

UK/US Trade deal risks undermining children's protection online

5Rights supports Amendment 23 to Trade Bill, which would prevent a race to the bottom for children's rights online

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- Intense lobbying by the US tech firms means the upcoming US/UK trade deal threatens recent progress made for children's rights and safety online in the UK.
- The US tech lobby has forced domestic protections for big tech firms into US trade deals with Japan, Korea, Mexico and Canada and is trying to do the same with the UK/US deal.
- The Trade Bill will be debated in the House of Lords on Wednesday, when a cross-party amendment will seek to ensure that UK protections for children online (such as the Age Appropriate Design Code, and the forthcoming Online Harms Bill) cannot be watered down by international trade deals.
- 5Rights is supporting the cross-party Amendment 23, laid in the names of Baroness Kidron (5Rights Chair and Cross-bench Peer), Lord Stevenson of Balmacara (Labour), Lord Clement-Jones (Liberal Democrat) and Lord Sheikh (Conservative).

"This trade deal risks undermining both existing UK law that protects children online, and the impact of the much-anticipated Online Harms Bill. We must carve out our domestic legislation so that the UK can continue to be a leader in child protection online."

Tony Stower, Director of External Engagement

Central to 5Rights' concerns is Section 230 of the US Communications Decency Act 1996. The measure initially allowed the Internet to flourish, but also encouraged US tech firms to "move fast and break things", with all the consequences we now understand, but were not anticipated then. Enormous amounts of child sexual abuse imagery circulating on mainstream services, the routine recommendation of adult strangers as 'friends' for pre-pubescent children and the targeting of depressed teenagers with self-harm material, amongst others.

The US tech lobby is working to ensure that Section 230 is written into all US trade agreements. They have already been successful in US deals with Japan, Korea, Mexico and Canada. If they do similarly in the UK/US deal it would have a chilling effect on all the advances the UK has made to protect children online.

5Rights is urging peers to support Amendment 23, to stave off this threat and keep our protections for children online.

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NOTES TO EDITORS

About 5Rights Foundation

5Rights Foundation develops new policy, creates innovative projects and challenges received narratives to ensure governments, regulators, the tech sector and society understand, recognise and prioritise children's needs and rights in the digital world. In all of our work, a child is anyone under the age of 18, in line with the UN Convention on the Rights of the Child.

Our work is pragmatic and implementable, allowing us to work with governments, intergovernmental institutions, professional associations, academics, and young people across the globe to build the digital world that young people deserve.

5Rights is a registered charity. Charity number: 1178581.

Background

5Rights is supporting the cross-party Amendment 23, laid in the names of Baroness Kidron (5Rights Chair), Lord Stevenson of Balmacara, Lord Clement-Jones and Lord Sheikh. The UK has recently introduced the first child-centred data protection regime in the world - the Age Appropriate Design Code.

This ground-breaking legislation fundamentally changes the way companies can collect and use children's personal data and requires that they put the child's best interests first. And after a long wait we have now received the Government response to the Online Harms White Paper, which sets out detailed plans to make the UK the safest place to be online in the world. But the US tech lobby is working to ensure that US domestic legislation which protects big tech from liability for the harms they enable is written into all US trade agreements. They have already been successful in US deals with Japan, Korea, Mexico and Canada. If they do similarly in the UK/US deal it would have a chilling effect on all the advances the UK has made to protect children online.

Section 230 is already controversial and has been criticised for giving tech firms the latitude to ignore the law and the needs of users. Both Republicans and Democrats want change and the US Supreme Court has also criticised the way it lets online services off the hook for promoting illegal content, and for refusing to police their own platforms. The next US Congress is likely to agree reform and commentators are following UK and EU debates closely. All of which is why tech firms are so keen to get it baked into trade deals now, before the US Congress can follow the UK Parliament in holding these mega services to account.

Irrespective of US decisions on Section 230, the UK/US Trade Deal must include a carve out that protects our domestic legislation. Amendment 23 would require all future trade deals to respect and protect the progress we have made in the UK (including the Online Harms Bill, the ICO's Age Appropriate Design Code and the Data Protection Act 2018 of which it is part) and make it impossible for the UK to sign deals put these protections at risk. It would stop children's safety being compromised by US trade interests and in doing so maintain the UK's proud leadership in children's online safety.

Spokespeople are available to comment on the Trade Bill.

Please contact al@5rightsfoundation.com