All-Party Parliamentary Group for Social Media Oral Evidence Session: Academic Panel

Monday 22 March 2021: "Selfie Generation: What's behind the rise of Self-Generated Indecent Images of Children Online?"

Attendees:

Chris Elmore MP, Chair of the All-Party Parliamentary Group for Social Media
Aaron Bell MP, Secretary of the All-Party Parliamentary Group for Social Media
Sir Paul Beresford MP
Catherine McKinnell MP
Baroness Brady of Knightsbridge CBE
Rt. Hon. Baroness Ludford
Baroness Masham of Ilton
Alexandra Landes, Office of Chris Elmore MP
John Maier, Office of Chris Elmore MP
Rachel Edwards, Parliamentary Researcher for the Office of Maria Miller MP
Sam Cook, Press and Communications Manager, Aston University

Panellists:

Dr Abhilash Nair, Aston University
Professor Lorna Woods, Carnegie Trust and University of Essex
Professor Emma Bond, University of Suffolk
Professor Andy Phippen, Bournemouth University

Secretariat:

Mike Tunks, Senior Policy and Public Affairs Manager, IWF and UK Safer Internet Centre
Abigail Fedorovsky, Policy and Public Affairs Assistant, IWF and UK Safer Internet Centre

Apologies:

Dr Lisa Cameron MP, Vice-chair of the All-Party Parliamentary Group for Social Media
Lord Waverly, Vice-Chair of the All-Party Parliamentary Group for Social Media
Bambos Charalambous, Vice-Chair APPG on Social Media
Luke Pollard, Vice-Chair, APPG on Social Media
David Linden, Vice-Chair of APPG on Social Media
Rt. Hon. Maria Miller MP
Lord Taylor of Warwick
Sarah Dines MP
Baroness Floella Benjamin
Rt. Hon. Baroness Tanni Grey-Thompson DBE DL
Lord Puttnam
Baroness Finlay
Pauline Latham MP

Damian Green MP
Elliot Colburn MP
Baroness Morgan of Cotes
George Freeman MP
Simon Fell MP
Cat Smith MP
Stephen Timms MP
Tim Loughton MP
Stephen Hammond MP
Ian Levy MP

1. Introduction and Opening Remarks - Chris Elmore MP

Chris Elmore welcomed everyone to the meeting and set out the APPG's ambition to produce a report that would be useful in shaping the Online Safety Bill.

He then asked the panel of experts to make their opening remarks for five minutes each.

2. Opening statement from Dr Abhilash Nair

In his opening remarks Dr Nair spoke about the laws that pertain to indecent images of children. He highlighted that the laws passed in 1978 and 1988 were designed to keep children safe from predatory adults and could not have foreseen the widespread use of smart phones. He spoke about the conflict between the law as we have it today and what is common practice - today, underage sexting (both consensual and non-consensual) is very commonplace.

Dr Nair spoke about three categories of sexting images:

- Consensual sharing between partners.
- Images that are initially created consensually but are redistributed without consent.
- Images that are created through coercion or bullying, or by predators.

As it stands, the law does not offer confidence to victims because the strict application of the law means that the person who created the image would have committed a criminal act of making and distributing. The current safeguards available are up to police discretion.

Dr Nair pointed to Australia as an example: the State of Victoria, recently introduced new legislation that offers exemptions to non-exploitative sexting, or when someone is a victim of a criminal offence.

He stated that it is important not to criminalise children, but also to educate them about the inherent risks of sexting.

3. Opening statement from Professor Lorna Woods

Professor Woods highlighted the need for a systemic focus: it is important not to focus on content, but instead ask platforms how safe their design is (i.e., the extent to which they can be used deliberately for harmful risks and behaviours.) She mentioned Instagram as an example of a company who have recently made changes so that adults can only message children who already follow their account.

Professor Woods spoke about how she was pleased that the full Government response seems to be wanting to take a safety by design approach, but she noted that the pace has been very slow.

There is an increasing concern around freedom of expression, but Professor Woods mentioned that she is concerned that legitimate questions around this might have inadvertent impacts on the safety of children.

Her concerns regarding the new Online Safety Bill include how "significant harm" will be assessed, and whether there will be the same threshold for adults as for children.

Professor Woods was also concerned about the distinction in the Bill between illegal content and legal, but harmful content. She highlighted that there are legal behaviours linked to the grooming of children and asked how they will be treated, for example if there is an online group sharing information about how to groom, there is currently little information in the full Government response of how this will be dealt with.

Finally, Professor Woods spoke about the appeal system within the Bill for people who have had content taken down. She stressed the importance of thinking about the complexities of this, for instance that a similar appeal system should be added, for when someone has flagged content that has not been taken down.

4. Opening statement from Professor Emma Bond

Professor Bond has spent many years talking to young people and aiming to understand their perceptions of risk. She highlighted that some of the nuances of behaviour are interesting and need to be understood to create a full response – there are lots of different ways that images are shared (including consensual or non-consensual sharing between two young people, to sometimes one young person sharing to many, and then also peer-to-peer abuse and exploitation.)

Professor Bond shared an example of a 14-year-old boy who was arrested for shoplifting and involved in a youth offender programme. She had discovered that the boy was shoplifting because he was being blackmailed by a girl who had an image of him, however he felt he could not share what had happened to him as he might end up on the sex offender register.

Professor Bond concluded by making the point that every image is being shared within the context of a particular relationship and a particular wider context, which shape the norms and values of what is expected.

5. Opening statement from Professor Andy Phippen

Professor Phippen has worked with Professor Bond for many years. In 2008 they ran a pilot study looking at sexting which found that there was a massive gulf between young people's attitudes and those of adults. Professor Phippen pointed out that nothing has changed since then because the legislation has stayed the same and all educational messages are focused on the idea that children should not share images.

He mentioned that there are very few RSE or PSHE specialists in schools, and many children feel that they have no one to talk to about sexting or image-sharing.

Professor Phippen stated that the legislation was originally intended to protect children from adults, but unfortunately it is now stopping children from disclosing.

He gave an example of a session he ran with Year 9 boys where he asked them why they would send an explicit photo. The boys answered that it was to get an image in return. Professor Phippen made the point that the perception from young people is that this is a way they believe they will form relationships.

6. Questions and Answers for the Panel

Aaron Bell MP asked a question about consensual sexting. What specific changes could be made to the current law? How does the law draw the line between what is consensual and what is not?

Dr Nair highlighted examples from other jurisdictions, including Australia and some US states. He suggested that there should be narrow definitions of different types of images, and possibly a two-year window (e.g., there is a difference between a 17-year-old asking a 10-year-old for an image than

a 17-year old and a 16-year old.) Dr Nair stressed the importance of introducing specific offences to protect victims of coercion. He pointed out that the age of consent offline is 16. The problem with leaving decisions to police discretion is that there is a level of uncertainty about what is acceptable. He finally made the point that many children do not want their parents to know about this.

Paul Beresford MP raised a point about whether it would be most useful to make some of these legal changes slowly, a bit at a time, through amendments to Bills, etc. He also highlighted the difficulty that law enforcement has with identifying people online and asked a question about whether there is a way to enforce verified identity online? What about anyone over the age of 18 having to identify themselves?

Professor Woods answered that ending anonymity is not a silver bullet as there may be adverse consequences, including people wishing to remain anonymous from a privacy perspective and also preventing so much data to be in the hands of big companies.

Professor Phippen pointed out that there has been recent discussion about ending anonymity due to the Katie Price petition. It is very complicated, and the geographical challenges are complex. He highlighted how children can evade monitoring mechanisms put in place by their parents through using TOR browsers or VPNs for example. This is particularly the case if they are exploring their sexuality, but don't want their parents to find out that they might be gay or questioning their gender etc. Professor Phippen also highlighted how quickly the technology moves forward, and also the fact that there is no one way of people identifying themselves in the UK, so it would be complex to manage.

Chris Elmore MP asked a question about the RSE curriculum – what would be the specific areas that need improvement? What about the education in the devolved administrations?

Professor Bond answered that it is important to accept the reality of children's lives and judge them. In her research with Professor Phippen, they have found that young people really want to have conversations about sex, sexting and online life, but it is adult that do not want to have them. It is important to have critical digital literacy from a very young age and conversations about what can be trusted online. She highlighted that children are curious about relationships, so it is important to give them safe spaces to talk about some of these issues. It is vital to find out what young people want to know and why.

Professor Phippen briefly added that there is slightly more youth voice in the curriculum in Wales.

Chris Elmore MP asked a question about what the role is for tech companies. In terms of the online harms' legislation, there are lots of requirements for companies to be self-regulating and then Ofcom finding companies that are not doing this, however it seems like there is a significant gap in the evidence for how tech companies should respond to grooming?

Professor Woods made a comment that the Online Safety Bill does not seem like it's going to be about self-regulation, but Ofcom will be doing the regulating.

Professor Phippen answered that companies will have to do transparency reports and provide users with the tools to block other people. This could be a good way to give young people the confidence that they can do something about any harm they may face online.

Rachel Edwards made the point that the Revenge Porn helpline has found that 20% of non-consensual image sharing happens via email and questioned whether the current scope of the online harms regime was wide enough.

Dr Nair mentioned that emails or open platforms are relatively easier to act on than end-to-end encryption. Dr Nair has recently embarked on some EU-funded research on age verification. He highlighted that currently most platforms just have a tick box for age, even though it is a requirement under GDPR that parental consent is needed when processing data of children under 13. In reality, most companies are not doing much about this. Dr Nair is hoping that the Online Safety Bill will make radical changes for companies in particular. Finally coming back to educational best practice, he gave

the example of US Southern states that unsuccessfully tried to prevent teenage pregnancies by advocating abstinence – it will not work just to tell children not to sext.

Professor Woods stated that it will be important for platforms to provide more granularity in their transparency reports. At the moment platforms will talk about what is going well but leave out other aspects. She also questioned whether some decisions about the online harms legislation should be revisited again in light of how the pandemic has changed behaviour.

Catherine McKinnell MP asked a question about the solutions being proposed. Although it might be one piece of the jigsaw, a certain level of normalising and decriminalising this behaviour does not seem to solve the problem. One of the big issues is mental health and challenges posed by social media. She pointed out that it is important to have equality between the real world and the online world.

Professor Phippen gave a disclaimer that all submissions had been quite focused on the inquiry, however he answered that mental health is an issue that is multi-stakeholder. It requires parents, teachers, children's workforce, platforms, etc. and there is no simple solution. It is important to help young people mitigate risk and be more resilient.

Professor Bond highlighted that a significant issue is that help is currently better for over 18s than under 18s. She also pointed out that social media and the internet have provided a very positive space for mental health, particularly during the pandemic. The internet is often blamed for the problem, but it can also be a place for people to get understanding and belonging. She concluded by stating that she would love to see under 18s able to use a tool like the Revenge Porn helpline.

Chris Elmore MP drew the meeting to a close by saying that that would be a good recommendation to take forward from the session – the need to provide the same levels of support to under 18s.