

**Department for Culture, Media and Sport:**  
Consultation into Age Verification for Pornography

February 2016

*Written evidence submitted by Childnet*

**Executive Summary**

1. Research demonstrates that many children are being exposed to pornography, and this can have an impact on their wellbeing and behaviour.
2. As a children's internet safety charity we welcome the Government's commitment to explore ways to reduce children's exposure to online pornography.
3. Childnet are broadly in support of the approach set out by the Government in this consultation, and we believe it would be a positive step towards reducing the chances of children being exposed to online pornography, and we very much welcome any move to encourage the global pornography industry to act in socially responsible ways.
4. We believe that a new regulatory framework which would place pressure on non-compliant websites through payment providers and other auxiliary services, particularly in combination with placing pressure on parent or subsidiary companies of non-compliant sites, would be an effective approach in reducing the number of pornography sites that do not have suitable age verification in place.
5. Specifically, we support an Ofcom-led and BBFC-supported civil enforcement regime that enables action to be taken against non-compliant sites and their parent and subsidiary companies, working closely with providers and regulators of payment services, advertisers and other auxiliary services and giving them a clear mandate to take action against sites operating illegally.
6. However, a single approach can only ever be moderately effective, and must be pursued in combination with a range of approaches to both reduce the chances of children being exposed to pornography, and to help reduce the negative impact of pornography on children's wellbeing and development.
7. Most importantly, children need to receive high quality and age-appropriate education about these issues, so they are equipped with the critical thinking skills and resilience to cope with exposure to online pornography. This education is best delivered by parents, and by schools within a structured curriculum of PSHE Education, giving young people opportunities to discuss and explore these issues in a supported and age-appropriate way.

8. We need to ensure we are equipping schools, parents and all those supporting children, to address these issues, and at Childnet we have provided resources for parents to help them to have age-appropriate conversations with their children about pornography and the impact it can have, and we will continue to work to support schools and others in this area.

### **About Childnet**

Childnet is a UK charity set up to empower children, families and schools in the digital age, and its vision is to make the internet a great and safe place for children. Launching in 1995, it speaks to thousands of children, parents and teachers every year; creates innovative educational resources; and delivers projects to empower young people to have their say and take the lead in helping to create a better internet. It achieves a wider impact through influencing best practice and policy, both in the UK and internationally. As one of three charities in the UK Safer Internet Centre, Childnet coordinates Safer Internet Day, which reached 2 in 5 UK children in 2016.

### **Consultation response:**

**Question 1:** In your opinion, should age verification controls be placed on all forms of legal pornography ('sex works') online that would receive a British Board of Film Classification rating of 18 or R18?

- a. **Yes**
- 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

**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

**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)

Verification by credit card ownership is an effective approach that has been implemented successfully by the gambling industry and UK pornography providers. We believe this approach of age verification, rather than identity verification, is preferable to ensure the minimum data required is being collected. There are caveats to these approaches, and children who are intent on accessing pornography could find ways to access a parents' credit card, however it would protect children from accidental exposure by providing a robust enough barrier to access.

**Question 5:**

Do you agree that a regulator should have the power to direct payment and other ancillary services to remove their services from noncompliant websites? Please give reasons.

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

To ensure that non-compliant pornography providers are motivated to comply with age verification requirements, we believe it would be important for a regulator to have the power to notify payment

providers, advertisers, web hosting services and other ancillary services of non-compliant services and direct them to withdraw their services.

**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

A regulator could also have the power to direct ancillary services to remove their services from the parent or subsidiary companies of non-compliant websites, to help ensure compliance given the business model of 'tube' sites who may not be affected by restrictions by payment providers on their service directly.

It would also be a positive step forward for pornography providers to be required to make content detectable by filters (for example, by providing an XML-label) or face sanctions.

**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

**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

We support the Government's approach to develop a civil enforcement regime, as it offers a flexible and effective approach that is consistent with existing regimes. It remains an option to develop a criminal regime if this approach proves ineffective.

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

a. Yes

b. No

**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)**
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- Notify payment providers and ancillary services of the parent or subsidiary companies of non-compliant sites on which their services are available
  - Direct payment providers and ancillary services to withdraw services from parent or subsidiary companies of non-compliant sites
  - Operate a list of non-compliant sites and notify ISPs

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

- **Yes**

If yes,

- Which regulator(s) should have a role? (tick all that apply)
  - Ofcom**
  - The British Board of Film Classification (BBFC)**
  - The Financial Conduct Authority (FCA)
  - The Payment Systems Regulator (PSR)
  - Phonepayplus
  - The Advertising Standards Authority (ASA)
  - The Police Intellectual Property Crime Unit (PIPCU)

We support an Ofcom-led and BBFC-supported civil enforcement regime that enables action to be taken against non-compliant sites and their parent and subsidiary companies, working closely with providers and regulators of payment services, advertisers and other auxiliary services and giving them a clear mandate to take action against sites operating illegally. Specifically, we see that Ofcom would be the main regulator, monitoring compliance and issuing enforcement notices, while BBFC would provide an independent framework to define content that is unsuitable for people under the age of 18 and potentially provide an appeals procedure.

**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

**For further information contact:**

Will Gardner, CEO, Childnet

0207 639 6967

[will@childnet.com](mailto:will@childnet.com)

Studio 14, Brockley Cross Business Centre, 96 Endwell Road, London, SE4 2PD

[www.childnet.com](http://www.childnet.com)