OFCOM FIRST PHASE OF ONLINE SAFETY REGULATION
CALL FOR EVIDENCE SUBMISSION

Introduction to CARE

1. CARE (Christian Action Research and Education) is a well-established mainstream Christian charity providing resources and helping to bring Christian insight and experience to matters of public policy and practical caring initiatives. CARE advised MPs and Peers during the debates on Part 3 of the Digital Economy Act 2017 – the proposals for age verification of commercial pornographic websites and continues to provide support to MPs and Peers during the passage of the Online Safety Bill.

2. We have provided answers to questions 2, 23 and 27, which are the areas in the call for evidence within our competence and expertise.

Question 2: Can you provide any evidence relating to the presence or quantity of illegal content on user-to-user and search services?

3. Recent press coverage has highlighted the availability and extent of illegal material currently hosted online by large user-to-user services.[1] Following this coverage and in response to action by credit card companies, Pornhub removed over 10 million videos, amounting to around 80% of its content.[2] It is clear from this action that large user-to-user sites are unsure and are unable to record the levels of illegal and extreme material hosted on their platforms.

4. In relation to search services, Professors McGlynn and Woods in May 2022 noted that "*Pornography, including extreme pornography, is easily accessible via the most basic, one-click search on google. This includes the easy search for and return of extreme pornography, other illegal porn and incest porn.*"[3]

5. A study by Durham university in 2021 found a considerable amount of content on the main user-to-user sites was illegal or violent.[4] The study concluded "*We have found that mainstream pornography websites are likely hosting material that is unlawful to distribute or download. It is not the case that criminal material is relegated to niche sites, hidden from all but a determined viewer, or only available on the dark web. It thus cannot be assumed either by regulators, individual users or policy-makers, that the mainstream websites are 'safe' sites, free from unlawful material.*" The hosting of illegal and violent pornography on user-to-user services is now mainstream and requires robust regulation and enforcement to ensure it is removed from online platforms.

Question 23: Can you identify factors which might indicate that a service is likely to attract child users?

6. Previous studies in relation to advertising in the gambling industry, have suggested that cartoons and storybook characters have been used to attract children. A Times article from 2017 suggested that this was the intention of the companies producing the online games.[5] A similar theme was reported in t he 2020 GB IPSOS report on young people and advertising, which said that while adverts did not specifically target children

1. [Opinion | The Children of Pornhub - The New York Times (nytimes.com)](#)
2. [Pornhub Removes 10 Million Videos in Response to Allegations (ny1.com)](#)
3. [Pornography and the UK's Online Safety Bill by Clare McGlynn, Lorna Woods, SSRN](#), July 2022, page 3
4. [Sexual violence as a sexual script in mainstream online pornography | The British Journal of Criminology | Oxford Academic (oup.com)](#)
5. https://www.thetimes.co.uk/article/cartoons-lure-kids-to-online-gambling-vr6c83np6

per se e.g., through children's websites, there are adverts that "*could appeal directly to children and young people" because of their content."* The report found that *"21% of Traditional Betting Tweets, 59% of eSports Betting Tweets, and 37% of eSports Content Marketing Tweets were judged to contain features that could plausibly appeal directly to children and young people, largely accounted for by the use of images and animations".* A content analysis of traditional media conducted for the report found three factors that could directly appeal to children: "i) language (e.g. 'Starburst', 'House Party'); ii) graphic design (e.g. cartoon-like, colourful); and iii) narratives such as fun, excitement, or 'non-stop' playing."[6]

7. We recognise that gambling per se is not within the scope of the Online Safety Bill, but these same themes are likely to be reflected on other websites that are seeking to be attractive to children and young people.

Question 27: For purposes of transparency, what type of information is useful/not useful? Why?

8. The enforcement provisions within the Online Safety Bill are complex covering 25,100 platforms in the UK[7] and the 4-5 million pornographic websites worldwide. Para 73 of the Impact Assessment states that only 30-40 platforms will be designated 1, 2A or 2B, which raises questions about the impact of enforcement on the many other platforms and websites.[8] Without effective enforcement, there is no incentive for organisations to invest in age verification technology[9] or take any other necessary actions to protect children, women and girls, thus nullifying the effectiveness of the legislation.

9. To have proper transparency for enforcement arrangements, CARE recommends that Ofcom publish the numbers of websites and service providers subject to enforcement action and the type and scale of enforcement action taken. This should be published on a quarterly basis.

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[6]   Ipsos, *The impact of gambling marketing and advertising on children, young people and vulnerable adults,* March 2020, page 6 and section 6.2.3 pages 42-47

[7]   Impact Assessment, March 2022, Table 5, pages 28-29

[8]   Impact Assessment, March 2022, para 240, page 59

[9]   Nash V et al, University of Oxford, Effective age verification techniques: Lessons to be learnt from the online gambling industry, Final Report, December 2012-December 2013, page 27