites, particularly with regards to enforcement, monitoring, privacy and fraud, which must be taken into account.

The Government intends to introduce appropriate powers which enable regulators to determine appropriate age verification solutions in this space. In this section, we provide a brief background and overview of how age verification is currently defined and implemented.

### How Age Verification is generally understood

**Age Verification** (also known as age checking, or age assurance) is generally understood to be process whereby a service provider carries out an eligibility check to confirm the user attempting to access an age-restricted service or product is of the age required (usually by law). This check is typically undertaken on the basis of a date of birth, and might result from a process whereby the user is required to prove they are the owner of a claimed identity.

**Identity verification** is typically carried out against a range of information such as passport and driving licence records, the electoral roll, births, marriages and deaths register and databases containing consumer information, such as those from credit reference agencies, utility providers and mobile phone companies. Identity verification is common in areas where services are reliant on verifying the identity of a service user, for example when applying for a new or renewed passport or driving licence<sup>52</sup>.

### Current practice

Age verification is currently used online for services such as gambling (see box below) and online sales of age-restricted goods (such as tobacco). There are a number of different methods - frequently, these take the form of checking credit card details as most card issuers require their customers to be over the age of 18, and verify this.

Some pornographic websites already have age checking in place, varying from light touch to robust. Under UK law, UK based pornography services are required to have age verification in place within the UK, whereas sites based outside the UK are not. Where checks do exist on these sites, they may require the user to ‘click here to confirm you are over 18’, or simply provide a warning that the website contains adult content. However, this does not verify the age of the user, nor prevent under 18s from accessing the website, and therefore does not provide a satisfactorily robust age verification mechanism, for the purposes of our manifesto commitment.

<sup>52</sup> HM Government has published Good Practice Guide 45; this provides guidance on the identity proofing and verification of an individual: <https://www.gov.uk/government/publications/identity-proofing-and-verification-of-an-individual>

## **Online Gambling**

The Gambling Commission, (the responsible regulator) is funded by application and licence fees set by the Secretary of State, approved by Parliament, and paid by the gambling industry. All licensed online gambling operators are required to have robust customer age verification processes, to ensure customers are over the legal age (18) to gamble. They must also undertake identity verification, where necessary, to ensure compliance with relevant anti-money-laundering legislation.

Age verification checks are undertaken during the initial registration on the site. Where customers are not found via electronic verification even if they are over 18, other forms of age verification are required. Operators are given a grace period of 72 hours from the first deposit of funds to verify customers. During that period the customer is allowed to gamble but cannot withdraw funds. If age verification is not satisfactorily completed in that time, the account must be frozen, and if the customer is found to be underage the deposits must be returned.

## **Balancing control and level of risk**

Different products and services require varying levels of assurance, based upon differing legislative and risk factors. Additionally, differing age verification process offer varying levels of associated costs<sup>53</sup>. Given money laundering regulations and legal requirements, verification for online gambling requires both age and identify verification.

We are keen to ensure that the level of control for age verification on pornographic websites is proportionate to the perceived risk or harm resulting from young people's access. An appropriate age verification mechanism for pornographic content online should be concerned only with the need to establish that the user is aged 18 or above, rather than seeking to identify the service user, as we are only concerned with confirming eligibility. We are aware that concerns may be expressed about the need to maintain the privacy of adult users of pornographic sites, as well as the potential for fraud or misuse of personal data. As such, we would expect a regulator to take this into account when determining satisfactory age verification controls.

The age/identity verification market is constantly evolving, and providers are innovating. For instance, work relevant to our objectives is currently being led by the Digital Policy Alliance<sup>54</sup>, and the British Standards Institute (BSI) on protections around age-restricted merchandise online, age-restricted online content (such as pornography), and age restricted online services (e.g. dating agencies). This is an ongoing area of work and its outcomes are yet to be determined, but this, and other developments, indicates that there is considerable interest from the private sector in developing age-verification solutions that might be used for a variety of online purposes.

<sup>53</sup> For instance, a report by the International Foundation for Online Responsibility suggested that age verification checks in the UK might range from around 40p to £1 per check. <http://iffor.org/sites/default/files/age-verification-white-paper.pdf>

<sup>54</sup> This is a politically neutral, cross-party policy group with membership from the internet and technology sector. The independent cross-bench peer, the Earl of Errol, chairs the group.

## ANNEX 2: EVIDENCE OF HARM

In 2015, the Department for Culture, Media and Sport commissioned an expert review exploring what is known about how children are accessing pornography. This report, compiled by an Expert Panel led by the Oxford Internet Institute, is published alongside this consultation. As its findings show, studies in this area have significant limitations, meaning that definitive and conclusive evidence is not easy to find. However, as the panel notes,

*“There are however, some points on which these authors feel we can be confident: that youth culture does seem to have been affected by sexual imagery; that children and young people are concerned about online pornography and that viewing such images can have effects on children”.*

The Office of the Children’s Commissioner also commissioned a rapid evidence assessment, published in June 2013, which offers a comprehensive summary of available literature and research about children and young people’s access to and use of pornography, and how it affects them. It concluded that<sup>55</sup>:

1. A significant proportion of children and young people are exposed to or access pornography.
2. Children and young people’s exposure and access to pornography occur both online and offline.
3. Exposure and access to pornography appear to increase with age.
4. Exposure is more prevalent than (ostensibly) deliberate access.
5. There are gender differences in exposure and access to pornography.
6. Access and exposure to pornography affect children and young people’s sexual beliefs.
7. Access and exposure to pornography are linked to children and young people’s engagement in “risky behaviours”.
8. Exposure to sexualised and violent imagery affects children and young people;

We also note below the findings of relevant NGOs and think-tanks which reinforce our thinking that widespread exposure of minors to pornography before they would normally be sexually active may cause them distress; impact on their relationships, development and well being; and may lead to the normalisation of the behaviours depicted in pornography.

### Cause of distress

Existing research demonstrates that pornography, and its proliferation on the internet, is a concern amongst young people and their parents and carers.

- A survey amongst young people conducted on behalf of NSPCC’s Childline service found that around 1 in 5 of those surveyed said they’d seen pornographic images that had shocked or upset them<sup>56</sup>.
- The EU Kids Online study found that pornography tops the list of online concerns for children<sup>57</sup>.

<sup>55</sup> This is a very high level summary - see full report for more details. Horvath et al (2013); <http://eprints.mdx.ac.uk/10692/1/BasicallyporniseverywhereReport.pdf>

<sup>56</sup> [www.nspcc.org.uk/fighting-for-childhood/news-opinion/online-porn-evidence-impact-young-people](http://www.nspcc.org.uk/fighting-for-childhood/news-opinion/online-porn-evidence-impact-young-people)

- Research by the IPPR in 2014 found that 8 out of 10 18-year-olds surveyed thought that it is too easy for young people to accidentally see pornography online, and that two-thirds of young women (66 per cent) and almost half of young men (49 per cent) agreed that 'it would be easier growing up if pornography was less easy to access for young people'<sup>58</sup>.
- The UK Children Go Online study found that 54% of 9 to 19-year-olds reported that they were not affected by seeing pornography online, however, a significant minority of 14% said that they did not like it, 20% thought it was disgusting and 8% wished they had never seen it<sup>59</sup>.
- However, many feel that those younger than themselves are more in danger from online sexualised materials. 45% of the 18 to 19-year-olds who viewed pornography online and offline reported that in hindsight they were too young when they were first exposed to it<sup>60</sup>.

### Impact on young people's relationships, development and well-being

Assessing the impact of pornography use on young people is a very difficult research issue for many reasons including ethical considerations, and most evidence points to *correlation* between pornography and harms rather than *causation*. However, controlled longitudinal studies can help to answer questions of causality, because they track the influence of pornography on young people over time whilst controlling for the influence of other factors. Longitudinal research has demonstrated that amongst young people in America, '...intentional exposure to violent x-rated material over time predicted an almost 6-fold increase in the odds of self-reported sexually aggressive behaviour'<sup>61</sup>. One controlled longitudinal study found that male adolescents' pornography use predicted their perpetration of sexual harassment two years later.<sup>62</sup> Pornography appears to influence young people in a number of ways, particularly in creating an unrealistic image about sex. Studies also indicate that pornography use can lower relational and sexual satisfaction and academic performance in young people<sup>63</sup> and increase their sexual preoccupation, body dissatisfaction and self-objectification<sup>64</sup>. A recent survey among 500 18-year-olds found that

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<sup>57</sup> Livingstone, Sonia and Kirwil, Lucyna and Ponte, Cristina and Staksrud, Elisabeth (2013) *In their own words: what bothers children online?* with the EU Kids Online Network. EU Kids Online, London School of Economics & Political Science, London, UK

<sup>58</sup> Parker (2014)

<sup>59</sup> Livingstone, S. and Bober, M. (2004). *UK children go online : surveying the experiences of young people and their parent*, LSE Research Online.

<sup>60</sup> Livingstone and Bober, M. (2004).

<sup>61</sup> Ybarra, M. L., Mitchell, K. J., Hamburger, M., Diener-West, M., & Leaf, P. J. (2011). *X-rated material and perpetration of sexually aggressive behavior among children and adolescents: is there a link?*. *Aggressive Behavior*, 37(1), 1-18.

<sup>62</sup> Brown, J. D., & L'Engle, K. L. (2009). *X-rated sexual attitudes and behaviors associated with US early adolescents' exposure to sexually explicit media*. *Communication Research*, 36(1), 129-151; Ybarra et al (2011).

<sup>63</sup> Peter, J., & Valkenburg, P. M. (2009). *Adolescents' exposure to sexually explicit internet material and sexual satisfaction: A longitudinal study*. *Human Communication Research*, 35(2), 171-194. Beyens, I., Vandenbosch, L., & Eggermont, S. (2014). *Early Adolescent Boys' Exposure to Internet Pornography Relationships to Pubertal Timing, Sensation Seeking, and Academic Performance*. *The Journal of Early Adolescence*, 0272431614548069. Note that the research on adults does not contradict this picture but is not as methodologically robust.

<sup>64</sup> Peter, J., & Valkenburg, P. M. (2008). *Adolescents' exposure to sexually explicit internet material and sexual preoccupation: A three-wave panel study*. *Media Psychology*, 11(2), 207-234. Peter, J., & Valkenburg, P. M.



70% felt that pornography can have a damaging impact on young people's views of sex and relationships<sup>65</sup>. Meta-analysis by Gert Martin Hald et al strongly supports a correlation with regard to pornography inducing violent attitudes against women<sup>66</sup>.

### **Impact of porn on brain development**

The teenage brain has become a subject of much research recently. The University of Pennsylvania neurologist Frances Jensen found that teenagers' brains are hungry for stimulation, yet the development of the frontal lobes is not yet complete<sup>67</sup>. The repeated viewing of pornography whilst the brain is continuing to develop can therefore result in neuro-adaptation: in other words, rewiring the brain. The teenage brain adapts to pornography and changes occur in its internal circuitry, particularly in the pleasure and reward pathways.

### **Normalisation of behaviours depicted in porn**

Many people worry that young people will come to expect their real life sexual experiences to mirror what they or their peers see in pornography, which often features ambiguous depictions of consent, submissive female stereotypes and unrealistic scenarios. The IPPR report also indicated that two-thirds of men (66%) and more than three-quarters of women (77%) questioned believe that pornography has led to unrealistic attitudes to sex, with 61% of men and 78% of women believing that pornography encourages society to view women as sex objects. Furthermore, seven out of 10 said that 'pornography leads to unrealistic attitudes to sex' and that 'pornography can have a damaging impact on young people's views of sex or relationships'<sup>68</sup>. There is also a question about the effect of pornography on 'unwanted sex' – for instance more young people are engaging in anal intercourse than ever before despite research which suggests that it is often not seen as a pleasurable activity for young women<sup>69</sup>. While the increase in anal sex cannot be attributed directly to pornography consumption, it does feature in a large percentage of mainstream pornography (for example, one content analysis found it featured in 56% of sex scenes<sup>70</sup>).

### **Summary**

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(2014). Does exposure to sexually explicit Internet material increase body dissatisfaction? A longitudinal study. *Computers in Human Behavior*, 36, 297-307

<sup>65</sup> Parker (2014).

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<sup>66</sup> Hald, G.M., Malamuth, N.M. and Yuen, C. (2009) *Pornography and Attitudes supporting violence against women: revisiting the relationship in non-experimental studies*, 5-6

<sup>67</sup> Jensen, F.E. and Nutt, A.E. (2015) *The Teenage Brain: A Neuroscientist's Survival Guide to Raising Adolescents and Young Adults*

<sup>68</sup> Parker (2014).

<sup>69</sup> Marston, C & Lewis, R: *BMJ Open 2014 Anal heterosex among young people and implications for health promotion: a qualitative study in the UK*

<sup>70</sup> Bridges, A. J., Wosnitzer, R., Scharrer, E., Sun, C., & Liberman, R. (2010). Aggression and sexual behavior in best-selling pornography videos: A content analysis update. *Violence Against Women*, 16(10), 1065-1085.

The landing pages of most free, and easily accessible websites feature video clips of very explicit material and our analysis of comScore data from May 2015 suggests that a great number of children are accessing adult sites - around 13% of all 6-14 year olds online<sup>71</sup>. Some research suggests that some children find viewing such content distressing, and many young people feel that it should now be so easily accessible. While causal evidence is more difficult to find, various studies suggest that viewing pornography underage can have a negative impact on sex and relationships, and may give unrealistic expectations and attitudes to sex.

<sup>71</sup> *comScore MMX, May 2015, U.K*

## GLOSSARY

<u>Term</u>	<u>Definition</u>
ASA	Advertising Standards Authority
ATVOD	Authority for Television on Demand - a former co-regulator of video on demand in the UK. ATVOD operated between 2010 and 2015. Ofcom now regulates on-demand services in the United Kingdom.
AVMSD	The Audiovisual Media Services directive is a European Union directive aimed at ensuring that EU member states take appropriate measures to ensure that on-demand audiovisual media services that may seriously impair the physical, mental or moral of minors is not easily accessible by such minors.
BBFC	The British Board of Film Classification is a non-governmental organisation responsible for the national age classification of films within the United Kingdom. The BBFC also classifies DVDs, videos and some video games.
ISP	An Internet Service Provider is an organisation that provides services for accessing, using and participating in the internet. Examples of the main ISPs in the UK are: BT (including Plusnet), Virgin Media, Sky Broadband and Talk Talk.
IWF	The Internet Watch Foundation (IWF) is a charity based in the United Kingdom. The IWF's purpose is to minimise the availability of illegal internet content, such as child sexual abuse imagery and other harmful content.
MBG	Mobile Broadband Group
NCGM	Net Children Go Mobile - a study with the objective of researching the effects mobile devices have on a child's online experience.
NSPCC	The National Society for the Prevention of Cruelty to Children is a charity formed in 1884 with the primary objective of campaigning and working in child protection in the United Kingdom and the Channel Islands.
ODPS	On-demand programme service - regulated by Ofcom, these are providers of on-demand media.
Ofcom	The Office of Communications is the regulatory and competition authority for television, radio, telecommunications and postal services in the United Kingdom.
OPA (1959)	The Obscene Publications Act 1959. The OPA 1964 added additional legislation to the previous act of Parliament.

PSHE	<p>Personal, Social and Health Education is a subject area as part of the United Kingdom's national school curriculum since 2000. PSHE is a programme that is aimed at helping children and young people to develop as individuals, as family members and as part of social and economic communities. The aim of PSHE is to equip young people with life skills, attitudes and practical skills to enable them to live healthily, productively, safely and responsibly.</p>
R18	<p>The R18 certificate is a film or video classification stated by the British Board of Film Classification (BBFC), and is a higher classification than the 18 certificate given by the BBFC.</p>

