

Introduction

Flux Digital Policy is a policy and public affairs consultancy specialising in the video games industry, with particular expertise in mobile. We welcome Ofcom's consultation on this guidance; with such a wide variety of services subject to the OSA, it is vital that the regulator is open to feedback so that the guidance can be made to work for all the providers to whom it applies.

Clear and practical guidance is foundational to empowering providers to meet their obligations under the OSA, and we recognise the importance of the draft guidance in this regard. However, we also strongly support Ofcom's inclusion of best practice examples to assist providers that are willing and able to go beyond their legal duties and further enhance the safety of the women and girls on their platforms.

We acknowledge the unique and disproportionate online harms experienced by girls and women and recognise that the games sector plays host to some of these harms; research has consistently demonstrated that many women and girls have been exposed to gendered abuse while gaming online.¹ This abuse often deters them from participating in activities they previously enjoyed, whilst others avoid online aspects of gaming altogether due to fear of such encounters. Others may participate but make efforts to disguise their gender to avoid harm, rather than freely take part as themselves.

Guidance on these issues within the context of OSA duties can support the creation of safe and positive environments for their players by giving service providers the tools to ensure that gender-based harms are addressed. However, to do so it is important that the guidance considers the unique nature of games so that it can be as helpful and relevant as possible to the sector, as per paragraph 1.21 of the guidance; this is the context in which our feedback is given.

Question 1

¹ <https://www.ofcom.org.uk/siteassets/resources/documents/research-and-data/online-research/understanding-online-comms-among-children/qualitative-findings---main?v=330413>
<https://www.skygroup.sky/article/unfair-game-millions-of-women-in-gaming-suffer-online-harassment-and-abuse>
<https://www.womeningames.org/over-half-of-women-gamers-experience-online-abuse-new-research/>
<https://news.sky.com/story/why-gaming-still-has-a-women-problem-13210551>



Do you have any comments on our proposed approach to 'content and activity' which 'disproportionately affects women and girls'?

Flux supports Ofcom's proposed approach. We agree with the four types of content and activity specified in the guidance, which we consider cover a broad range of the most notable harms that disproportionately affect women and girls. In particular, the inclusion of online misogyny helps to ensure that the underlying factors that may be driving some of the other content and activity are taken into account. We welcome the detailed explanations, not just in terms of what specific forms they might take but also why they create disproportionate harms. Assessing and addressing gender-related harm is far more effective when there is a clear understanding of how an online activity contributes to an environment that can foster harm, since potential avenues for these activities can then be more easily identified. We also welcome the references to intersectionality of harms, which draw attention to the issue and aid in identifying more complex risks.

Question 2

Do you have any comments on the nine proposed actions? Please provide evidence to support your answer.

Flux agrees that the nine actions are an appropriate and relevant means for tackling the core harms that women and girls encounter in the online environment, and that the high-level approach serves to ensure wide applicability. The emphasis on preventative measures, such as usability testing to identify and mitigate potential vulnerabilities, safer default settings, and strategies for reducing the circulation of harmful content, can contribute to effective and sustainable long-term solutions. Importantly, by giving emphasis to prevention, it acts to avoid harms rather than merely support women and girls who have already experienced them.

Specifically, the 'safety by design' approach resonates with the proactive measures undertaken by game developers in an industry that has shown a growing recognition of the necessity to build safer and more inclusive communities within their games. Similarly, the recommendations for enhanced reporting tools or blocking and muting features align with existing features within many online games that are specifically aimed at enhancing player safety and fostering positive playing experiences. Games companies continue to develop and enhance the safety and reporting tools that they provide, taking steps to build upon existing approaches rather than staying still.

As a broader point, we would like to highlight that harm for women and girls cuts across many forms of online activity and therefore seek to encourage Ofcom to work with other regulators within whose scope similar issues may be caught. For instance, in relation to online misogynistic content, the Advertising Standards Authority (ASA) recently published a report providing insights into the online supply pathway of in-app ads that harmfully objectify women. Their three-month monitoring of 14 gaming apps revealed harmful objectification of women in mobile ads within 8 of those apps. As a result, they made specific recommendations for how advertisers, intermediaries, publishers, and app stores should change their filtering, targeting, or moderation processes to counteract the spread of such content.² To provide the best clarity

² <https://www.asa.org.uk/news/in-app-ads-that-harmfully-objectify-women-findings-revealed.html>



to players and providers, it would be helpful to ensure that any interrelated or otherwise connected gender-based online safety issues are treated with consistency across regulators.

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.

We strongly support Ofcom's inclusion of good practice examples to assist providers that are willing and able to go beyond their legal duties and further enhance the safety of the women and girls on their platforms. In addition, given the need for guidance to balance the broad applicability of the actions against sufficient detail to provide specific support, the best practice steps and case studies are a helpful way of providing options that may be useful to some providers but not relevant to all.

This approach is also flexible enough to encompass strategies that could work in some scenarios but have negative consequences in others, and this is outlined to good effect in place. For example, case study 13 discusses the use of nudging to alter behaviour and how this can be successful, but also takes care to flag the downsides of the approach. We believe that the guidance could be enhanced by including this level of analysis in more case studies. This would allow services to have better information on which measures would best adapt to their platforms based on the associated risks, target users, and available resources, helping them understand what might be a good or poor fit for their service.

With flexibility in mind, we must also highlight the importance of ensuring that the final version of the guidance avoids being technically infeasible, particularly for smaller developers. For example, Action 6 of the draft guidance suggests, as best practice, the use of automated detection methods as an effective content moderation technique capable of reducing exposure to toxic speech and other harmful content during gaming experiences. While Flux acknowledges the potential benefits of these technologies, we consider that these requirements could disproportionately impact smaller game developers with limited financial and technical resources (often with small player bases). The investment in developing, implementing, and maintaining detection systems may be significantly more challenging for smaller companies compared to larger ones.

Taking Action 3 as another specific example, it is important to note that, due to the nature of player accounts and registration, video games companies process a lot less personal data on their players than (e.g.) social media. Some data may not be available or could be challenging to collect. As such, there are very few games companies that know whether their players are male or female (or any other gender identity, such as non-binary). This means that transparency reporting as described in 3.26 (a) may be more difficult, or only possible as indicative information based on more narrow, qualitative data sources such as user surveys or focus groups. For SMEs, the costs of this latter approach could be prohibitive.

Therefore, when assessing the uptake of best practice steps, Ofcom must take a flexible approach that considers the diverse capabilities of providers, particularly within the games industry, to go beyond the foundational steps.



We would like to draw attention to a specific form of harassment that is particular to the games industry. It is, sadly, not uncommon for female employees of games companies to experience social media pile-ons or orchestrated harassment campaigns, particularly where a game has been the subject of criticism by the fanbase over issues to do with gender and/or wider diversity. While this happens outside the ecosystem of the game and is therefore beyond the control of game companies themselves, it is a significant enough issue that some studios have taken steps to produce guidance for female staff on how to avoid and cope with this activity³. We would suggest that, on platforms where this type of behaviour is judged to be likely to occur, best practice for Action 7 might be to include advice of this sort that is specific to the games industry. To be clear, this would not replace the requirements for such activities to be addressed but would be a resource for women and girls seeking to take their own action to supplement controls.

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?

Publishing an assessment of how providers are addressing women's and girls' safety is a positive step. Transparency can create both public pressure and encourage providers to improve their practices to achieve positive recognition, which is particularly relevant in the games industry. Furthermore, providing users with clear information about the measures companies are undertaking to address online harms can help users, especially parents, to make informed decisions about the platforms they choose to use.

The effectiveness of this approach can be enhanced by providing practical and accessible resources that guide providers more specifically on how to implement the good practice recommendations. This could include examples or suggestions of technical specifications or examples of successful implementation by other companies. Furthermore, Ofcom can foster a cooperative environment through the organisation of workshops and forums where companies can share best practices, discuss challenges, and learn from each other's experiences in implementing the guidance. Likewise, consistent engagement with online providers could help emphasise the significance of the risks women and girls face online while guiding companies' safety teams in the adoption of the guidance.

For the guidance to remain relevant, Ofcom should regularly review and update it based on evolving online harms, technological advancements, and the demonstrated effectiveness of the recommended practices, while considering the specific characteristics of individual industries such as video games. For maximum effectiveness, this must involve engagement with providers to maintain feasibility and remain up to date.

Finally, we consider that the timing of this draft guidance presents a potential challenge to assessing take-up of good practice steps. Given that online services within the scope of the OSA

³ <https://www.pcgamer.com/games/assassins-creed/ubisoft-reportedly-has-an-anti-harassment-plan-in-place-for-assassins-creed-shadows-developers/>

were required to complete their initial illegal content risk assessments by March 2025 and children's access assessments by April 2025, many may have completed them without the specific considerations now outlined in this document. As such, although the foundational steps reflect requirements that will have already been taken into account, existing risk assessments may need significant revisions to reflect good practice steps suggested by the guidance. Mindful of Ofcom's stated intention to monitor and report on the uptake of best practice steps, Flux recommends that Ofcom provide further clarity on how this new guidance should be integrated into existing risk assessment frameworks and provide a clear timeline for their expectations. This is particularly important in relation to prioritisation of illegal harms and content – for example, how the good practice guidance is expected to be applied to content and activity relating to intimate image abuse (a priority illegal harm) and cyberflashing (non-priority illegal content) respectively.

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.

We note Ofcom's assessment of financial and other impacts on businesses and reiterate our view (as expressed in comments on previous questions) that a flexible approach and consideration must be taken when assessing the adoption of good practice principles (particularly for SMEs with smaller player bases and low risks).

In relation to the impact on equality, we welcome the potential for the guidance to have positive impacts on other groups who may experience similar harms to women and girls, particularly where those groups intersect. We agree that, given the applicability of mitigation measures and the wide variety of groups whose safety can be enhanced by the guidance, the benefits of implementing good practice steps (to whatever extent is relevant or possible for a provider) are sufficient to outweigh potential negative consequences.