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# Steering Committee for the Rights of the Child (CDENF)

## Report of the thematic exchange
## *Safeguarding children from the risks of accessing online pornographic content*

Held in the framework of the 9th CDENF plenary meeting on Wednesday 29th May 2024

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*This report was drafted by Maree Crabbe, international consultant, under the supervision of the Secretariat. The opinions expressed in this report do not necessarily reflect the official policy of the Council of Europe.*

**Purpose**

1. The aim of the thematic exchange was to inform CDENF members about children's exposure to pornographic content online, the associated risks, and avenues for safeguarding children from these risks. The thematic exchange also aimed to offer an opportunity for members to exchange information on relevant national activities and to support shared reflection for future possible CDENF actions, such as the development of a guidance note for member states. This brief report provides an overview of the thematic exchange and the key themes, questions and challenges that emerged.

**Outline of proceedings**

2. In addition to the 60 members who attended the thematic exchange in person in Strasbourg, around 60 representatives also attended online.

3. Based on a concept note, the thematic exchange included:

- **Guest speaker presentations by**: Maree Crabbe, Director of *It's time we talked*; Julia Cooke, International Policy Manager at UK Ofcom; Andrea Tognoni, Head of EU Affairs at 5RightsFoundation
- **Brief presentations on two related Council of Europe reports:** "The protection of children against online violence," presented by Joseph O'Reilly, Member of the Parliamentary Assembly of the Council of Europe and Irish Senator; "The protection of minors on video sharing platforms (VSPs): Age verification and parental control," presented by Eric Munch from the European Audiovisual Observatory
- **Brief reports on relevant national activities** and discussion input from various members.

**Guest speaker presentations**

4. Maree Crabbe presented online from Australia. Drawing on international research, and using excerpts from her own interviews with young people, experts and pornography industry professionals, Maree Crabbe provided an overview of the issues across four key themes:

- the extent and nature of children's exposure to pornography;
- the kind of pornographic content to which children are exposed;
- how pornography is impacting on children' and
- strategies that can be taken to prevent pornography's harms to children.

5. She described how children's exposure to online pornographic content is widespread, occurs both intentionally and unintentionally, and is highly gendered, with boys and young men much more likely than girls and young women to view pornography and to do so frequently. She outlined how the most popular, free, and easily accessible pornography commonly depicts gendered aggression and non-consensual themes, including forced sex, hidden camera, and sex between family members.

6. She then described how pornography has become a default sexuality educator for many children and young people, with concerning consequences for their development and experiences. In particular, Maree Crabbe explored how pornography use is associated with sexual violence among children and young people, and is implicated in the recent increase in harmful sexual behaviour by children and young people. Finally, Maree Crabbe discussed how there is no single solution to preventing pornography's harms to children, but, rather, a range of complementary strategies are required. These include regulatory measures, such as age

verification, to prevent or reduce children's pornography exposure and access, improved safety measures built into platform and device design, comprehensive sexuality education that specifically addresses pornography's influence, and parental interventions, including the use of parental controls, monitoring of device usage, and age-appropriate conversations.

7. Julia Cooke presented Ofcom's implementation of United Kingdom's (UK) online safety laws as the UK's independent online safety regulator, with a focus on the UK's Online Safety Act 2023. Julia Cooke explained that this legislation includes requirements for online services to protect children, including preventing children's access to pornographic content, and for Ofcom to provide guidance on how to do this. Julia Cooke outlined measures that Ofcom has proposed to help ensure that online service providers' governance, design and operations support user safety. She also discussed different methods of age assurance and the criteria for effective age assurance, which include technical accuracy, robustness, reliability and fairness. Julia Cooke highlighted how the global nature of the online environment makes international regulatory coordination essential.

8. Andrea Tognoni's presentation included discussion of the opportunities and challenges associated with how efforts to keep children safe online are understood. He affirmed the importance of always putting children's rights at the centre, including their right to participate online in ways that are safe and beneficial. He also highlighted the value of seeing safety by design solutions holistically and avoiding unhelpfully polarising arguments and false dichotomies – for example, where children's rights are pitted against privacy or data protection. The community should be supported to understand efforts to keep children safe online, such as online age verification methods as just part of broader systemic approaches that need not be invasive for adults and aim not only to protect but also to empower children. Andrea Tognoni also reiterated the importance of multiple approaches. Calls for improved literacy education for children and parents and parental controls should be viewed as complementary strategies and not as alternatives or substitutes to making the online environment safer by default through measures such as age verification and safer design. He emphasised how online industries can be incredibly innovative and should be incentivised to apply these skills to preventing online harms to children and investing in providing them with age-appropriate experiences.

**Country reports and discussion**

9. Reports from various members affirmed that there is broad recognition that the online or digital environment includes many exciting and important opportunities for children, but that children should be protected from exposure to harmful content in the online world – including the risks associated with exposure to pornographic content – as they would be in the offline world. Member states' interventions underline that states are exploring and taking actions towards that aim.

10. Actions described by members included supporting parents to implement parental controls and monitor their children's online activities; the mandating of age verification, with one member advising a requirement for annual reporting on effectiveness; the drafting of industry safety codes; and cross-sectoral capacity-building, including among civil society. Members described the importance of consultation and of a collaborative approach, where stakeholders across a range of sectors – including regulators, industry and civil society – are supported to work together towards solutions. Members also noted the borderless nature of the issues and affirmed the value of working together across jurisdictions, with some members particularly citing the value of the international online safety regulators' network.

11. Several speakers described the importance of education, including the potential for comprehensive sexuality education to contribute to the prevention of pornography's harms to children. Members noted that the issue of children's exposure to pornographic content cuts across several areas of education, such as online safety education, and education to build

digital literacy, safe sexual and intimate relationships, and prevent violence. One member noted that these intersections suggest the importance of addressing pornography's harms across each of these areas, rather than a focus solely on one area.

12. Members asked about examples of good practice in other countries. The presenters reported that there is no country that is currently implementing all of the strategies discussed, but that there are increasing efforts across at least some of these strategies, some good practice emerging, and important developments to watch and work on together.

13. Members raised several challenges. These included challenges associated with enforcement due to the global nature of pornography, the fact that many online services that include pornographic content are hosted in other jurisdictions, and the ease with which they can change their URL or hosting locations in an effort to evade law enforcement efforts. Two members also raised challenges associated with intervening to prevent offline offences that have their genesis in exposure to harmful online content, with one member specifically noting a particularly violent recent incident of this kind. Other challenges raised by members included the powerful lobbying capacity of the pornography and tech industries, the politicisation of the issues, and challenges associated with addressing the hesitations of human rights organisations. One member noted the concentrated power of the pornography industry – which is dominated by a small number of huge companies that have an outsized influence on global sexual cultures.

14. The importance of language was discussed, particularly in relation to the language used to discuss sexual imagery that has been generated by children and young people. One participant pointed out that referring to this content as 'self-generated pornographic content' can contribute to the victimisation of children and young people who may be tricked, coerced, or forced into creating such imagery.

15. Members also raised questions about how to support children in vulnerable situations, such as unaccompanied minors or migrant children, children with disabilities etc.

16. Safeguarding children from the risks of accessing pornographic content online aligns with several existing Council of Europe objectives and priorities, as noted in the introductory comments of Regína Jensdóttir, Head of the Children's Rights Division, and Council of Europe Coordinator for the Rights of the Child, and in the reports of other members of the CDENF. Many members expressed appreciation for the opportunity to explore this issue through the thematic exchange, which will be followed by the development of a guidance note to support a shared approach to the issue.