

Title: IWF response on Online Harms White Paper

Date: 30 January 2019

1. Context

Historically, approaches to content regulation of offline media have tended to provide detailed rules about what kind of content is permissible, in what circumstances and on what services – at least for the broadcast industry. This approach, based on particular features of broadcasting does not apply to the internet, which has no spectrum limitations, low cost barriers to entry and vast amounts of content that is shared, curated, created, etc. In addition, there are serious human rights concerns if state agencies seek to decide what content is allowed online (or offline) on a global network where information is abundant rather than scarce.

The UK Government's ambition is to make the UK the safest place in the world to go online and the best place to start a digital business. These are ambitions that the IWF, as a partner in the UK Safer Internet Centre, whole-heartedly supports. For the past 22 years, the IWF has been working in partnership with industry, law enforcement and government to reduce the amount of child sexual abuse material online and make the UK internet sector free from this criminal and abhorrent content.

The dramatic rise of the internet, with all the advantages it has brought, has seen an exponential growth in the distribution of illegal and harmful content. Tackling this negative side requires a global multi-stakeholder effort.

The IWF, with its global reputation for excellence and unrivalled relationship with internet companies, is able to provide support and advice to government to help shape a regulatory framework that can be sustainable. In order to be successful, the new framework should be developed *with* industry and other key stakeholders rather than be imposed on them.

2. IWF Position

Regulation should be concerned with setting goals for platforms about what they are expected to do and how they should do it. The Regulator could also set standards for how platforms manage content; e.g. if they act reasonably and proportionately, balancing rights and ensuring accountability for decisions. A key goal is for users to understand the answer to two questions:

1. What are the responsibilities of companies? and,
2. What are the processes that are being deployed?

This is an outcomes-based approach rather than an attempt to provide detailed regulation and has the advantage of ensuring that regulation is future-proofed.

In effect this creates a hybrid regulatory model which enables a new Regulator to be able to sit above, or alongside, existing effective regulatory solutions. The Regulator can, then, set out the goals in a Code of Practice. Such a Code of Practice would set the standards for a safe and secure internet by defining harmful content and the processes for removing it. The companies are then responsible for meeting the Code and outcomes while the Regulator reviews and publicises how companies have or have not met the Code. The IWF fits comfortably inside this model as a relevant regulator for a specific internet criminality.

In order to define the outcomes, the Government needs to provide clarity on the results it seeks in dealing with the harm. It also needs to ask the relevant Regulator to monitor progress towards those outcomes and be transparent about the results.

Content deemed criminal – such as child sexual abuse material (CSAM) – is relatively uncontroversial to define and should be prohibited on all platforms. The IWF, acting together with the police and the internet industry, is extraordinarily effective at removing and disrupting the distribution of CSAM, but recognises that the scale of the problem and new challenges, such as live streaming and grooming, require more action.

Legal but harmful content, e.g. misogyny, bullying, pornography will need more careful consideration and the rules applying to such content may vary from platform to platform depending on the expectation of the users.

The relevant Regulator could also set procedural standards for companies to ensure that the right standards of governance are applied to content decisions and these standards should be proportionate, balanced, transparent and mindful of human rights and freedom of expression.

The challenge of regulating large and small companies should be considered; the IWF model of providing an aggregate service for a wide range of companies has the advantage of being available to small and medium companies as well as large ones.

However, to solve the problem of child sexual abuse images online in the longer term, more needs to be done to tackle not only the supply, but also the demand for such content. The IWF believes this requires three things:

1. An appropriate legislative framework;
2. A well-resourced programme of education, with the acceptance that this will be a vital long-term investment;
3. Flexibility to use whatever technical tools exist or can be developed to stem the supply, probably in partnership with the commercial internet technology sector.

To avoid the potential of 'unintended consequences' of new forms of regulation, any solutions should be tested with users including understanding the impact on victims. Regulation that is too restrictive could result in several outcomes including increased suffering to victims and potential of business leaving the UK.

3. The IWF Evidence base:

The IWF is a world expert at removing child sexual abuse material (CSAM) online:

- IWF removed over 500,000 webpages and millions of images and videos of child sexual abuse.
- IWF recorded the fastest removal time in the world – 4 minutes.
- In 2017, there was less than 0.3% of known child sexual abuse hosted in the UK compared with 36% Netherlands, 18% USA and 15% Canada.
- IWF provides the tools to block hundreds of thousands of webpages, totalling millions of criminal child sexual abuse images and videos through the IWF URL List which is deployed across the globe.
- IWF helps the police rescue many children by providing crucial intelligence on victim identification.
- IWF is held up as the global model of good practice by the international body – INHOPE - which audits more than 45 global hotlines (Audit 2018).
- IWF established 25 reporting portals outside of the UK, for countries with nowhere to report and these include India, Uganda, Tanzania and Zambia, and with a total of 50 planned by the end of 2020.

4. Unintended consequences of bad regulation

Further regulation in the area of tackling online child sexual abuse images and videos is not urgent whilst regulation in other forms remains important. As indicated, the UK already demonstrates the global model of good practice. Expediting regulation in this area heightens a risk of perverse incentives or unintended consequences and could undo the successful work accomplished to date. Ultimately, this could be at a heavy cost to the victims of online child sexual abuse. Every single image or video of a child is a real child who has really been abused.

- The IWF model allows for the quickest removal of this content in the world – unlike other countries, we do not need a court order to get the content removed.
- Our ability to proactively search for this material means we currently provide hope to victims who know that we are doing what we can to remove the many, many duplicates of images of themselves.
- Because we are not law enforcement or government, many US companies can legally accept our services directly leading to the swift removal of images globally and we can also move at the speed of the internet keeping pace with the development of technology.
- As soon as we see a new victim, we can escalate this to our law enforcement partners across the globe which has resulted in the speedy rescue of many children, in one case in under 24 hours.
- We have established 22 years of expertise, intelligence and tribal knowledge about the victims which we can use to find images.
- Between the IWF's Tech Council and the strong partnerships we nurture with the best minds from industry, we develop and use the best, most accurate, technology to find, and prevent the spread of child sexual abuse imagery.