

Your response

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<p>Question 1: Do you have any comments on our proposed approach to 'content and activity' which 'disproportionately affects women and girls'?</p>	<p>N/A</p>
<p>Question 2: Do you have any comments on the nine proposed actions? Please provide evidence to support your answer.</p>	<p>N/A</p>
<p>Question 3: Do you have any comments about the effectiveness, applicability or risks of the good practice steps or associated case studies we have highlighted in Chapter 3, 4 and 5? Are there any additional examples of good practices we should consider? Please provide evidence to support your comment.</p>	<p>As an additional example of good practice, Ofcom should consider a recommendation that services which carry pornography do not make available any material which breaches the BBFC's standards for the classification of pornographic video works.</p> <p>As the UK's statutory video regulator, designated under the Video Recordings Act 1984, the BBFC is also legally required to have 'special regard (among the other relevant factors) to any harm that may be caused to potential viewers or, through their behaviour, to society by the manner in which the work deals with—(a) criminal behaviour; (b) illegal drugs; (c) violent behaviour or incidents; (d) horrific behaviour or incidents; or (e) human sexual activity'. It is for this reason that we will not classify any material we believe represents a credible harm risk – for example, for example by promoting dangerous emulation or by encouraging unhealthy fantasies relating to violence, sadism, abuse and non-consensual behaviour. Though the potential harm is not exclusively gender-based, we are conscious that women and girls are disproportionately affected by the harms represented by unregulated online pornography.</p> <p>The BBFC's Classification Guidelines state that the following material is not suitable for classification in pornographic content:</p> <ul style="list-style-type: none"> ● material that is in breach of the criminal law ● material (including dialogue) likely to encourage an interest in sexually abusive activity, which may include adults role-playing as non-adults

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	<ul style="list-style-type: none"> ● the portrayal of sexual activity that involves real or apparent lack of consent. Any form of physical restraint that prevents participants from indicating a withdrawal of consent ● the infliction of pain or acts that are likely to cause serious physical harm, whether real or (in a sexual context) simulated. Some allowance may be made for non-abusive, consensual activity ● penetration by any object likely to cause physical harm ● sexual threats, humiliation or abuse that do not form part of a clearly consenting role-playing game <p>Ofcom’s draft guidance acknowledges the potential harm of such material, identifying ‘sexual or explicit content that normalises or encourages harmful sexual behaviour’ as an aspect of online misogyny, with harm spanning ‘illegal content such as illegal threats and extreme pornography, as well as content which is legal but harmful to children, such as content normalising gendered or sexual violence’. The BBFC’s view is that content which normalises sexual violence is not just harmful to children, but can also be harmful to adults. This is why we will not classify it for distribution offline and why such content is prohibited on on-demand services regulated by Ofcom, which must not carry any ‘material whose nature is such that it is reasonable to expect that, if the material were contained in a video work submitted to the video works authority for a classification certificate, the video works authority would determine for those purposes that the video work was not suitable for a classification certificate to be issued in respect of it.’</p> <p>We do not believe such material is any less harmful on services in scope of the Online Safety Act than it is on physical media formats or on on-demand services, which is why we would recommend that the guidance promotes good practice by encouraging sites not to make such content available.</p> <p>The BBFC would welcome the opportunity to work with any service wishing to improve their moderation approach to address the availability of violent and abusive pornography on their platform. This would also</p>

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	be in line with the recommendation for parity between online and offline content standards in Baroness Bertin's Independent Pornography Review.
<p>Question 4: Do you have any feedback on our approach to encouraging providers to follow this guidance, including our proposal to publishing an assessment of how providers are addressing women and girls' safety? Do you have any examples or suggestions of other ways we could encourage providers to take up the 'good practice' recommendations?</p>	N/A
<p>Question 5: Do you have any comments on our impact assessment, rights assessment, or equality impact assessment? Please provide any information or evidence in support of your views.</p>	N/A
<p>Question 6: Do you agree that our draft Guidance is likely to have positive effects on opportunities to use Welsh and treating Welsh no less favourably than English? If you disagree, please explain why, including how you consider the draft Guidance could be revised to have positive effects or more positive effects, or no adverse effects or fewer adverse effects on opportunities to use Welsh and treating Welsh no less favourably than English.</p>	N/A

Please complete this form in full and return to OS-Section54@ofcom.org.uk.