

Women and Equalities Committee

Oral evidence: [Sexual Harassment of women and girls in public places](#), HC 701

Wednesday 6 June 2018

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Members present: Mrs Maria Miller (Chair); Tonia Antoniazzi; Philip Davies; Vicky Ford; Teresa Pearce; Jess Phillips.

Questions 42–89

Witnesses

I: David Austin, Chief Executive Officer, British Board of Film Classification; Dr Maddy Coy, University of Florida; Professor Clare McGlynn, University of Durham; and Melanie Phillips, Commentator, The Times.

Written evidence from witnesses:

- [British Board of Film Classification](#)
- [Professor Clare McGlynn](#)



Examination of witnesses

I: David Austin, Chief Executive Officer, British Board of Film Classification; Dr Maddy Coy, University of Florida; Professor Clare McGlynn, University of Durham; and Melanie Phillips, Commentator, The Times.

Q42 **Chair:** I would like to welcome everybody who is either here with us today or watching online. This is the second evidence session in our inquiry into sexual harassment of women and girls in public places. I also thank our witnesses, particularly those who are joining us via video link. It is a relatively new way for us to involve more witnesses, so please bear with us if we have technical difficulties through the session. Maddy Coy is joining us via video link, and it gives us an opportunity to involve you in our session today and for you to comment at the end of each of the questioning areas if you would like to.

I would like to start the session today by asking the witnesses to introduce themselves, to say who they are and the organisation they represent. For ease, maybe we could start with Maddy on our video link.

Dr Coy: Hello. Thank you for accommodating me via video. My name is Maddy Coy and I am based at the Centre for Gender, Sexualities and Women's Studies Research here at the University of Florida.

Melanie Phillips: I am Melanie Phillips. I am a columnist for *The Times* and an author and broadcaster.

Professor McGlynn: I am Clare McGlynn. I am a professor of law at Durham University.

David Austin: I am David Austin, Chief Executive of the British Board of Film Classification, the UK's regulator of film and video.

Chair: Wonderful, thank you very much. It is the usual format. We are going to have a number of questions and Jess is going to start us off today.

Q43 **Jess Phillips:** Do you think that the media and wider culture has an impact on sexual harassment and sexual violence, and what evidence is there of that? I suppose I could start with Maddy, although she has gone a bit leftfield.

Dr Coy: Sorry about that. The short answer to that is yes. It depends a lot on how you define media and wider culture and evidence. If we think about the impact of sexualised sexism in media and wider culture, which I guess is what you mean, the objectification of women's bodies, the way that we are presented as constantly sexually available, then there is research that links exposure to that kind of sexually explicit material—including pornography, although that is a separate field of research—to either condoning sexual harassment or being more likely to perpetrate sexual harassment. A lot of that has been done with young people, far



HOUSE OF COMMONS

less with adults. Some of it is psychological experiments, often with undergraduate men in American universities, so there is a question about how generalisable that is to the general public.

There is that evidence that shows a link, and possibly one of the questions to think about there is what is meant by sexual harassment. A lot of it might be verbal sexual aggression or pushing somebody into consenting or complying to have sex, not necessarily workplace or public sexual harassment. Therefore, I think the answer is yes, but the evidence does not really tell us what we think it does.

Melanie Phillips: I think in movies women are objectified by being presented as sexual objects, particularly where it shades off into pornography, and I don't know whether we are going to be discussing pornography in due course. Certainly, women's bodies are used in advertising and so forth.

The link between sexual violence as portrayed on media and behaviour has obviously long been a source of controversy as to whether there is cause and effect. Personally, I think all violence when portrayed in the mass media has a desensitising effect on people who watch it, whether it is violence against women or violence man on man or woman on man. If it is presented as normal and if it is normalised, it becomes much more acceptable in society. Therefore, I think that all violence and all objectification of individuals in the mass media must have some kind of effect, but I would not like to exaggerate that effect.

Q44 **Jess Phillips:** Do you think that sexist attitudes portrayed in the media would have an effect on workplace culture, for example?

Melanie Phillips: They may do, in that, again, they normalise those sorts of behaviours. But there is a great deal of sexist attitudes in mass media against men—the casual demonization of men. Men are held up as the butt of ridicule. They are regularly trashed for being intrinsically stupid, violent, a waste of space. If one is saying that mass media representations of women in a negative way have an effect on behaviour towards women, I would suggest it must follow that the equivalent attitudes towards men must have a similar effect upon behaviour towards men.

Q45 **Jess Phillips:** Why is it, do you think, that men who largely make the media would demonise themselves in such a manner?

Melanie Phillips: I am not saying that men demonise themselves. I am saying they are portrayed in a demonised fashion, and it is mainly women who do that and who feel they are able to do so with impunity, on the basis that it is a default position that masculinity is intrinsically a problem. Consequently, it seems to me there is a kind of default position in the media, which merely reflects general societal attitude.

Q46 **Jess Phillips:** You think that it is women leading the default position of the media? You think that women lead that?



HOUSE OF COMMONS

Melanie Phillips: In terms of unpleasant stereotypes about men, I think that women are leading those attitudes.

Jess Phillips: I am glad to hear that we have such power.

Chair: Gender stereotypes are bad for everybody, basically.

Q47 **Jess Phillips:** Yes, that is definitely true. Clare?

Professor McGlynn: Maddy set out some of the evidence in that field far better than I can. If we are talking about public sexual harassment, yes, it is inevitable that how we deal with it, how we think about it, how seriously we take it is impacted by our media and wider culture. If that minimises public sexual harassment, yes, that is going to have an impact both on how victims feel and how the police and prosecutors treat it. It is axiomatic.

David Austin: We commissioned some research into this issue in 2011. We asked Guy Cumberbatch to do a literature review of all the available literature on sexual violence in the media and its impacts. His findings were inconclusive, although one of his conclusions is that media depictions of sexual violence can be harmful to some people some of the time. He recommended that we carry out further research, which we did.

We did some focus groups around the UK. Ipsos MORI did this research for us, and they found that there was public concern about sexually violent content in films. I am not talking about pornography here; I am talking about regular film and video. There was support for intervention by us as the regulator to remove some of the more egregious examples; for example, depictions of sexual violence that suggest that victims enjoy being raped and propagate the rape myth or invite viewer complicity with the attacker. We take a very strict line with that kind of content and we will not classify it.

As part of our general guidelines consultation into our standards, we are talking to around 10,000 people at the moment about a range of issues, and sexual violence and how we classify sexual violence is part of that. What we are seeing already—although the research is not going to finish until the end of the year and we will be publishing the results in early 2019—is when we asked the public specifically about sexual violence for 15 and 18 year-olds and whether they think we are drawing the line in the right place, they do seem to be suggesting, based on preliminary results, that we should be stricter in our classification of sexual violence at that level.

Q48 **Chair:** David, you do a lot of research to almost set where the bar is. Melanie talked about the desensitising effect of violence. If you are just going back to that same group of people and saying, “What do you find okay?” if they have been desensitised to it because they have seen it, aren’t you going to be getting an erosion or an increasing acceptance of things that 10 years ago people would have found unacceptable?



HOUSE OF COMMONS

David Austin: I don't think so. We do not find that the public is becoming more liberal about issues all the time. You might think that they are.

Chair: They are or they are not?

David Austin: Well, it is not a straightforward picture. In terms of violence, the concerns around violence are the same now that they were in the late 1990s when we started classifying. In some respects, the public has become stricter with us and says, "You need to be stricter in how you classify certain content", for example, drug misuse or depictions of racism and other forms of discrimination. In some areas—like consensual sex between adults—they have become more liberal, but it is not a straightforward picture.

Q49 **Jess Phillips:** Do you think that the media has either exaggerated or minimised the problem of sexual harassment?

David Austin: That is very difficult for me to answer.

Jess Phillips: Yes, I understand that as a classifier.

David Austin: Yes, as a classifier. We classify on the basis of what the public tells us. Well, on the basis of the law to start with and on the basis of what the public tell us they think is acceptable.

Q50 **Jess Phillips:** How does the public tell you that, if you do not mind me asking? I have not been in touch with a classifier myself.

David Austin: You will have an opportunity to comment if you wish on the guidelines on our next set of standards. What we do is the process takes about a year from sending out film and video material to members of the public around the UK. We ask individuals and families to view content that has been controversial over the previous four years—we do this every four to five years—and then they come to focus groups and they tell us what they think. We discuss various issues. That is the qualitative stage, and then we move on to the quantitative stage, where we talk to 10,000 people about what is concerning them in film and video, what type of content.

Q51 **Jess Phillips:** Clare, do you think that the media has exaggerated or minimised the problem of sexual harassment?

Professor McGlynn: I think it is obviously difficult to see it conclusively. What we have seen over recent months is there were media outlets for people to share their stories of sexual harassment in all sorts of various forms, and they have been widely circulated and widely read. Some media forums can be a real source of power for certain groups to share their stories. Undoubtedly, there has been discussion about how some of these movements, Me Too and so on, have maybe gone too far. I disagree with that, but what we can see is a widespread discussion about it. I think that has been very powerful.



Q52 **Jess Phillips:** The media has played quite a helpful role in bringing it to the fore?

Professor McGlynn: I think it then depends what we term by the media. Obviously, social media movements have been very powerful in enabling predominantly women to share their stories about what has been happening to them and how they have been feeling about it. That has been quite a powerful tool. If you are talking about some more mainstream press media, there has been less of an ability to share those stories but there has still been a widespread discussion about it and a very active discussion about it. Some people are minimising it, but there is also a counterbalance there.

Q53 **Jess Phillips:** With regard to, for example, sexual harassment at work—

Professor McGlynn: At work did you say?

Jess Phillips: At work, just as an example, do you think that the general portrayal in “EastEnders”—I watched “Friends” recently and Ross turns up and tries to speak to Rachel 100 times while she is at work and now I would consider that to be stalking. Back then I just did not think anything of it. Do you think that there is a good media portrayal of what it is like to be bothered at work? It is very common to see people who fancy someone at work on the TV and trying to pursue them, for example.

Professor McGlynn: I don’t think I could say definitively, to be honest. I am not an expert in that sort of media effect. Maddy may be able to contribute there. You can see positive examples as well. I will let others speak.

Melanie Phillips: I think that the recent furore over Me Too, which obviously unstopped this great torrent of complaints about harassment, is very hard for somebody to make a judgment about whether any, all or most of these accusations are true. It just seems to me anecdotally that while I am sure—and I have had some experience of this myself, I am sure many of us have—of harassment, I think the understanding of the word has been shifted as a result of the Me Too debate.

To me, harassment is something that is protracted, unwanted advances, whereas personally I did think when the Me Too controversy got under way that a whole number of things that I would not classify personally as harassment were being conflated with real harassment. Crass, misjudged, maladroit sexual advances, which I would have called in times gone by clumsy attempts at flirting or misinterpreted signals, these things happen. They happen from women to men and from women to women and from men to men. They happen in personal relationships all the time, and these are things I think that before Me Too many of us thought we just had to get on with and accept. By “accept” I don’t mean just submit to them. I mean deal with them in a personal way. What has happened now, it seems to me, is that—

Q54 **Jess Phillips:** Do you think we should have to deal with them?



Melanie Phillips: I think that it is adult to make a judgment as to whether a set of behaviours is truly a threat or whether it is simply a social misjudgement. I think it is a kind of infantilism to say that every single—

Q55 **Jess Phillips:** Would you say that about racism as well at work?

Melanie Phillips: Racism is a different topic. I am happy to divert from sexual harassment to racism if you wish.

Chair: No, we are very short of time. Let's stick to sexual harassment.

Melanie Phillips: I do think that there has been a problem of conflation. I know from my own personal anecdotal experience—and I know that this is dismissed as of no consequence and, "They would say that, wouldn't they?"—I am meeting men the whole time who say, "I no longer know how to behave. If I put my arm round you, which I have done *n* times, are you going to accuse me of harassment?" Because it is me they don't actually seriously say that because they know I would not do that, but I take the point that, in ordinary office banter, where is the dividing line between a man who puts his arm round somebody and says something jovial and a man who does that and it is actually a threatening situation?

These things are very difficult for anybody outside to say these are all harassment. That is my only concern, that these things are all being lumped together and they require much more nuanced judgments.

Chair: It feels like we should bring Maddy in.

Dr Coy: I think it is a really interesting discussion about what counts as harassment. I would take a different approach to extending what we count as harassment. In fact, if we are thinking about the media and representations of harassment, there is an argument by an Australian academic called Lauren Rosewarne that we should say that sexist and sexualised advertising in public space is a form of public sexual harassment. The ways in which women's bodies are used to decorate public space makes public space what she calls "a gallery for men", and it makes it very difficult for women to enjoy public space because we are surrounded by these images of our bodies.

I think Clare referred to media effects research. There has not been effect research that I have seen, like the impact on audiences, but there has been content analysis of how the media report workplace sexual harassment. That showed that, in four out of five cases, it is reported as this individualised kind of disagreement between two people. In only a very small minority of cases is the issue of widespread social gender inequality between women and men part of the way that the media reports sexual harassment. It is reasonable to assume that that is going to have an impact on how readers of newspapers and online media are thinking about and understanding sexual harassment.



As Clare said, the way that we talk about it has changed. That research was done before Me Too. The media has been an ally in enabling us to have those kinds of discussions and enabling women to tell their stories. I do think that that point about it being possible to tell a story about sexual harassment that includes the gender differences is important. All the research that we have about the relationship between exposure to sexually explicit media and sexual objectification shows us that there is a link between it. There is a gender difference. Boys and young men are much more likely to perpetrate sexual harassment, and there is a connection between exposure to those forms of media and sexist attitudes.

Q56 **Jess Phillips:** Would you say the same for pornography? Is there a link between men who view pornography being more likely to sexually harass women and girls?

Dr Coy: Yes, there is. There is a meta-analysis of research that shows that. It was pornography consumption associated with higher levels of attitudes that support violence, which includes things like acceptance of violence, rape acceptable and sexual harassment, yes.

Q57 **Jess Phillips:** There is quite a lot of evidence to suggest that?

Dr Coy: Yes. The basis of some of those studies can be critiqued. Somebody could take apart the methodology of all of them, but the findings are consistent across individual studies and the meta-analysis that pulled them together that there is a relationship between pornography consumption, attitudes that support sexual violence and likelihood of committing sexual violence. Again, all of that is gendered. That is all about boys and men.

Q58 **Chair:** Can I clarify that you are talking about legal pornography, mainstream pornography, not extreme pornography?

Dr Coy: Well, that is one of the issues because in that research they do not always define what they mean by pornography. Some of it refers to online, some of it offline.

Q59 **Jess Phillips:** Okay. The police lead in Nottinghamshire for hate crime, David Alton, has told this inquiry that prostitution is part of the bigger picture of women's inequality and sexual harassment. What evidence, if any, is there of the link between men's attitudes to paying for sex and sexual harassment and gender inequality more widely?

Professor McGlynn: To be honest again, Maddy would be the expert on the evidence around that. In terms of my expertise around the legal regulation, we see similarities between prostitution and public sexual harassment in the sense that an underlying concern is still with nuisance in the public space. We still criminalise women for soliciting partly because of the nuisance. In other words, we are not focusing on the harm that harassment or prostitution can cause to individual women and women collectively. We focus on public concerns and public nuisance. In



HOUSE OF COMMONS

terms of the actual relationships and the evidence around the relationships and the effects, Maddy Coy will have the detail on that.

Melanie Phillips: In recent years, the discussion about prostitution has given out very confusing signals because there has been a tremendous movement in the last few years to classify prostitution as the sex trade and, therefore, to kind of normalise and make it acceptable. There are people working as prostitutes who are very vocal and have been very vocal in saying it is their right to be a prostitute, that they find it demeaning that people seek to criticise prostitution, and so on.

Personally, I think this is very wrong. I think the idea that a man pays a woman for sex absolutely objectifies her and the sexual act and introduces, at the very least, a crudification and objectification of sexual relations with women and, therefore, treats the woman with intrinsic disrespect. That is before you get to the very high level of violence associated with prostitution and other forms of abuse, not to mention the pimping, which really does regard a woman as a commodity to be traded.

How one deals with this is another matter. It is extremely difficult to deal with prostitution, as we have seen over the centuries. It is a kind of given in society, but I do think that the trend in recent years to regard it as perfectly acceptable has brutalised sexual relations in general and has had a brutalising effect. Again, I would not like to exaggerate that, but I think it is part of the business of desacralising the position of women in a sexual encounter. By "desacralising" I mean treating them in a very brutalised, brutal, utilitarian, commodifying manner, which is itself wrong, is itself demeaning and leads to actual physical abuse.

Dr Coy: The evidence actively supports that analysis. We know this from research with men who pay for sex and with women about their experiences of being involved in prostitution. There is some research in the US that looks at the attitudes of men that pay for sex and their attitudes to sexual coercion. That finds that they are more likely to support or commit sexual coercion, but I think it is more helpful to think about what the worrying element of paying for sex is. Many survivors of prostitution consider it to be a form of sexual coercion, sexual exploitation and sexual harassment in itself.

If we look at what men say about paying for sex, the way that they talk about it as involving no emotion, as not having to think about what women want, as just doing whatever they want to women's bodies as their right, as their entitlement, as a dehumanising of her, that what she thinks and what she wants does not matter, you can see then that those kinds of attitudes are linked to sexual harassment and to sexual objectification. Because there is a connection between seeing women as just bodies for sexual gratification, whose feelings and individual sense of self do not matter, and the ways in which men talk about paying for sex.

Chair: I feel we could stay on this set of questions for a while, but we have to move on. Teresa is going to come in with a second set of



HOUSE OF COMMONS

questions. Could I just ask everybody to be mindful of the time?

- Q60 **Teresa Pearce:** If we accept that a culture underpins sexual harassment, do you believe there is a role for media regulation, Melanie? Do you accept there is a culture?

Melanie Phillips: I think the media has an effect on harassment as it has an effect on all behaviours. Therefore, do I think the media should be regulated? No, because I am intrinsically against media regulation beyond what we have already. I understand absolutely why people would want to regulate the media against harmful messages. The problem is that it is very subjective. It changes over time. It is so elastic that it leads, intrinsically and immediately, to a curbing of legitimate debate and discussion because it is not possible to codify at any one time where the media is entitled or not entitled to go.

I realise this may be an unpopular position for many people who are not in the media, but I do think that it is one of the great bulwarks of liberty in this country that the media has been very rough over the centuries. It has been wild compared to other countries that are much more sedate and much more conformist. Our media is tough and rough and sometimes that produces some very unpleasant results, but generally I think it keeps our society healthy. I am basically programmed against regulation.

I also think that where the media is attacked for conveying messages, it is itself the messenger of our culture, which is producing these attitudes, and it is reflecting the attitudes. That is not to excuse the media. Nevertheless, I think it is wrong to see it as a kind of discrete thing that is in itself separated from everything else, that if only we could curb the media we would manage to curb unpleasant things happening.

- Q61 **Teresa Pearce:** David, as your job is to certify media, when you are certifying and when you are looking at media content, do you take account of sexual harassment and the culture around sexual harassment and how it can harm?

David Austin: The first thing I should say is that one key underlying principle of what we do as part of our work with the public is that adults tell us consistently—and have done so for years—that the adult freedom of choice principle trumps everything. Unless content is illegal or potentially harmful, then we should classify it for adults, so we do that. We classify to protect children and we do a number of things both in the statutory space and in the non-statutory space to help families make informed viewing decisions and to help protect children and vulnerable adults.

We heard Clare talk about the evidence around men viewing violent pornography and the impact that may have, and we do take into account that research when we classify pornography. For example, we will not classify depictions of pornography that feature real or simulated lack of consent, encourage an interest in abusive relationships, such as sex with



HOUSE OF COMMONS

children or incest, that kind of content. We definitely take that into account.

We are working with a company called the Registered Digital Institute, RDI, which is the regulator of friendly wi-fi, public wi-fi. We have had a longstanding relationship with mobile phone operators and we set the standards where they apply adult filters. In difficult cases, we determine what content goes behind an adult filter and what content is suitable for children. Beyond that, we work with the RDI. The RDI will give a tick to companies that apply certain minimum standards in terms of what they allow on their networks.

For example, the RDI takes our definition of pornography and we advise them on what constitutes pornography. If you are travelling on Network Rail, if you are travelling on Chiltern Railways, if you are travelling through Belfast International Airport and using their wi-fi, you cannot access pornography under this scheme. If you are in Starbucks or Costa the same thing happens. In outlets like IKEA and House of Fraser, you cannot access pornography using those networks, and unless you have made a conscious decision to unlock the filters that are applied by the MNOs—

Q62 **Teresa Pearce:** You cannot access something that is deemed to be pornography?

David Austin: Correct.

Q63 **Teresa Pearce:** If I get this right, you are not the certifier but you do have a role in video games. What about video games?

David Austin: We do not have a role in video games.

Q64 **Teresa Pearce:** Do you not have an advisory role at all?

David Austin: Video games are regulated by PEGI, which is a pan-European body. We have an agreement with PEGI whereby if there was a certain linear content attached to a video game, we will advise PEGI on what that would be rated and they apply it.

Q65 **Teresa Pearce:** So you have a small role?

David Austin: We have a relatively small role in relation to video games, yes.

Q66 **Teresa Pearce:** Are video games rated in the same way as films? If I was in that train station and I could not access pornographic films, could I access any type of video game?

David Austin: You should not be able to access any type of pornography at all.

Melanie Phillips: Sorry, can I just make a clarification? When you asked the question about the media, I was responding about print media.



HOUSE OF COMMONS

Teresa Pearce: You were talking about print media, yes.

Melanie Phillips: I certainly was not implying that there should be no regulation of movies or against pornography.

Q67 **Teresa Pearce:** I took that as a given, but thanks for the clarification. Clare, do you have anything to add?

Professor McGlynn: The only point I would add in here is following on from Melanie's point. When you talk about media regulation, when you are talking about public sexual harassment, obviously we can be talking about regulation of social media companies; we can be talking about regulation of advertising and all sorts. In that context, the main point I would want to make is that regulation is not just about stopping things like the harassment. For example, we need to see the regulation in terms of freeing up women to be able to live their lives free from harassment. I guess what I mean is in that sense the regulation can be human rights enhancing.

I am looking at the words "freedom of speech" sitting behind some of you. It is about regulating to enable women to exercise their speech and citizenship rights by not feeling sexually harassed in public. It is not just about stopping something; it is about liberating and freeing women.

Q68 **Teresa Pearce:** You are saying it is not about censorship or banning, it is about trying to make the public space safe for everyone?

Professor McGlynn: Yes, safer for everyone so that people can feel able to use social media, for example, because forms of public sexual harassment often mean that some women feel they have to remove themselves from social media. That means they are removing themselves from public debate, from participation in social life. Regulation enables them to participate in social life. It enables them to exercise their freedom of speech.

Q69 **Teresa Pearce:** Maddy, did you want to add anything there?

Dr Coy: Just very quickly and following on from Clare, those were all really important points. There are a range of obligations under which it is required that stereotyping of women and representation of women as sexual objects is addressed. On the question of should, those obligations and requirements are really useful and important to look at.

Q70 **Teresa Pearce:** Thank you. There is a new Government age policy verifying pornographic websites. Do you think that is actually going to work, David?

David Austin: Yes. You would hope that I would say yes since the BBFC is the regulator.

Q71 **Teresa Pearce:** What evidence do you have that it will work? Can we bring you back if it does not?



David Austin: Sure. In terms of evidence and bringing me back if it does not, absolutely. One of the obligations on the Government under the Digital Economy Act is that between 12 and 18 months after entry into force—which is due to be towards the end of this year—they will have to report back to Parliament on how effective the implementation was, and we will obviously contribute to that assessment.

Part of the Government consultation over the Digital Economy Act gave the statistic that 1.4 million children from this country accessed a commercial pornography website in one month. It is clearly an issue. We know through our work with charities that children, boys and girls, are self-reporting to them and saying this exposure to porn, much of which is not deliberate, accidental, is impacting on their attitudes and their behaviours. We have seen the Girl Guides produce some research that says the same thing, so it is definitely an issue.

I think as a result of entry into force of this legislation accidental stumbling across commercial pornography by children online will largely become a thing of the past. We have been talking for the past 12 months to all the big global porn companies, from Pornhub to Penthouse, and they have told us that they will abide by this legislation. We have been encouraging them, saying, “You really do need to do this” and they have told us that they are going to do so. I think we are going to see a step change in behaviour from the adult industry in terms of how they provide pornography in this country.

Q72 **Teresa Pearce:** Of the statistics you gave earlier about the number of children accessing it, do you know how many of those children were at primary school?

David Austin: I don’t think it is broken down in those figures, but I think between 740,000 and 750,000 were under the age of 14. I think that is the correct breakdown.

Teresa Pearce: That is amazing.

David Austin: I can get back to you with the exact figure if that would be useful.

Q73 **Teresa Pearce:** Clare?

Professor McGlynn: I hope it works, but the point I would also want to make is that in some ways our concern with the access to pornography is not necessarily for me with pornography, per se, it is because of what the content of mainstream pornography is. That is what the problem is. In some ways, although we will limit it for under-18s, we still have 18-plus, millions of people who are accessing the pornography.

Some of you are aware that I am doing a study with Fiona Vera-Gray at the moment. We are trying to map and analyse the content of the mainstream pornography. For example, the most commonly used term



HOUSE OF COMMONS

across these mainstream sites is “teen” as in “teenager”. That is the word most commonly used, more than anything like dotcom.

I guess for me I hope the age verification process does work, but there is still an issue then in terms of the sort of material that we are seeing online on mainstream pornography and that is because it is about inculcating certain ideas about what sex is or what sex should be or who is doing what to whom, and so on. It is keeping the focus on that content and for over-18s that I think is really important, too.

Melanie Phillips: I agree with all of that. I would just be a little more sceptical about the reliability of the agreement to abide by these regulations, because I just do not believe it. I think that the commercial impulse is so enormous.

Teresa Pearce: It is big business.

Melanie Phillips: They are in the business of ensnaring young people. That is what they are doing. That is what they are intending to do. The idea that they are going to respond to appeals to their social conscience I think is really naive.

Q74 **Teresa Pearce:** David is waving his finger.

David Austin: If it was only about appeals to their social conscience I would probably agree with you. One of the reasons that these big global players have told us they will comply with the law—and obviously the proof of the pudding will be when the law comes into force—is because they see the UK taking an international lead here. We know that many other countries are following very closely what we are doing with this piece of legislation, so the UK may be the first country to do this but we are certainly not going to be the last.

The law gives us quite significant powers to deal with non-compliance. If I was the owner of a commercial pornographic website, I would think long and hard before I decided to disobey the law because we have a couple of really significant powers. We can instruct ISPs to block those websites and we can also ask payment providers—people like Visa and Mastercard—to withdraw payments from those websites that are disobeying the law. That is arguably the most important incentive of all to comply with the law. What one of the payment card providers has said to us is, “If you asked us to withdraw payments we would not just withdraw payments from that site using our card, we would withdraw payments from that company globally”. These are companies that are in the business of making money and that is a significant moment to pause before you think about disobeying the law. I think there are significant incentives to abide by the law.

Q75 **Teresa Pearce:** But to bring in those penalties, they have to be caught doing it, so who would report them, the child who has downloaded the pornography?



David Austin: We will be monitoring websites. We will be taking a proportionate approach. There are 5 million commercial pornographic websites in the world. Luckily for us as a regulator, very many of those are owned by a very small number of people. One company that we are dealing with, for example—

Q76 **Teresa Pearce:** How do you know who is viewing?

David Austin: We are employing a data analytics company that can tell us how many people are viewing these websites in the UK and how many of those are children.

Q77 **Teresa Pearce:** How do you know that they are children? How do you know they are using their brother's phone or something?

David Austin: If they are using their brother's phone that is different. We cannot regulate for what happens in the house.

Q78 **Teresa Pearce:** There needs to be more than just the regulation. There needs to be a penalty on people who facilitate it as well. If you have parents who allow their children, what happens then?

David Austin: That is a different issue. We are not tasked with regulating what goes on in the home. We are tasked with regulating the big porn companies, and I am confident. Obviously, we will see when it comes into force, but I am confident it will work.

Q79 **Teresa Pearce:** I am very glad you are confident and I am very glad you think that people will not get around the new system. Maddy, do you want to add anything there?

Dr Coy: I think that there is another way to think about what works as well. That is the social message that it sends out to say that we should prevent young people from accessing pornography, because pornography has a detrimental impact on equality between women and men and we do not want young people to learn that. We can think about how this new approach changes the conversation we have with young people and—exactly like Clare said—start having conversations about what pornography is.

The challenge then is how to start having that conversation with adults as well, exactly as Clare said, over the age of 18. I do think that there is another way to think about what this approach means, as well as the technical success and what message it sends out socially.

Teresa Pearce: I completely agree. Thank you very much.

Q80 **Tonia Antoniazzi:** Is there legitimate disagreement about what types of behaviour constitute sexual harassment and should be penalised? I am going to address most of my questions to Clare and if anybody else wants to add that would be great.

Professor McGlynn: In terms of public sexual harassment, the law is relatively clear on what constitutes sexual assault and what constitutes



harassment under the Protection from Harassment Act in a criminal sense. On workplace sexual harassment, as you know, the law has been in place in that sense for many, many years.

What is interesting is perhaps the crossover. Certainly, when you are talking about the Equality Act and you are talking about understanding sexual harassment from the perspective of the person who is being harassed and who feels harassed, if you cross over into aspects of public sexual harassment, particularly around the criminal law, that focuses less on what the victim is feeling and experiencing and harmed by and is much more on the perpetrator. Some of that is because you are into a criminal sphere, but you can see a bit of a mismatch in approach between areas of public sexual harassment here and workplace sexual harassment.

I think the line is relatively clear. I think the law is relatively clear. That is not to say that there are not gaps and inconsistencies in the law, but what law there is is relatively clear around what constitutes workplace sexual harassment. It needs to be clarified around public sexual harassment. That is the area I would see.

Q81 Chair: Can I just ask a supplementary there? Melanie was rightly talking about the concerns that some individuals might have in the current debate around what is and is not acceptable behaviour. It is not the first time I have heard that discussion. How would you respond to that? Although I think some people do feel that, in reality they are probably the people who think about their behaviour the most.

Professor McGlynn: Of course, there may be some individuals for whom it is not clear. That is obviously the case. I cannot speak for everybody. It is perhaps exaggerated that there is this grey line that people do not understand or do not know how to behave sometimes. We have had understandings of sexual harassment in the workplace for many, many years, and one of the things that can differentiate these experiences is a power imbalance. If your employer or your boss is taking a particular action against you, he or she should know and will know that what they are doing is wrong if they are acting out like that to a subordinate or someone for whom they are a boss. I don't find that that is particularly unclear.

The other thing I would say is that I also think some of that discussion at some stages is a distraction in the sense that, even if there is an area in which it is unclear—and there is always going to be that with the law—there is a vast swathe of activity going on in terms of sexual harassment, about which we could be doing more and could be taking more action and around which there is more general agreement. I guess I also would want to focus on all of those areas rather than just a small debate.

Q82 Tonia Antoniazzi: Following on from that then, you have mentioned the gaps in the law. Do you think there are specific gaps in the law that would impact on sexual harassment; for example, around upskirting,



voyeurism, pornography, viewing pornography in public places?

Professor McGlynn: Yes, there are. On the law around public sexual harassment, I would want us to include online spaces in that context. The law in this area is inconsistent. It is outdated and it is piecemeal.

You mention voyeurism and upskirting and those are two very good examples. If someone took a photo of anyone here in private—so in the toilet down the corridor—they would only commit a criminal offence if they did so for the purposes of sexual gratification. If someone takes an image up someone's skirt, at the moment that is only covered by an offence of outraging public decency.

There is a private Members' Bill before Parliament at the moment, which Wera Hobhouse has put forward with the support of the campaigner Gina Martin. That will be a really welcome change, but that will still only cover some forms of upskirting. It would only cover upskirting if there is a purpose of sexual gratification or to cause distress. If someone is doing it to make money, for a laugh, group bonding and so on, none of those circumstances would be covered.

The law on distribution is also different. You could take the image in the toilet and it is only a criminal offence if you are doing it for the purposes of sexual gratification. If you share that image, it is only an offence if you do it to cause direct distress to the individual. It is so inconsistent. I think this does a great disservice to victims but it also does a disservice to the police and the prosecutors because there is such a mishmash of provisions. There is a hierarchy for victims. If my iPhone is hacked and an intimate image is shared, I have no anonymity when I go to the police to complain about this, but if the photograph was taken in the toilet I would have anonymity. Why is one instance covered and not the other? I do not think it makes a lot of sense.

I could go on. The law is outmoded. We do not cover photoshopped or altered images. There are now apps so that you can make fake porn. The Government have so far resisted calls to include that within our laws around image-based sexual abuse, but it is an increasing problem. I know there are regulators who can tell when these things have been photoshopped, but for most of us we cannot tell the difference and the harms can be quite the same. That in a sense is how technology is developing these new forms of public sexual harassment. You mentioned viewing pornography in public. That is another form of that. That might be where the limits of the law are. The law cannot cover all of these circumstances, but it needs to be updated to cover a whole range of them.

Q83 Tonia Antoniazzi: Thank you very much. Does anybody have anything else to add? Okay. Witnesses in a previous session in this inquiry gave evidence on intimidating behaviours, such as a man openly staring at a woman on public transport, which could not be criminalised. What do you think are the limits of the law and regulation in tackling sexual



harassment that is perpetrated in public places?

Professor McGlynn: The law has a really significant, expressive role, it certainly does, but it does run out and there is a limit. I would place the limit in this context particularly around what victims and survivors tell us they are looking for when some of these actions happen to them. In the context of some forms of street harassment, many victims and survivors are not necessarily saying that it is a criminal response that is being sought. It is all sorts of other educative and preventive responses that are being sought. That is different from instances, say, of something like voyeurism, upskirting and other forms of image-based sexual abuse where women are saying they are experiencing these as forms of sexual assault and that is why they think criminal action is required. So, there is a limit to the law.

Around the street harassment—you talk about staring, for example—obviously issues of proof and evidence would be deeply problematic there. That is why when you get to something like the image-based abuse it is different. When you have a recording of something, not only is the evidence there but the harm is amplified because it is a permanent recording and some of those harms are ongoing. I think that is what makes the law different there. I would not want us again to spend all our time talking about criminalising some of these behaviours that would be difficult to evidence or are sometimes one-off. That is not to say they are not significant, they are cumulatively, but it is not where the criminal law, for example, could provide a real remedy.

Q84 **Tonia Antoniazzi:** Do you think it is different from the workplace, which is more heavily regulated? For example, displaying pornography is already a breach of employment law.

Professor McGlynn: Do you mean differently in the sense that the law is clearer in those contexts or because it is more justified? Sorry, is that what you were asking?

Tonia Antoniazzi: It is more justified, yes.

Professor McGlynn: When you say “displaying pornography”, in a workplace context we are more used to the idea that there is a captive environment there in that sense. That this is where you work and, therefore, it can inhibit your conduct. In a public space, you are walking around, you are on public transport, and it is not necessarily that you have an option to not always look at the advertising that might be sexist and might impact on you, but I think the levels of regulation are different. In the workplace, obviously you have a whole regime and the employers need to take action, but in the public sphere you have the Advertising Standards Authority that can be regulating the action. I think they are just different. We need regulation in all those spaces but it is different forms of regulation, it is certainly not always criminal.

Q85 **Tonia Antoniazzi:** Thank you. Maddy, do you have anything to add?



Dr Coy: To go back a building industry—not so much about the law but about this idea of miscommunication that has come up—it may be that the idea of women’s bodies not open to being touched or ogled may be new and confusing, but I think that it is often used as a shield for behaviour that those doing it know perfectly well is an abuse of power and know perfectly well it is an attempt to push the boundaries. We have to be careful about accepting that as an explanation. There is some work with young men that shows us that they know, and I think we have to be cautious about using that as an explanation for sexual harassment.

Q86 **Vicky Ford:** Sorry to be coming in and out. Some of the people who submitted evidence have suggested that we could use more public awareness campaigns and have pointed, for example, to previous campaigns in the past like the drink-driving campaign, which has fundamentally changed public attitudes. That was in a very different era and is a very different issue. Is there any evidence, do you think, that this sort of campaign could be effective in today’s world?

Chair: Anybody want to tackle that one?

Vicky Ford: Can you give any examples of good or bad campaigns and how one is doing that in today’s media world?

Dr Coy: I think it is really challenging to evidence how you impact that, first of all. There have been public awareness campaigns around all forms of violence against women—sexual assault, domestic violence—but not so many on sexual harassment. It is really difficult to measure who has seen it, how you attribute change, and what impact people say it has on the way they think versus the impact that it might have on their behaviour.

I am not saying that we should not do it and that it is not important to send out messages that challenge some of those really old, long-established ideas, but I think that it is really difficult to draw firm conclusions from the evidence. What often seems to work better is a longer and more engaged programme when conversations about what different behaviours mean are needed, especially about the harm, but of course you need a lever to do that. That is why most of that work is done with young people.

Professor McGlynn: If I can just add in there that, of course, it can be difficult to find those forms of evidence for all the reasons Maddy has talked about, but on the other hand there is not the evidence that it does not work. We would not have a massive, multimillion pound advertising industry if campaigns and these sorts of things did not work and did not have an effect. It is the sort of process and the sort of investment that I think is more than likely going to help change attitudes and change a system. In some ways, for me, that would be money better spent than on some other actions because you might actually bring about the change.

Q87 **Vicky Ford:** Before I bring in David, when you answer can you think about whether it should be Government-funded campaigns, Government-driven campaigns, social media company-driven campaigns, somebody



HOUSE OF COMMONS

else-driven campaigns? If we want to do it, who should do it?

David Austin: I was quite keen to jump in on the education piece. Obviously, part of our role is classifying content and regulating content, but equally important for us is educating the new generation, young people. We work on our own and in partnership with people like the PSHE Association to work out lesson plans to help children make wise, sensible, healthy choices online and teach them resilience. I think that is part of the normative behaviour change that Maddy was talking about with the Digital Economy Act. We have this technical role and we are doing that, but I do think that kind of regulation and that kind of education does over time change behaviours.

We will be doing some campaigning around the Digital Economy Act. We are funded in that role by the Government, so we will be encouraging take-up of age-verification tools and encouraging people, children in particular, to be safe online. That is part of a campaign that we will be running, explaining what the Act means and how to stay safe online, and that will be Government funded.

Melanie Phillips: I think campaigns certainly can affect public attitudes. You have mentioned a couple of them: drink driving, smoking and so on. There are great dangers in going down this road with this kind of issue because, unlike issues like smoking or drink driving, however controversial they were at the time, they were nevertheless very clearly defined in terms of the behaviour that was being targeted for disapproval. In this whole subject area, it seems to me it is not clear at all where the boundaries should be drawn.

From what Clare was saying, there seemed to me a very powerful distinction between the taking of images up people's skirts and ogling, because it becomes so difficult not just to establish evidence but to establish the boundaries of what is or is not tolerable. Wolf whistling, it seems to me an exaggerated sense of victimisation to say that, if someone wolf whistles me, I regard that as a sexual assault. It can be dealt with very swiftly in a variety of ways.

If you have campaigning to change public attitudes, there are various dangers in this. First, there is a danger in just defining what the behaviour is you are trying to stop. Secondly, there is a danger of it being against men. It would be quite easy to see this was a campaign against men in general because it was only singling out male behaviour. There are women who ogle very frequently and there are women who employ a variety of tactics to flirt, basically, in an inappropriate way. Consequently, that is a danger as well.

Even if you overcome all of that, even if, for example, you had a gender non-specific campaign that was phrased in such a way that it was, "All ogling is bad" or whatever, again I think it would be quite oppressive to have a situation where you had an official campaign designed to change attitudes in an area that is so subjective, so plastic and so subject to



HOUSE OF COMMONS

variations depending on where people are coming from, how the eras change and so on. I think it would produce a situation in which British society would take another step down the road to a much more coercive society.

One of the great wonders of Britain is that the historic culture of Britain is basically that everything is permitted unless it is prohibited, broadly speaking. I think this would take quite a big step down towards changing it into a society where we are laying down more of what behaviour is permitted.

Q88 Vicky Ford: Can I bring Clare in because we do need to get more views later?

Professor McGlynn: What I would add in there is—notwithstanding what Melanie is saying—there is still sufficient remit and scope when you are talking about public sexual harassment to identify the areas in which there is agreement. We can be talking about non-consensual activity and even if you talk about aspects like non-consensual sharing or taking of images, for example, I think there is certainly scope there for a general consensus and, therefore, campaigns, but there is also the educative role.

If we are talking about in schools, for example, or with young people, it is important that we discuss these sorts of issues that Melanie is raising. If there are ambiguities for the young people that they have a forum to talk about them, and then they could be listening to their peers, the girls in those classes saying, “No, I do not like it when you are doing that”. You are beginning a discussion that focuses then on respect and dignity.

Dr Coy: I think we have to think about the context here. It is not the same to say that a gender neutral public awareness campaign is the way forward. It is about the context. It is about the known connection between sexual harassment, sexual objectification and sexist attitudes. That is what we have to think would be the value of public awareness campaigns, that it would be tackling and targeting sexist attitudes. It does not have the same impact for men and boys to see their bodies sexualised, to feel that they are being ogled and harassed, because there is a much longer history of women’s bodies being commodified in that way. We are surrounded by that kind of sexualised sexism, from advertising, music videos, clothing, television, everything. We have to think about the context in which this is happening as part of the way that we have a conversation about what awareness needs to look like.

Q89 Vicky Ford: Can I push one more? On what sort of platform should that awareness take place? Where should that take place? We know with online bullying versus offline bullying it is much more threatening if your bully is anonymous on the internet or social media than if it is the person that you saw in the classroom and the playground and it has gone. It is, I suspect, the same thing with online sexual harassment. You may not know who it is that is harassing you and, therefore, it feels very different



HOUSE OF COMMONS

to that ogle that you could walk away from. Should more be being done by the social media companies in this area?

Melanie Phillips: I think that anonymity is at the root of a tremendous amount of the cruelty and abuse on social media that goes far beyond the remit of this discussion. I think that that is the way to go, to stop anonymity.

Professor McGlynn: I do not think we can or should stop anonymity. For example, if I just think of survivors of sexual violence being able to share a story or whatever, that can often only be done in the context of anonymity. In that context there, I do not think that is the answer. You are absolutely right that the anonymity can amplify the harassment because you don't know where it is coming from. They may well be standing outside your front door, you don't know that, but anonymity per se I do not think is the way forward.

Chair: I fear we have to end this session now. We could have gone on all morning and I feel we have only just scratched the surface. If anybody has any other issues they want to write to us about, please always feel free to do that. On behalf of the whole Committee, I thank all of you for taking the time to prepare and to come before us this morning.