

CHILDREN'S AMENDMENTS FOR THE ONLINE SAFETY BILL

LEAD ORGANISATIONS:



Children's Charities' Coalition on Internet Safety (CHIS)

SUPPORTED BY:



Every Child Protected Against Trafficking



BACKGROUND

The Online Safety Bill is a major piece of legislation that has the power to transform the digital world as we know it by establishing a new regulatory framework to tackle online harms. Without some significant changes to the draft Bill, the government will not live up to its promises of making the UK the safest place in the world to go online, or to give children the highest levels of protection. The government needs to hear from the children's sector, and we must speak as one voice on the issues that are most important for children today and for future generations.

CORE AMENDMENT AREAS:



Put children's experiences and needs at the heart of the Bill and uphold their rights to freedom of expression, participation and protection from abuse. This can be achieved by:

- Shifting the focus from harmful content to the drivers of harm to effectively target risks and safeguard freedom of expression;
- Establishing a statutory user advocacy model funded by the industry levy that can provide expertise and counterbalance industry interventions, and an individual complaints mechanism so children can seek remediation if they come to harm;
- Citing the UN Convention on the Rights of the Child and General Comment no. 25 on children's rights in relation to the digital environment.

Reasoning:

99% of children in the UK went online in 2021. Children must not be locked out of services they are entitled to use or have their voices silenced. The Bill must shift its focus from content regulation to making services safe by design. Without tackling the true drivers of harm, the Bill will undermine children's rights to participate freely and safely in the digital world. The Bill must make provisions for a statutory user advocacy model so that the regime is informed by children's experiences, and an individual complaints system that allows children to exercise their rights to protection. Finally, it must cite the United Nations Convention on the Rights of the Child and General comment No. 25 to show the UK's commitment to fulfilling its obligations as a signatory of the Convention.



Ensure all services likely to be accessed by children are subject to the Bill's child safety duties, with requirements for compliance set out in binding, enforceable code of practice. This can be achieved by:

- Including any internet service likely to be accessed by children as a regulated service, including those that do not fall under the definition of a user-to-user or search service;
- Amending the test for a service likely to be accessed by children to align with that of the Age Appropriate Design Code;
- Defining the full range of online harms to children on the face of the Bill, with mitigation measures set out in a corresponding code of practice that is binding and enforceable.

Reasoning:

The scope of the Bill is restricted to user-to-user (Instagram, TikTok, Twitter) and search services (Google, Bing.) This leaves out of scope services with only provider-generated content such as some games and smaller sites that promote life-threatening behaviours, such as eating disorders. The Bill must be amended so the child safety duties apply to all internet services likely to be accessed by children, just like the Age Appropriate Design Code, as already recommended by the Joint Committee for the Draft Online Safety Bill. Routes to compliance should be set out in binding and enforceable Codes of Practice to help companies to comply and Ofcom to regulate.



Ensure the Bill provides the strongest possible response to detect and disrupt preventable online abuse. This can be achieved by:

- Addressing child abuse that is facilitated on online services but does not meet the criminal threshold ('child abuse breadcrumbing');
- Imposing a duty on platforms to tackle the cross-platform nature of harm, and to address cross-platform risk when meeting safety and risk assessment duties;
- Giving Ofcom the power to require the proactive use of technology to detect CSEA in codes of practice.

Reasoning:

The Bill should be strengthened to better respond to the dynamics of the child abuse threat and provide a future proofed regulatory regime that can effectively tackle preventable online abuse. Grooming and child abuse images offences are at record levels, and the scale and complexity of the problem grows year-on-year. The Bill must require platforms to explicitly address how their services contribute to grooming and child abuse harm pathways, and give Ofcom powers to proactively address child abuse in private messages (where two-thirds of child abuse is detected.) Bringing 'child abuse breadcrumbing' unambiguously into scope will disrupt abuse pathways and the earliest stage and prevent tens of millions of interactions every year with child abuse content. As the Joint Committee recommended, there must be clear arrangements to detect child abuse material and to ensure the regulator is given the ability to co-designate powers for CSAM and draws on the expertise of child protection organisations. Co-designation in this area should be explicitly mentioned as a policy option for Ofcom on the face of the Bill.



Require services to have secure, privacy preserving and effective age assurance where it is needed, so children can be given age-appropriate experiences. This can be achieved by:

- Requiring any service with age restrictions to have proportionate, effective and privacy-preserving age assurance mechanisms in place;
- Tasking Ofcom with producing a Code of Practice for age assurance that sets out standards of privacy, efficacy, security and inclusivity;
- Requiring providers of adult-only services to have in place effective age verification within three months of the Act receiving Royal Assent.

Reasoning:

Age assurance is the necessary first step to delivering the protections for children under the Bill. But without a code of practice that establishes a base line of privacy, efficacy and security for systems of age assurance, neither children nor adults will be protected from excessive and unnecessary data collection, and there is no guarantee such systems will be effective. Age assurance must be privacy-preserving, effective and fast-tracked in order to protect children online with the goal of delivering children information and experiences that they want and are age-appropriate, not just blocking them out of services or downgrading their experiences.



Demand meaningful transparency and accountability so that companies no longer put profit before children's safety. This can be achieved by:

- Requiring companies to publish their child risk assessments and give independent researchers access to relevant data;
- Holding company director's liable for failures to comply with the Bill's duties, not only for failure to comply with information requests from the regulator;
- Giving bereaved families access to data in the case of serious harm to or death of a child.

Reasoning:

Transparency will be key to the efficacy of the regime. Service providers must be transparent about the risks to children on their platforms and should be required to make information available to researchers as well as the regulator about children's experiences on their services. Ofcom should be given powers to issue sanctions against individual company directors for failures to comply with the safety duties under the Bill not just for narrow procedural reasons, and provisions must also be made to give bereaved families, coroners and law enforcement access to data in cases where a child has died or been seriously harmed.

FINAL THOUGHTS

The Bill presents a singular opportunity to give children long overdue protections that they deserve, but if these are not fast-tracked, millions of children will not receive the protections they have been promised until they are adults. The children's sector is united in its calls for a fairer, safer and more equitable online world for children. We call on the government to accept this package of amendments in its entirety. No single amendment will make the Bill deliver for children, but taken as a whole, these amendments will ensure the government meets its promises to parents and children.

*For further information on amendments please contact:
arietta@5rightsfoundation.com*