



# Conference Report

June 2020

**RE**  **ARD**  
FOUNDATION  
Love, Sex & the Internet

# Foreword

*By John Carr OBE, Secretary of the Children's Charities' Coalition on Internet Safety*

Why are children not protected from pornography on the internet to the same extent as they are in the offline world? In almost every country in the world there are laws which aim to restrict children's access to certain types of venues or limit their ability to buy or consume particular products or services. The penalties for breach can be severe. This incentivises all concerned to comply. With the arrival of the internet, the age limits and the norms underpinning them continued to apply in theory but online the laws were almost universally ignored or regarded as being merely aspirational. Some businesses were even granted legal immunity, meaning they had zero liability in the event of an age-related rule being broken.

The reason for this "internet exceptionalism" was very simple. In the early days, when many internet policies were being set, tools to carry out reliable age verification online were not available. Responsibility for managing children's internet usage was therefore loaded more or less completely on to parents' shoulders. However, with the spread of smartphones and tablets, the internet has gone mobile. The possibility of parents being able to manage their children's day-to-day use of the internet and associated technologies has more or less evaporated.

Today parents, teachers, doctors, child welfare experts and public policy makers have a much fuller understanding of how children can be harmed by products and services meant only for adults. Some children have been diagnosed as gambling addicts, their addiction having developed from accessing online gambling web sites. Others have been hurt by exposure to huge volumes of pornography.

**Countries acting** The UK passed a law which mandates commercial pornography sites to use age verification. Poland, France and South Africa look set to follow suit. Australia and New Zealand have established high level initiatives to consider how they might act in this area. Germany is utilising the enforcement mechanisms provided under the Audio-Visual Media Services Directive to pursue pornography publishers domiciled outside their country. Groups are campaigning for reform in Sweden, Canada, the USA and many other places.

**A report and resources** In June 2020 child welfare advocates, lawyers, academics and technology companies drawn from five continents gathered in a Zoom conference to consider developments in this field. This document is a report of that event linked to pointers and more resources. Participants in the Zoom were able to:

- Review the latest evidence from the field of neuroscience showing the effects of substantial exposure to pornography on the adolescent brain, entrenching patterns of behaviour which can seriously compromise a person's ability to form healthy relationships.
- Examine different technologies now available to carry out age verification in real time.
- Learn of educational strategies for protecting children to complement the technical solutions.
- Hear accounts from over twenty countries about how public policy was developing in respect of online age verification for pornography web sites.

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# Introduction

In June 2020, a group of leading child welfare experts, scientists, lawyers, academics, public policy makers and technologists gathered, not in Cambridge as originally intended, but virtually. They met to discuss limiting children's access to pornography web sites through age verification systems. What technological solutions are now available? How well do they work? Do they respect adults' right to privacy?

The conference could not have been more timely. The COVID-19 pandemic sweeping the world has led to widespread lockdowns. Children and young people across the globe have been isolated at home. They have been excluded from schools and separated from friends. Mobile phones and internet-enabled devices, long a major part of their everyday lives, suddenly started to play an even larger role. The risk of children being exposed to material the publishers acknowledge was never meant for their eyes increased substantially.

The conference began by looking at the neurological effects on children of exposure to online pornography. Problematic pornography use, much like addiction to drugs or gambling, can be life changing in extremely negative ways and the plasticity of the adolescent brain renders it singularly susceptible to addictive and compulsive behaviours. Alternatively, children, particularly younger children who stumble across pornography sites by accident, are being profoundly shocked and upset by the graphic violence that is such a large part of modern porn on the web.

We are yet to discover the full impact of lockdown on children who have accessed online pornography. It will take time, maybe years, before the consequences are fully understood. What we do know is, just like the technology that feeds it, this pandemic of pornography available to any child with access to the internet, is set to grow. That is, if it is not controlled. Which is where age verification comes in and offers help.

# Section One

## Identifying the Problem: Why children need to be protected

### Key voices:

Dr Marc Potenza, from Yale University School of Medicine, has studied the effects of exposure to pornography on the brain. The research shows changes in the function of the brain when subjects were exposed to pornography over time. He now believes that protecting the child's brain from internet pornography, is vitally important.

John Carr OBE, Secretary of the UK Children's Charity Coalition on Internet Safety, is one of the world's leading authorities on children and young people's use of digital technology. He points to the fact that many of the problems associated with porn use, particularly excessive porn use, do not manifest themselves in children immediately. Problems may lay dormant or not become apparent until a person reaches their early to mid-20s. He believes it is the legal duty of governments to restrict children's access to the online material that harms them.

Dr Gail Dines, Culture Reframed founder, is one of the leading international scholars on pornography. She points to the exponential growth and increased severity of pornographic material, since the internet revolution. She cites affordability (much of online pornography is free), accessibility and anonymity as the three key factors behind the explosion of this industry. Gail points out that the porn parents may have seen themselves as youngsters, is likely to be a million miles away from the severity of today's online porn, with graphic images and videos of sexual gagging and strangulation, abuse, torture and rape.

Mary Sharpe, Chair and founder of educational charity, The Reward Foundation. Mary believes that parents and others with responsibility for children need to learn about the sensitivity and vulnerability of the adolescent brain, in order to understand better the impact of pornography on mental and physical health. This way they can make informed decisions to help manage the risks. By exposing our young people to graphic sexual images and videos, we are 'normalising' what is often far from normal, healthy behaviour. She is concerned that if children learn about love and sex through viewing online pornography, it can damage future relationships for years to come. Worse still, youngsters developing compulsive use of pornography may suffer desensitisation to the point where they cannot function sexually without pornography. Our children need protection.

## **It all began with smart phones**

*John Carr OBE, Secretary of the UK Children's Charity Coalition on Internet Safety*

The early 1990's saw a revolution in technology with the arrival of the internet in many homes across the country. It would change all our lives. At first, computers were large and clunky. They typically involved a huge box, situated in the family living room. The assumption was made that parents, teachers and professionals could and would supervise young people. Quickly, children's knowledge of this strange new world outstripped their parents'.

By the turn of the century, things were changing and fast. Mobile phones meant the technology could be taken 'on the go'. By 2003 the story was accelerating. 3G arrived, better handsets developed, screens got bigger, images were clearer, videos could be streamed. Mobile connectivity had arrived and it could be carried in children's satchels or pockets. Parents and teachers could no longer be expected to control what access young people had to the internet. The Genie was out of the bottle.

In the UK fate intervened when the government announced a review of the gambling laws. Children's charities and campaigners argued successfully that age verification was needed to protect children. Under the Gambling Act 2005 gambling companies operating online in the UK needed a licence and that would only be given if robust age verification was in place. Quickly an age verification industry sprung up to help gambling companies comply. In 2017 Parliament passed a law requiring age verification for pornography sites although its provisions have yet to be implemented.

## **Children's brains need protecting – the science**

*Dr Marc Potenza, from Yale University School of Medicine*

The structure of the brain and its development during adolescence means that young people's brains are at a heightened risk during this important time.

Dr Potenza studied the effects of exposure to pornography. During his work, viewing patterns were examined and brain function was monitored. He found that over time the function of their brains changed, as the participants watched more and more online pornography. Essentially, young people gradually craved stronger stimuli, much like any other addict.

The scientist has linked this work to Compulsive Sexual Behaviour Disorder (CSBD) and Hypersexual disorder. It has led him to believe that the adolescent brain is extremely vulnerable to the effects of exposure to online pornography. Over time it could lead to addictions, abnormal relationship development and physical behaviours, or even a change to the core functioning of the brain.

Dr Potenza's presentation on why protecting children from internet pornography is so important, gave an insight into what the science tells us. His evidence suggests that exposure to pornography over time can change the actual function of the brain.

Since the conference, a number of world leading neuroscientists and clinicians, including Dr Potenza, have published a new paper advising that problematic pornography use can be diagnosed as an addictive disorder under the designation of 'other specified disorders due to addictive behaviours' in the World Health Organization's International Classification of Diseases, eleventh revision (ICD-11). For further information:

<https://akjournals.com/view/journals/2006/aop/article-10.1556-2006.2020.00035/article-10.1556-2006.2020.00035.xml>

## The pornography industry

*Dr Gail Dines, Culture Reframed founder*

The history and development of the porn industry itself, goes some way to explain why the internet provided such an effective and lucrative tool for this multi-billion-pound business. From Playboy and Penthouse in the 1960's, which generally featured semi-clad women, a battle ensued with publications to host more and more explicit material.

The pornography that is shared across the internet today, that children could be viewing, is very different to the material parents may have seen in the past. Youngsters today could be streaming sexual strangulation, gagging, abuse, torture and rape. A bored, desensitized teen can quickly travel from a chat site, to a legitimate porn site and beyond. All on his or her mobile phone.

Gail cites affordability (much of online pornography is free), accessibility and anonymity as the three key factors behind the explosion of this industry. These are the same reasons as to why children can access this material so easily. Money is generally made through advertising. The payment mechanisms usually come at a later stage, when customers are seeking more extreme content.

The popularity of pornography sites (the big players record their visits in billions per year) has grown exponentially. Young people might stumble on internet pornography unwittingly, they could be following a natural curiosity, or they might even believe it is a path to learning about sex and relationships. Worryingly, figures from charities indicate a growth in self-generated imagery, where young people are either forced or groomed into sharing sexualised images of themselves.

Even in consensual relationships, revenge pornography has become a new torment faced by thousands of young people worldwide.

In terms of internet 'harms', online pornography is becoming increasingly serious. Dr Dines believes that although regulated age verification may not be the 'silver bullet', it is certainly a vital first step.

## The debate and understanding a definition of pornography

Defining 'pornography' has never been easy. "I know it when I see it", is how the judge in a famous US Supreme Court case referred to it back in 1964.

Going forward, a narrow definition for pornography is a smart move. The potential breadth of 'pornography' was one of the criticisms levelled against the UK's Digital Economy Act in 2017. The debate focused on whether it should include simulated images, or work that would otherwise be considered acceptable in other forms of media. It's worth noting that content regulation of extreme porn, as defined under the law, was not challenged. Institutions, it was believed, would have been unlikely to defend any act that resulted in serious injury or death, bestiality, necrophilia, or rape on the grounds of free speech.

In terms of policy, there is an advantage in using a definition adopted by European institutions. A definition of the so-called "qualified pornographic content" used in the draft provisions debated in Poland is generally based on the Explanatory Report to the Budapest Convention on Cybercrime (<https://rm.coe.int/16800cce5b>).

The definition of pornography applied in draft regulations debated in Poland is: "A 'qualified pornographic content' covers real, simulated, produced or processed: a) sexual intercourse containing visible genital-genital, oral-genital, anal-genital or oral-anal contact, between adults, of the same or opposite sex; b) bestiality; c) masturbation; d) sadistic or masochistic abuse in a sexual context."

A national survey from New Zealand also provided a useful definition for possible regulation, together with interesting research on views of young people to pornography: (<https://www.classificationoffice.govt.nz/news/latest-news/nzyouthandporn/>)

Moving forward, the point was made that there could be a definition problem around anime and hentai (Japanese animated porn). If parents thought children are watching cartoons, would they consider that acceptable? Within the UK and some other nations, animated or non-photographic child sexual abuse material (CSAM) is not legal. But it can be problematic to 'take down', unless it is hosted in the UK. Here, the charity Internet Watch Foundation (IWF) works to remove confirmed cases of CSAM. In addition to this, it can be much harder to ascertain the age of a virtual character.

Looking to the future, it is highly probable that pornography is going to be more and more reliant on computer generated images (of various kinds). Worryingly, sensation-based technologies are likely to take the debate to a completely different level.

Following on from the discussion on defining pornography, it was considered sensible to adopt common international standards for carrying out age verification. This would mean that the technology could be 'ready-to-go' and would not have to be re-written for each country, each product and each service. This would also allow age checks to be done in one country and then be recognised in another. This is extremely helpful when attempting to regulate a global internet problem, where borders are not respected.

There was a general consensus that in terms of regulation, it was considered important that the focus of work should be on 'age verification'. Adults have a right to watch porn and in some countries, that is a constitutionally protected right. Therefore, age verification needs to be premised on the case for restricting the access of children to adult pornography. The sole objective of law should be the protection of children - no more, and no less. (Abhilash Nair, 2020, The Regulation of Internet Pornography: Issues and Challenges)



# Section Two

## Solutions: Age verification and education

### Key facts:

**Age verification systems exist** - The UK's Gambling Act 2005 introduced a legal requirement for gambling companies to be 'licensed' and led to a whole industry of age verification providers popping up. The use of online age verification is also being taken up by a range of other businesses which provide access to products like tobacco and alcohol, or services where a minimum age requirement of 18 is specified.

**Age verification** - is already being used for child protection. In the UK, charities such as the IWF and NSPCC (through Childline) have teamed up to offer children a secure way of reporting naked or sexual images of themselves posted online. Using age verification, young people can prove their age and enable the IWF (who remove online child sexual abuse material, CSAM) to take down the images.

**Education** - Pornography sites are not sources of advice or support in respect of sex and relationships for anybody, let alone inquisitive or anxious adolescents. To help schools and parents deal with the challenges of providing the best possible support for children and young people organizations such as The Reward Foundation, Culture Reframed, Youth Wellbeing and eChildhood have developed a range of lesson plans and other cutting-edge resources.

**A global public health issue** - The internet does not respect the borders of countries. It does not respect the age of its users and it does not protect children. A number of organisations are planning a global summit to focus on protecting children from digital porn and to help address its consequences. For more information: <https://www.connectingtoprotect.org>

### The age verification business

*Iain Corby, Age Verification Providers Association*

The introduction of The Gambling Act 2005 meant that companies had to find a way to verify the age of their customers quickly, efficiently and inexpensively. Technology stepped up and soon innovative new providers were finding ways to prove whether a would-be customer was 18 or above.

Today, these technological providers operate globally and many have signed up to the Age Verification Providers Association (AVPA). Membership of the AVPA, a not-for-profit, is open to businesses providing independent age verification services. They must agree to abide by its Code of Practice. The code includes important standards on privacy, providing appropriate age verification methods, accuracy, independence and responsibility.

Privacy of data, particularly that of children's data, is hugely important. The AVPA's role has been to educate the public, media and professionals about the role of age verification providers. It represents the industry to regulators and law makers, advancing best practice and socially-responsible age verification policy.

### **Not quite a silver bullet, but a good start. How age verification works.**

*Age verification companies including: GBG, W2, Yoti, Age Checked, Age Check Certification Scheme*

The providers who supply age verification services employ various technological methods. Frequently, identification is supplied by a visual ID method, like a passport or ID card.

Photographic ID is helpful as face check biometrics are employed by many of these providers. ID is authenticated, with companies working to ensure the documents provided by customers are real. Some providers also provide an 'age estimation' service, based on facial biometrics. This is helpful if the person wanting to confirm their age has no formal ID documentation.

Age estimation is equally useful for those young people without any formal ID documentation. An example of what a young person may be asked to do is as follows: use their phone number to download an app from the provider; scan their face (to be used as ID, so that no one else can use the ID); scan their ID document. It usually takes under five minutes and the age verification company then completes the necessary checks. The app is generally free. Where only an over 18 attribute is needed (e.g. that a person is over 18) then solely that attribute can be transferred to the content company; meeting data minimisation requirements.

The Age Check Certification Scheme was set up to check that age verification is working correctly. They have a team of real young people, who use false dates of birth, documentation and detail, to try and cheat the systems. Age verification can only be effective if it is tried and tested.

The key element with age estimation as a service is that the image is instantly deleted, no image is retained. Age estimation is also used as a low friction parental consent indicator to prove interestingly, age verification and age estimation can be used in reverse, to prove that a child is under the age of 18. This is already proving effective for child protection. In the UK, internet and children's charities the Internet Watch Foundation (IWF) and NSPCC (through Childline) have teamed up to offer children a secure way of reporting naked or sexual images of themselves posted online. that an adult is old enough to be a parent; in the same way that credit card is used.

Using age verification, young people can now prove that they are under the age of 18 and in doing so help the IWF (who remove online child sexual abuse material, CSAM) to take down the images. The project is called Report Remove.

For more information: <https://www.childline.org.uk/info-advice/bullying-abuse-safety/online-mobile-safety/sexting/report-nude-image-online/>

## Teaching young people about healthy relationships – love, sex and the internet

*Mary Sharpe, Advocate (lawyer) Chair of The Reward Foundation*

The Reward Foundation was set up to make research about sex, love and internet pornography understandable to a wide-ranging audience including educators, parents, young people, healthcare and criminal justice professionals and the media. The charity provides non-technical strategies for protecting children from the risks of online pornography.

Mary Sharpe believes that evidence-based education lies at the heart of helping young people understand the impact of internet pornography on mental and physical health, attainment, relationships and criminal liability. Her charity provides Royal College of General Practitioner-accredited workshops for professionals working with young people; fun, interactive lesson plans for pupils aged 11-18; and a resource pack for parents to give them confidence to have those difficult conversations with their children. Their materials teach children about the sensitive adolescent brain, in order to help them appreciate the risks of using porn. They signpost online resources and professional services for parents and young people who need assistance.

The charity suggests that a five-sector approach is required to complement any age verification technical solution to protect children from being exposed to internet pornography. It involves educating and supporting health professionals, educators, criminal justice professionals, parents and the media. The charity has found in its workshops that many healthcare professionals have little understanding of the impact of pornography on children's mental and physical health. For instance, few know that the World Health Organization's International Classification of Diseases now includes a category for Compulsive Sexual Behaviour Disorder (CSBD) that allows for a diagnosis of problematic pornography use. New research indicates that 80 per cent of people seeking treatment for CSBD have issues with excessive pornography use.

Sadly, there is a long waiting list for treatment at Children and Adolescent Mental Health Service (CAMHS) in the UK. COVID-19 is only likely to make that worse.

Coupled with this, Mary believes sex education in schools is inadequate. Lessons on consent are simply not enough. Many teachers are ill-equipped to talk about online pornography. The professionals tasked with teaching our next generation about love and sex, consent, abuse and what is illegal, should be fully supported. This means implementing effective age verification and complementing it with evidence-based education. For more information, data sources and lesson plans: <https://www.rewardfoundation.org>

## Protecting children from pornography and helping those harmed

*Liz Walker and Tamara Newlands, Youth Wellbeing & E-childhood*

The problem of children and teenagers accessing online legal pornography, intended for an adult audience, has become a global public health issue. Attempting to tackle that issue demands a global response, as the internet does not respect a country's borders, or the age of its users.

Youth Wellbeing & E-childhood provide an educational framework, responding to the researched and proven harms of pornography on children, as a worldwide public health crisis. Using a variety of tools, from online safety videos through to educational materials, their aim is simple – they want to help parents and teachers talk to children about porn.

This global approach to the mental health and safety of children targets parents, families, children and young people, helping them navigate through our 'hypersexualised' twenty first century world. The focus of this work is to equip educators, providing whole school sex/health/education materials. And they believe that by making the connection or 'joining-the-dots' between protecting children from digital porn, to young people's mental health and safety, some positive changes can be achieved.

## Reflections on non-technical strategies to protect children from online pornography

Recent studies on the impact of sex education have found that not only are teachers not equipped to teach sex education properly, but that their students are well aware of this. Young people find lessons outdated, they don't reflect their lives, or give them what they need to navigate today's hypersexualised world.

Consumption of online pornography can also influence the sexual behaviour of young people. Conference delegates confirmed that teenagers, particularly girls, are often encouraged to take part in sexual acts that they don't want to participate in. They do it to please the boy, or because they don't want to be called 'prudes'. Boys reported that they often pressured girls to participate in these sexual acts, because they had seen them in porn. They wanted to be able to tell their friends.

But boys also suffered anxiety. Many reported worrying about 'performance' after watching porn. When questioned most young people agreed that watching online porn is bad for their sexual health and relationships. They wanted better sexual education.

The brain changes caused by pornography can lead to male sexual dysfunction. Some young men confessed to regularly buying erectile dysfunction pills. As with any addiction process, a 'user' needs more intense stimulation to register a hit on the brain. With porn, users need newer and more shocking material and will become increasingly desensitised. Therefore, it's important to make users aware of this when they are young.

A lack of sex education is currently seen in Denmark, where courts are struggling with the 'Umbrella case' which has seen more than 1,000 young adults accused of distributing illegal child sexual abuse material (CSAM). Many claim that they did not know it was illegal.

# Section Three

## Global Response: How countries are protecting their children

### Key facts:

**1.4 Million reasons to act:** That's the number of children in the UK who access online pornography every month (source: BBFC). Globally, the number will be in the hundreds of millions.

**UK:** Was the first country in the world to legislate to make age verification for pornography sites compulsory. Implementation delayed.

**Poland:** Poland could become the first country in the world to legislate for and implement age verification for online pornography sites.

**France:** There is a legislative proposal to amend current law to include criminal sanctions against commercial pornography suppliers who do not have effective age verification.

**South Africa:** Has legislated for age verification for pornography laws and is now developing the regulatory framework to govern its implementation.

**Finland:** Controls pornography in magazines, DVD's and cinemas. Yet children can still access pornography online.

**Canada:** A base to many of the online pornography companies, including Mind Geek, the largest. Canada is yet to enforce age verification to protect its children from internet harms.

**The latest from the USA.** Ernie Allen, Attorney and former President & CEO of the International Centre for Missing & Exploited Children, United States.

In a written presentation to the conference, Ernie Allen said that even before the bill was passed by the UK Parliament in April 2017, he had begun promoting it in the US. He created his first US bill draft in June 2017 and began circulating it in Congress. It was based on the Part III of the UK's Digital Economy Act and on a similar law introduced in Congress in 2009, by a former Congressman Bart Stupak. The congressman had introduced HR 4059, the Online Age Verification and Child Safety Act. It did not pass.

Today, the attorney and long-time child protection advocate believes that to persuade Congress to enact any law including age verification, some daunting case law would need to be overcome. In the 1990s Congress had attempted several times to pass legislation accomplishing something similar to the goal of age verification. It had not been successful.

However, he hopes that a US version of the UK law can be narrowly tailored to meet the constitutional challenges. He argues that despite setbacks, now is the right time to enact a new law and, if necessary, take this issue back to the US Supreme Court. For more detail on this presentation, download at: <https://www.dropbox.com/s/760rjl8acazf0x8/Age%20Verification%20Efforts%20in%20the%20United%20States.docx?dl=0>

## Country reports:

### What happened in the UK? So near, so far

*John Carr OBE, Secretary of the UK Children's Charity Coalition on Internet Safety*

In the UK, the Government got as far as introducing the Digital Economy Act 2017. Children's campaigners and charities celebrated. This was a huge milestone on the way to making the UK the safest place in the world for children to go online. However, at the last minute the Government called a halt to the implementation. Restricting access to pornography sites would now be included in a wider set of measures which would also bring social media sites within its scope. This delay was strongly resented by children's organisations.

### The debate, why the controversy in the UK?

*Jim Killock. CEO Open Rights Group*

The Open Rights Group was established to protect the digital rights of people in the UK, including to privacy and free speech. They were concerned about privacy risks in the plans for age checks on adult pornographic websites, proposed in the Digital Economy Act 2017.

Whilst the group maintained that children should be protected from harmful content such as pornography, they argued that the UK's proposed age verification regime was flawed and would create other problems. The privacy rules were contained in a code of practice which was only a guide. It lacked legal force. Less scrupulous pornography sites might ignore the code, thereby creating systems which would expose their customers to the risk of blackmail or embarrassment. In addition, the cost of implementing age verification would inevitably favour richer businesses over poorer ones and this would enhance the power of the established big players.

### The Regulator's Position

*Matt Tindall. Age-Verification Officer, British Board of Film Classification (BBFC)*

As the UK's Regulator, the BBFC believe there are 1.4 million reasons to act – that's the number of children who see pornography in the UK each month. Fourteen years or younger was the age 60 per cent of children first saw online porn. Most, 62 per cent said they accidentally stumbled on it and were not expecting to see pornography.

Most parents, 83 per cent, would like to see age verification introduced for these harmful sites. And 56 percent of 11 to 13-year-olds would like to be protected from 'over-18's' material online. Data from BBFC: <https://www.bbfc.co.uk>

The BBFC was appointed AV Regulator in February 2018. Matt Tindall would like to see common global and interoperable age verification standards.

## A Global Response: What countries are doing to protect children

**Australia:** The eSafety Commissioner (eSafety) is as an independent statutory office established under the Enhancing Online Safety Act 2015. A key function under the Act is to promote online safety for Australians. It does this through a combination of prevention and regulatory work. eSafety has regulatory powers to facilitate the rapid removal of harmful online content. It currently operates three regulatory schemes which cover Cyberbullying, Image-Based Abuse and Offensive and Illegal Online Content.

The eSafety Commissioner's prevention work focuses on education, research and awareness raising. Additionally, work is underway to modernise Australia's existing online safety legislation and the Government is committed to introducing a new fit-for-purpose Online Safety Act.

**Canada:** Canada is a base for many internet providers who supply 'adult' material. This includes Mind Geek, the largest porn company in the world. Currently there are no local rules governing who can access pornography online. In the Canadian House of Commons on December 8, 2016, Member of Parliament, Arnold Viersen, initiated M-47 to form a committee to examine (as part of its remit) the public health effects of viewing online sexual material, from children, women and men. The Committee recommended an update to the 2008 Canadian guidelines for Sexual Health Education to address sexual health in the digital age, gender-based violence, consent and a spectrum of gender expressions. It also suggested technology companies, electronic manufacture, and software developers, work to create better content filters and tools that respect individual privacy while empowering parents to protect children online.

**Finland:** Finland does have rules and legislation that no child under 18 years of age can purchase certain services online. These include pornography, alcohol, tobacco and gambling. The National Audiovisual Institute is the authority and is responsible for upholding age verification and legislation. If the law is violated, they inform the Finnish police. However, enforcement is poor.

**France:** There has been a legislative proposal in the French Senate to amend current legislation to include criminal law sanctions against commercial pornography suppliers who do not have effective age verification. For more information: [http://www.senat.fr/amendements/2019-2020/483/Amdt\\_92.html](http://www.senat.fr/amendements/2019-2020/483/Amdt_92.html)

**Germany:** There are rules to protect children, defined in the Interstate Treaty on the Protection of Minors which covers pornography. The Youth Protection Law (JuSchG) covers Alcohol/Tobacco and the State Treaty on Gambling protects against gambling. Going forward, the State Media Authority of North Rhine-Westphalia (LfM) wants to act against providers by means of web blocks. Foreign (European) porn web portals that do not comply with German youth protection law could be blocked for German users by access providers. Discussions are ongoing.

**Iceland:** It is illegal to buy a porn DVD, purchase a porn magazine, or watch a porn film in a cinema in Iceland. Yet online pornography is not regulated and there are no rules on the legal age at which you can watch online pornography.

**Ireland:** Currently all that is required is to “confirm” you are 18 to watch online pornography in Ireland. Current government formation talks (in coalition) include the possibility of a gambling regulator and possible age verification in due course. They are monitoring what happens in the UK closely.

**Netherlands:** Article 240a in the law: Wetboek van Strafrecht protects children. It is not allowed to show, sell, give, or make available any pictures, objects, or media that contain images which may be harmful for minors under 16 years. For television, DVD’s and cinema a rating system (Kijkwijzer) is in operation, which classifies media productions containing violence, sex, fear, drugs/alcohol, discrimination and bad language. This is rated for ages six, nine, 12, 14, 16 or 18 years, depending on the content. Pornography is classified as 18. The online environment is expected to join the Kijkwijzer rules, according to the ministries of law and media. However, this is not being put into effect yet and depends on new (proposed) European media regulation.

**New Zealand:** Under the Films, Videos and Publications Classification Act 1993, websites based in New Zealand and providing access to New Zealanders are required to take (undefined) steps to ensure underage people do not have access to pornography. Most pornography in New Zealand is accessed from overseas websites therefore, in practice, access to online pornography is effectively unregulated.

One exception is that the Department of Internal Affairs runs an internet and website filtering system known as the Digital Child Exploitation Filtering System (DCEFS) to block websites that host child sexual abuse images. This system is made available voluntarily to New Zealand Internet Service Providers (ISPs) and participating ISPs to cover the great majority of the New Zealand consumers. The DCEFS focuses solely on websites offering clearly illegal images of child sexual abuse, which is a serious offence for anyone in New Zealand to access. Going forward, there has been interest by some politicians and government officials in measures to restrict access to online pornography.

**Poland:** Upcoming legislation is likely to require that providers ensure they do not give access to pornography to a person under 18. Also, under the Polish Criminal Law, it is prohibited to distribute pornography in the way that allows a person under 15 to become familiar with pornographic materials. Providers should apply technical measures. The regulator approved self-regulation under which the use of a credit card should be treated as a sufficient mechanism for ensuring age. However, the regulator can check actual practice and has powers to enforce fines.

Poland’s politicians and child protection campaigners have taken the issue of enforcement of regulation to heart. It is widely believed that Poland will become the first country in the world to introduce age verification for online pornography and implement it. If this happens, Poland can then lay claim to being the safest place in the world for children to go online.



# Conclusion

*By John Carr OBE, Secretary of the UK Children's Charity Coalition on Internet Safety*

Every country in the world has laws which seek to restrict children's access to pornography offline. However, until now it has been difficult to secure compliance with such laws, or the spirit of them, on the internet. This has been particularly concerning because the modern pornography industry now exists more or less exclusively on the internet where its publications are constantly available to anyone and everyone at zero cost.

The importance of finding a way of achieving a greater alignment between the rules which apply to pornography in the offline and the online world has been given greater urgency by the emergence of a substantial and still growing body of evidence from the world of neuroscience. Porn harms children. It impacts their brain development in ways which can embed a variety of forms of problematic behaviour including addiction.

Children have a right to protection from harm and states have a legal obligation to provide it. More than that, children have a legal right to good advice and to comprehensive age appropriate education on sex and the part it can play in healthy, happy relationships. This is best provided in the context of a public health and education framework. Children do not have a legal right to porn.

Age verification technology has advanced to the point where scalable, affordable systems exist which can restrict access by under 18s to online porn sites. It does this while at the same time respecting the privacy rights of both adults and children.

Age verification is not a silver bullet, but it is certainly a bullet. And it's a bullet aimed directly at denying the online pornography peddlers of this world any role in determining the sexual socialization or sexual education of the young.

Across Europe the EU is developing a new policy statement (a "Communication") in the fight against child sex abuse. In the UK, the Online Harms White Paper could take on this battle. And the Information Commissioner will soon have increased powers to act when the Age Appropriate Design Code kicks in. Governments in Poland, France, South Africa and elsewhere are moving rapidly towards adopting age verification. It is an idea whose time has come.

The only matter of regret in the UK at the moment is we still have no idea exactly when the age verification measures agreed by Parliament in 2017 will take effect.

In the UK, I have called on the Information Commissioner to initiate an investigation with a view to securing the earliest possible introduction of age verification technologies, to safeguard the mental health and well-being of our children. Across the globe, colleagues, scientists, policy makers, charities, lawyers and people who care about child protection are doing likewise as this conference report amply demonstrates.

The time to act is now.

# Glossary

**CSAM:** Child Sexual Abuse Material. Sometimes referred to as videos and images of child sexual abuse. This is usually imagery of real children being sexually abused, but can also include so-called pseudo images.

**Hentai:** Japanese animated pornography. This is non-photographic pornography. It may involve adults, or children.

**CSA:** Child Sexual Abuse.

**CSE:** Child Sexual Exploitation.

**Report Remove:** Is a pilot project recently launched in the UK by the Internet Watch Foundation (IWF) and NSPCC (through Childline). The initiative enables children and young people to report and remove self-generated sexual abuse images confidentially. The system is supported by age verification technology.

## Useful links (UK):

NSPCC and Childline: <https://www.nspcc.org.uk>

IWF (Internet Watch Foundation). To report images of child sexual abuse material online: <https://www.iwf.org.uk>

Report Remove: [https://www.childline.org.uk/info-advice/bullying-abuse-safety/online-mobile-safety/sexting/report-nude-image-online/](https://www.childline.org.uk/info-advice/bullying-abuse-safety/online-mobile-safety sexting/report-nude-image-online/)

Connecting to Protect, A Global Summit: <https://www.connectingtoprotect.org>

Lucy Faithfull Foundation and STOP IT NOW: <https://www.lucyfaithfull.org.uk>

The Reward Foundation: <https://rewardfoundation.org>

Marie Collins Foundation: <https://www.mariecollinsfoundation.org.uk>

## Thanks:

John Carr OBE and The Reward Foundation would like to thank the large number of people and organisations, across the globe, who contributed to the Age Verification conference and this report.

ISBN 978-1-8381375-0-2

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