



Consultation response form

Your response

Question	Your response
<p>Question 1: Do you have any comments on our proposed approach to 'content and activity' which 'disproportionately affects women and girls'?</p>	<p>Confidential? – N</p> <p>As a statutory consultee of the Online Safety Act 2023, the Children’s Commissioner for England welcomes Ofcom's draft guidance for online services on how they can promote a safer life online for women and girls. The Children’s Commissioner’s Office (CCo) recognises this guidance as an additional step towards an online world that children can learn and play safely in.</p> <p>Section 54 of the Online Safety Act 2023 ('the Act') obliges Ofcom to create dedicated guidance on how providers can address content and activity that disproportionately affects women and girls. Unlike the duties set out in the illegal harms and protection of children’s codes, this guidance is not legally binding. The CCo therefore welcomes Ofcom’s proposals that seek to incentivise platforms to take up the recommendations set out in the guidance, and that Ofcom is also seeking advice on how to further this incentive.</p> <p>The CCo has been mapping the risks of harm to women and girls online throughout the drafting, ascension and implementation of the Act. In that time, CCo research has shown that young women and girls face a litany of risks online. The CCo’s “I’ve seen horrible things”: children’s experiences of online harms report showed that these risks can result from exposure to harmful content listed on the face of the Act, including hateful or pornographic content.</p> <p>The CCo also released an in-depth study on the prevalence of exposure to, and impact of, pornographic content on children. “A lot of it is actually abuse”: young people and pornography found that the average age a</p>

Question	Your response
	<p>child encounters pornography online is 13, with 10% seeing pornography by the age of 9. That report evidenced the harmful impact this had on girls in particular, with harmful sexual behaviour, low self-esteem and unrealistic or pressurised expectations for what sex was among the findings. That report also found that the online pornography industry itself – including how content is marketed, recommended and disseminated – was itself harmful and pushing children into more and more harmful content.</p> <p>A similar theme was highlighted in the CCo’s most recent report on nudification tools. “One day this could happen to me”: children, nudification tools and sexually explicit deepfakes evidenced that the of emerging technology to target women and girls was having a chilling effect on girls’ participation in the online world. The report called for emerging technology to be subject to thorough risk assessment prior to being released. This research has informed this response to Ofcom’s draft guidance.</p> <p>The ambitious vision that Ofcom has set out for what the online world could and should look like for women and girls is particularly welcome. The language of this consultation differs from that seen in both the consultation documents for the illegal harms codes and protection of children’s codes, in that it states it is working towards an “ambitious vision” for women and girls’ online safety.</p> <p>When responding to the protection of children’s codes consultation, the CCo expressed concern that there was not as an ambitious vision for children’s online safety, and that the children’s codes taken as a whole was not as strong as it could have been. The CCo welcomes the vision set out in this instance, and recommends that this bold and ambitious stance is taken in future iterations of the now published children’s codes. This ambitious stance is supported by the purpose of the Act, which the government expected to provide a high-bar for children’s online safety – namely, that there is a “zero-tolerance” approach and that the measures under the Act make the UK the safest place to be online. This is an applaudable goal, the spirit of which has been tapped into in Ofcom’s consultation documents for guidance on the protection of women and girls online.</p>

Question	Your response
	<p>The CCo would like to see a number of particular elements of the regulator’s approach to drafting this ambitious guidance carried over into other implementation plans. For instance, the regulator sets clear expectations and standards in this guidance, squarely calling for providers to “take responsibility” and to “design their services to be safe”.</p> <p>Finally, it’s crucial to acknowledge that strong guidance will not, on its own, be enough to protect women and girls online. As Ofcom has set out in these consultation documents, and as the CCo’s existing evidence shows, the harms and risks of harm to women and girls are complex, often ingrained and ever evolving. Protections set out in this guidance, while ambitious and admirable, do not carry the weight of legally binding obligations that would require all the risks to girls identified to be mitigated.</p> <p>Question 1: Do you have any comments on our proposed approach to ‘content and activity’ which ‘disproportionately affects women and girls’?</p> <p>As stated in the introduction above, the CCo applauds the general, ambitious approach to the guidance. This includes how the regulator is approaching the term content and activity. The CCo makes the following additional comments:</p> <ul style="list-style-type: none"> • Section 54 of the Online Safety Act states that the guidance produced by Ofcom must focus on “content and activity” which “disproportionately affects women and girls”, and that it can refer to provisions the contents of codes of practice under section 41 that are relevant to the protection of women and girls from such content and activity. • The CCo welcomes the broad examples of content and activity that disproportionately affects women and girls, such as intimate image abuse, children’s exposure to abuse, hateful content towards women, online harassment, domestic

Question	Your response
	<p>abuse, stalking as well as the circulation of content that normalises or promotes misogyny and gender-based violence.</p> <ul style="list-style-type: none"> • The CCo notes that the four harms identified as the focus of the guidance (online misogyny, pile-ons and online harassment, online domestic abuse and image based sexual abuse) are safety concerns shared by the CCo and that actions taken to address these is welcome. • The CCo would like to highlight that some types of online harassment, online domestic abuse and image-based sexual abuse are criminal offences in the UK. It is right and welcome that technology companies are being asked to step up to address their role in the occurrence of these acts on their platforms. • The CCo recommends that the guidance names emerging risks of harm from future and developing technology on the face of the guidance. This means that the recommended measures in the guidance, such as abusability testing and red-teaming, should explicitly state that these methods must be applied during product development in order to get ahead of a risk of harm to women and girls as it emerges. An example should include the capacity for open-source AI models to be used to create nudification tools, which the CCo has recently found to be disproportionately impacting girls and young women. The report found that the existence of this technology was having a chilling effect on girls' participation in the online world. <p>Recommendation: that the guidance names emerging risks of harm from future and developing technology on the face of the guidance.</p>
<p>Question 2: Do you have any comments on the nine proposed actions? Please provide evidence to support your answer.</p>	<p>Confidential? N</p> <ul style="list-style-type: none"> • The CCo welcomes the strong language of “taking responsibility” and “designing their services

Question	Your response
	<p>to be safe” – this is something the office would have liked to have seen in the Children’s Codes,</p> <ul style="list-style-type: none"> • The CCo applauds the recommendation to consult third party experts and setting policies that prohibit these harms. This is clear language that sets Ofcom’s expectations. This is the approach the CCo would have liked to have seen in the Children’s Codes and Illegal Harms Codes. • The CCo welcomes the instruction to conduct a risk assessment that includes proactive engagement with survivors and victims. This is clear language that sets Ofcom’s expectations. This is the approach the CCo would have liked to have seen in the Children’s Codes and Illegal Harms Codes. • The CCo applauds the recommendation to use proactive measures like product testing, hash matching to identify risks on services. This is clear language that sets Ofcom’s expectations. This is the approach the CCo would have liked to have seen in the Children’s Codes and Illegal Harms Codes. • The CCo welcomes the inclusion of recommended measures to support women and girls, including making reports and for appropriate action to be taken when a report is made. <p>Recommendation: That Ofcom develops an outcome measure for the actions recommended in the guidance to assess the effectiveness and impact of the recommended actions. This would ensure that the actions proposed are achieving their objectives.</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>Confidential? N</p> <p>The CCo welcomes the regulator’s approach to gathering examples of good practice. The Office recognises that celebrating good practice makes ambitious safety initiatives aspirational and the CCo hopes it will lead to greater attention to safety during product design.</p>

Question	Your response
<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>	<p>Confidential? N</p> <p>The CCo welcomes Ofcom's approach to encouraging providers to follow this guidance, including the proposal to publish an assessment of how providers are assessing women and girls' safety. The CCo welcomes an approach that seeks to champion good practice and to make assessments of the actions of technology platforms widely available for public knowledge.</p>
<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>	<p>Confidential? N</p> <p>The Children's Commissioner's Office welcomes the impact assessment, rights assessment and equality impact assessment for this guidance.</p>
<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>	<p>Confidential? N</p> <p>N/A</p>

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