

BMA brief– Online Safety Bill – remaining stages

July 2022

About the BMA

The BMA is a professional association and trade union representing and negotiating on behalf of all doctors and medical students in the UK. It is a leading voice advocating for outstanding healthcare and a healthy population. It is an association providing members with excellent individual services and support throughout their lives.

Overview

Research by the Department for Culture, Media and Sport has shown that “80 per cent of six- to 12-year-olds have experienced some kind of harmful content online”, whilst half of 13 to 17-year-olds believe they have seen something in the last three months that constitutes illegal content.ⁱ

Intentional access and accidental exposure to pornography is increasing among children. According to The Office of the Children’s Commissioner, over half of 11 to 13-year-olds have seen pornography online.ⁱⁱ Pornography can distort children’s understanding of healthy relationships, sex, and consent by, for example, normalising violence during sexual activity.ⁱⁱⁱ It has also been linked to addiction.^{iv}

The BMA is deeply concerned by the impact online behaviours and material can have on children and young people. Last year the BMA passed a motion at its annual representative meeting calling on the UK government to:

- i) seek to protect children from sexual abuse and harassment;
- ii) provide sufficient funding, protected time and support for classroom practitioners to address issues around sexual harassment and sexualised language that arise within the class;
- iii) increase digital security to protect children from accessing sexually explicit material online;
- iv) deliver public education on the damaging effects of children being exposed to sexually explicit videos and images; and
- v) support parents and caregivers to take an active role in safeguarding their children’s digital lives.

We believe that the Online Safety Bill provides a significant opportunity to improve the safety of children and young people online by legislating to better protect them through increased responsibility for those hosting sites, and those communicating online.

BMA asks and recommendations

The BMA supports the aspects of the Bill which aim to:

- Ensure online services should be held accountable for the design and operation of their systems
- Properly regulate social media companies, video sharing sites and search engines

However, we believe the Bill needs to be tightened in some areas to ensure it fully protects children from the harm that doctors are witnessing, particularly from sexually explicit material.

Age verification

Age verification plays a crucial role in preventing children from accessing sexually explicit content. Currently, sexually explicit material is very accessible to children, with it being accessed 1.4 million times by UK children every month in 2015/16. Due to the pandemic and increased time spent online, this is now likely to be much higher. If more is not done to prevent this, children could be accessing pornography over 50 million times over the next three years.^v Watching this content harms children's mental health and can normalise aggressive, coercive and harmful sexual activity.^{vi}

The BMA agreed with the House of Lords democracy and digital committee who advised introducing minimum standards for age assurance measures and welcomes the inclusion of age verification processes to part 5 of the Bill - 'to ensure that children are not normally able to encounter content that is regulated provider pornographic content in relation to the service (for example, by using age verification)'.^{vii}

In order to effectively protect children from the harm this content can cause, it is crucial that Part 5 of the legislation is passed and implemented at the earliest possible point. We are keen to hear more from government about how age verification will be implemented to ensure it is effective as currently the Bill states verification may be of 'any kind'. Further details on the guidance that OFCOM will publish in relation to this should be outlined to ensure the process is robust enough – particularly in relation to category 1 sites.

There are other parts of the Bill including schedule 11, and clause 66 and 127 that need tightening to help restrict the access children have to harmful material. These include classification guidelines for pornography sites and the use of algorithms. As it currently stands, pornographic website publishers do not need to implement the same safety measures as other websites and can therefore host depictions of sexual violence that fall short of the legal definition of extreme pornography. This material promotes an interest in sexually abusive activity and acts likely to cause serious physical harm.

Mental health impact

Platforms should also consider the cumulative physical or psychological impact of content as a result of algorithm design on users, particularly children and young people. The Wall Street Journal investigated TikTok's algorithms and found that within 40 minutes of using the platform, 93 per cent of videos recommended to a user who showed an interest in videos about depression and anxiety would be depression related.^{viii} There are also similar reports regarding algorithms associated with dieting and weight loss videos resulting in viewers being presented with videos that could promote or encourage eating disorders. This includes tips about taking in less than 300 calories a day, recommending consuming only water some days, and suggesting taking laxatives after overeating.^{ix}

This can have severe negative impact on the mental health and wellbeing of users and needs to be addressed. Demand for mental health services in England is at an all time high and is predicted to increase further as a result of the pandemic. It is estimated that mental health services in England will need additional capacity for 8.5 million adults and 1.5 million children and young people; over the next three to five years, as a direct consequence of the pandemic, costing an additional £1.6 billion to

£3.6 billion within this timeframe.^{x,xi} People with mental health issues do not just access mental health services. They may also require services such as primary care or urgent and emergency services such as A&E. Therefore, any methods to help prevent any additional demand for these services will be important for the health of the population and the cost to the NHS.

Overall, it is crucial that children and young people are protected against the harms that accessing online content can bring, particularly regarding sexual abuse and harassment. This Bill does go some way in helping to address these harms but does need tightening to ensure its effectiveness. In addition, it is vital government provides parents, caregivers and schools with updated guidance, support and information on how to protect children and young people from accessing harmful online content.

BMA support for stakeholder recommendations

The BMA supports a number of recommendations for the Bill from key stakeholder organisations including Barnardo's, NSPCC and Samaritans in order to maximise the Bill's potential to protect all people, including children and young people, from harm.

Specifically, we support:

- The [NSPCC's call](#) for the Bill to create a statutory watchdog to advocate for children as users of their services.
- The [Samaritan's call](#) to improve the Bill's ability to protect people from suicide and self-harm by extending to all platforms the current requirement on Category 1 platforms to address the risk posed by legal but harmful suicide and self-harm content in relation to adults.
- [Barnardo's asks](#) to extend the Bill's remit to content that is currently not permitted on DVD by ensuring that commercial pornography companies remove harmful, violent and abusive content from their sites.
- We also support [Barnardo's call](#) for child criminal exploitation to be named in the Bill as an offence, alongside child sexual abuse to address the increased use of online formats by gangs to recruit children and young people for criminal activity.

ⁱ <https://committees.parliament.uk/oralevidence/2714/html/>

ⁱⁱ <https://publications.parliament.uk/pa/jt5802/jtselect/jtonlinesafety/129/12905.htm#footnote-735>

ⁱⁱⁱ <https://bills.parliament.uk/publications/46960/documents/2014>

^{iv} <https://publications.parliament.uk/pa/jt5802/jtselect/jtonlinesafety/129/12905.htm#footnote-733>

^v 2015, Digital Economy Act Consultation, DCMS

^{vi} Barnardo's 2022 Online Safety Bill: Second Reading

^{vii} Online Safety Bill, Page 60 (68/2)

^{viii} 'Inside TikTok's highly secretive algorithm', Wall Street Journal (21 July 2021): <https://www.wsj.com/video/series/inside-tiktoks-highly-secretive-algorithm/investigation-how-tiktok-algorithm-figures-out-your-deepest-desires/6C0C2040-FF25-4827-8528-2BD6612E3796>

^{ix} <https://www.pluggedin.com/blog/of-algorithms-eating-disorders-and-social-media/>

^x <https://www.centreformentalhealth.org.uk/publications/covid-19-and-nations-mental-health-october-2020>

^{xi} <https://www.health.org.uk/publications/health-and-social-care-funding-projections-2021>