

Kids' access to online pornography – progress and solutions – June 2022 update

A joint Ministerial Briefing from the inter-agency Pornography Working Party

22 June 2022

Circulated to:

Hon Kelvin Davis, Minister for Children and Associate Minister for Education (Maori Education);

Hon Chris Hipkins, Minister of Education and Minister of Police;

Hon Carmel Sepuloni, Minister of Social Development and Employment and Minister for ACC;

Hon Andrew Little, Minister of Health;

Hon David Parker, Attorney-General

Hon Poto Williams, Associate Minister for Children;

Hon Willie Jackson, Minister for Broadcasting and Media and Associate Minister for ACC;

Hon Jan Tinetti, Minister of Internal Affairs, Minister for Women and Associate Minister of Education;

Hon Dr David Clark, Minister for the Digital Economy and Communications.

Hon Priyanca Radhakrishnan, Minister for Youth and Associate Minister for Social Development and Employment;

Hon Marama Davidson, Minister for Prevention of Family and Sexual Violence;

Overview

1. Formed in May 2018, the inter-agency Pornography Working Party (PWP) has been investigating the impacts of online pornography, coordinating work and advice between agencies and providing a centre of knowledge for government on the subject and advice on potential policy responses.
2. The PWP has been chaired by Chief Censor David Shanks of Te Mana Whakaatu - Classification Office. The group includes representation from Te Mana Whakaatu - Classification Office, Netsafe, Ministry of Health, Department of Internal Affairs (DIA), Ministry for Women, Ministry of Social Development (MSD), Ministry of Education, ACC, and New Zealand Police.
3. This briefing follows the December 2020 Ministerial Briefing and updates you on:
 - progress to date on key issues and responses;
 - international developments in the implementation of measures to protect tamariki from harm such as online age verification;
 - Opportunities and recommendations.
4. The Chief Censor is available to meet Ministers and their staff to discuss the content of this briefing and the work of the PWP.

Significant projects and progress

5. The most significant projects the PWP has been working on are:

5.1 MSD completed a comprehensive literature review to inform its current *Love better* campaign for young people that focuses on safe and healthy relationships.

MSD also funded content for *In the Know*¹, a web resource created by The Light Project for rangatahi who are struggling with negative impacts of pornography and need information, resources and support pathways. This included 16 videos of a diverse group of young people talking with each other the impacts of pornography in relation to things like mental health, body image and healthy relationships. Young people were insightful and their comments reflected the findings from recent [research](#)² published by Te Mana Whakaatu - Classification Office. Links to the videos can be found [here](#)³.

MSD is also funding The Light Project to create resources on rough sex and strangulation and on the risks of being involved in explicit videos

5.2 The Ministry of Education has released a suite of resources for teachers to support the implementation of the new Relationship and Sexuality Education Guidelines. This includes a module for teachers created in collaboration with the Classification Office on how to talk with rangatahi about pornography titled *Ka huri i te kōrero – changing the conversations*. Drawing from research and with a strong youth perspective, this resource aims to give teachers and those working with young people confidence to have conversations in a way that works for rangatahi. [Curriculum Leads](#)⁴ from around New Zealand have received training on the specifics of this module so they are able to best support teachers in delivery of this content. [Module link](#)⁵ (Click browse as guest and search for Changing the kōrero around pornography - for parents and whānau.)

5.3 ACC has announced a significant investment into sexual violence prevention, and the work of the PWP is helping to inform this new approach.

5.4 DIA, in collaboration with Network for Learning, the Ministry of Education, and the Classification Office, completed a [stage one trial](#)⁶ to test the effectiveness of a block page design for secondary school Wi-Fi networks (this is what users see when they attempt to visit a website blocked by the school's internet filter.) The block page provided young people with education, advice and support services about accessing pornography online. The block page was designed using materials from the Keep It Real Online campaign and The Eggplant mini-series. The trial was run by the Haumarū Tuihono multi-agency working group, led by DIA. Outcomes for the trial can be found [here](#).⁷

¹ <https://www.intheknow.co.nz/>

² <https://www.classificationoffice.govt.nz/resources/research/growing-up-with-porn/>

³ <https://vimeo.com/intheknowvideos>

⁴ <https://www.education.govt.nz/our-work/overall-strategies-and-policies/wellbeing-in-education/curriculum-leads-wellbeing/>

⁵ https://training.education.govt.nz/pages/external-dashboard.jsf?menuId=112474&locale=en-GB&client=external&fbclid=IwAR0zx6tYhJ_ms82-3joZ0QEiQr8xdaMoZ_ufHlkd-pkl9gUueMsWompW2hs#/?dashboardId=112478

⁶ [https://www.dia.govt.nz/diawebsite.nsf/Files/digital-child-exploitation/\\$file/N4L-Block-Page-Trial-May-2021-Project-Closure-Report.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/digital-child-exploitation/$file/N4L-Block-Page-Trial-May-2021-Project-Closure-Report.pdf)

⁷ [https://www.dia.govt.nz/diawebsite.nsf/Files/digital-child-exploitation/\\$file/N4L-Block-Page-Trial-May-2021-Project-Closure-Report.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/digital-child-exploitation/$file/N4L-Block-Page-Trial-May-2021-Project-Closure-Report.pdf)

International developments

6. Internationally there have been some significant steps taken to protect tamariki from harm. These include:

Australia

7. Australia's Online Safety Act 2021 came into force on 23 January 2022. This Act features a wide range of measures to protect the public online, including a requirement for the technology industry to develop mandatory codes to regulate illegal and restricted content, such as pornography, across online services.
8. In June 2021, the Australian Government released a response to a report by the House of Representatives Standing Committee on Social Policy and Legal Affairs into age verification for access to online pornography. The Government gave in-principle support for the development of "standards for online age verification for age-restricted products and services".

United Kingdom

9. The United Kingdom has strengthened its Online Safety Bill, which is expected to have its second reading in April 2022. This Bill introduces a wide range of measures to protect children, prevent illegal activity, and ensure companies uphold their terms and conditions across online environments.

Clause 68 of the Bill, as introduced to Parliament, would require all providers of pornography to "ensure that children are not normally able to encounter" pornographic content, such as by requiring users to verify their age. Users will need to provide data, for example a credit card or passport details, to these sites to prove they are over 18.

Canada

10. The Protecting Young Persons from Exposure to Pornography Bill is currently before the Canadian Senate, it has passed its second reading and is currently in consideration in committee. This Bill will criminalise making sexually explicit material available to a young person on the Internet for commercial purposes. The Bill will empower the making of regulations to prescribe age verification methods for providers to use.

Germany

11. Germany has given effect to the European Union's Audiovisual Media Services Directive by transposing it into domestic legislation, such as the German Telemedia Act, the Interstate Treaty governing the Protection of Minors in the Media, and the German Network Enforcement Act.
12. Under these instruments video-sharing services are required to introduce systems to protect minors, including age-verification. Over the last few years, Germany's Commission for the Protection of Minors in the Media (KJM) has been approving such systems for providers to use. A non-profit organisation, the German Association for Voluntary Self-Regulation of Digital Media Service Providers (FSM), plays a role in coordinating and assisting digital service providers to comply with the JMStV (a German media regulator).

France

13. The French Senate passed legislation in 2020 requiring pornography sites to implement age-verification systems, and associated offences for failing to do so. The French audiovisual regulator CSA was granted new powers to audit and sanction companies that do not comply.

Key opportunities

14. The PWP sees real opportunity for New Zealand to develop and deliver on an integrated strategy incorporating tools and better education, building on lessons learned from the new Ministry of Education resource, *Ka huri i te kōrero – Changing the conversations* and other campaigns, as well as adopting best practice regulatory protection such as age verification.

The current Content Regulatory System Review provides an opportunity to address young people's access to pornography

15. The Content Regulatory System Review currently underway “aims to design and create a new modern, flexible and coherent regulatory framework to mitigate the harmful impacts of content, regardless of how it is delivered”⁸. As such we believe it provides a unique opportunity to consider access to pornography as part of a broader programme of regulatory reform.
16. New Zealand is making progress on mitigating potential harms related to young people's use of pornography, but we can do more to address children and young people's easy access to this content.
17. As outlined in the previous section, other jurisdictions are implementing measures in this area or taking tangible steps towards doing so. We have the unique opportunity to learn from them as we consider interventions that may be effective in the New Zealand.

Age verification technology is an increasingly viable option for preventing access to harmful content

18. The PWP has previously endorsed the use of technologies such as parental controls, ‘family’ filters, and age verification technology. These can all be effective tools in helping to prevent children and young people's access to harmful content online. However, at a certain age parental controls or filters may become less effective as teenagers become more technically savvy, and opportunities for access increase.
19. Age verification technology has advanced considerably over the past few years, and may be effective in situations where filters and parental controls begin to fall short. A wide range of methods are available to prove someone's age online without disclosing their identity to the websites they visit.

These include:

- Facial age estimation – users look at a camera on a device and have their photo taken. An algorithm instantly estimates their age based on their face.

⁸ <https://www.dia.govt.nz/media-and-online-content-regulation>

- ID document – users scan their ID documents and take a biometric selfie using the camera on their device. The user is matched to their ID document using both automated and manual processes.

Recommendations


The PWP recommend that you:

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| 1 | Note the PWP's view that measures to prevent children and young people's access to pornography should be considered as part of the current Content Regulatory System Review. | Yes/No |
| 2 | Refer this briefing to those of your colleagues with an interest in child and youth health and wellbeing, sexual violence prevention, education, broadcasting, communications and digital media. | Yes/No |
| 3 | Indicate whether you would like to meet Acting Chief Censor Rupert Ablett-Hampson to discuss the work of the PWP. | Yes/No |

Signed by Minister:

Date: _____

Signed by Acting Chief Censor Rupert Ablett-Hampson



Date: 22/06/2022

Further information

To arrange a meeting with the Chief Censor, please contact [REDACTED]
[REDACTED]