

**Submission to  
Coimisiún na Meán's Call For Inputs:  
Developing Ireland's First Binding  
Online Safety Code for Video-Sharing  
Platform Services**

**August 2023**



**Women's  Aid**



## Contents

About Women's Aid.....	4
Introduction.....	4
Answers to consultation questions .....	7
Question 1: What do you think our main priorities and objectives should be in the first binding Online Safety Code for VSPS? What are the main online harms you would like to see it address and why? .....	7
Question 2: What types of online harms do you think should attract the most stringent risk mitigation measures by VSPS? How could we evaluate the impact of different types of harms e.g. severity, speed at which harm may be caused? Is there a way of classifying harmful content that you consider it would be useful for us to use? .....	10
Question 3: Do you have reports, academic studies or other relevant independent research that would support your views? If you do, please share them with us with links to relevant reports, studies or research.....	11
Question 4: What approach do you think we should take to the level of detail in the Code? What role could non-binding guidance play in supplementing the Code? .....	12
Question 5: What do you think would be the most effective structure for the Code? What are the most important factors we should consider when we decide how to structure the Code? .....	13
Question 6: How should we design the Code to minimise the potential for conflict and maximise the potential for synergies in how platforms comply with it and the DSA? .....	14
Question 7: To what extent, if at all, should the Code require VSPS providers to take measures to address content connected to video content? .....	15
Question 8: How should we ask VSPS providers to introduce a feature that allows users to declare when videos contain advertising or other type of commercial communications? Should the Code include specific requirements about the form in which the declaration should take? What current examples are there that you regard as best practice? .....	16
Question 9: How should we ask VSPS providers to introduce and design a flagging mechanism in the Code? How can we ensure that VSPS providers introduce the mechanism in a user-friendly and transparent way? How	



should we ask VSP Providers to report the decisions they've made on content after it has been flagged? To what extent should we align the Code with similar provisions on flagging in the DSA? ..... 16

Question 10: What requirements should the Code include about age verification and age assurance? What sort of content should be shown by default to users who are logged out or in private browsing mode and whose age cannot be verified or assured? What evidence is there about the effectiveness of age estimation techniques? What current practices do you regard as best practice? Where accounts are not age verified should default privacy settings be used, should content default to universal content and should contact by others be more limited? ..... 19

Question 11: What requirements should the Code have in relation to content rating? What do you consider to be current best practice? What experiences have you had using content rating systems on platforms and do you think they have been effective? What steps could we ask VSPS to take to ensure content is rated accurately by users? ..... 20

Question 12: What requirements should the Code have in relation to parental control features? How can we ensure that VSPS providers introduce the mechanism in a user-friendly and transparent way? Can you point to any existing example of best practice in this area? Should parental controls be 'turned-on' by default for accounts of minors or where age is not verified? .. 21

Question 13: What requirements should the Code contain to ensure that VSPS provide for effective media literacy measures and tools? ..... 21

Question 14: How should we ask VSPS providers to address online harms in their terms and conditions in the Code, including the harms addressed under Article 28b? How should key aspects of terms and conditions be brought to users' attention? What examples are there of best practice in relation to terms and conditions including content moderation policies and guidelines? ..... 22

Question 15: How should we ask VSPS providers to address content moderation in the Code? Are there any current practices which you consider to be best practice? How should we address automated content detection and moderation in the Code? ..... 24

Question 16: What requirements should the Code include about procedures for complaint-handling and resolution, including out-of-court redress or alternative-dispute resolution processes? To what extent should these requirements align with similar requirements in the DSA? What current



practices could be regarded as best practice? How frequently should VSPS providers be obliged to report to the Commission on their complaint handling systems and what should those reports contain? Should there be a maximum time-period for VSPS providers to handle user complaints and if so, what should that period be? ..... 26

Question 17: What approach do you think the Code should take to ensuring that the safety measures we ask VSPS providers to take are accessible to people with disabilities? ..... 27

Question 18: What approach do you think the Code should take to risk assessments and safety by design? Are there any examples you can point us towards which you consider to be best practice? ..... 28

Question 19: How do you think that cooperation with other regulators and bodies can help us to implement the Code for VSPS? ..... 30

Question 20: What approach do you think we should take in the Code to address feeds which cause harm because of the aggregate impact of the content they provide access to? Are there current practices which you consider to be best practice in this regard? ..... 30

Question 21: Do you have any views on how requirements for commercial content arranged by a VSPS provider itself should be reflected in the Code? ..... 31

Question 22: What compliance monitoring and reporting arrangements should we include in the Code? ..... 31

Question 23: Should the Code have a transition period or transition periods for specific issues? Which areas touched on in this Call for Inputs may VSPS providers require time to transition the most? What time frame would be reasonable for a transition period? ..... 32

Conclusions..... 32



## About Women's Aid

Women's Aid is a national, feminist organisation working to prevent and address the impact of domestic violence and abuse (henceforth referred to as DVA) including coercive control, in Ireland since 1974. We do this by advocating, influencing, training, and campaigning for effective responses to reduce the scale and impact of DVA on women and children in Ireland and providing high quality, specialised, integrated, support services. More information on Women's Aid is available on our website [www.womensaid.ie](http://www.womensaid.ie)

## Introduction

Women's Aid welcomes the establishment of an Online Safety Commissioner to oversee the new regulatory framework for online safety and is pleased to provide a submission to Coimisiún na Meán on the Call for Inputs: Developing Ireland's First Binding Online Safety Code for Video-Sharing Platform Services.

Cyber-stalking and Imaged Based Sexual Abuse (IBSA) have been a great concern for Women's Aid over a number of years. In the context of DVA, IBSA is used as a tactic to control, humiliate and harass a partner or ex-partner.

Many women have told us that their partner or ex-partner has taken and/or published sexually explicit images of the woman without her consent, damaging her reputation, self-esteem and possibly work opportunities and relationships. The perpetrators use these images to threaten, blackmail, and humiliate the woman, especially if she has



indicated her desire to end the relationship or has already done so. In other cases, he uses the images for his financial gain without the woman's knowledge or consent by uploading them onto commercial websites. In some cases, her contact details (including phone, address, and social profiles) are also published, for example on escort websites.

Regardless of the motive, this type of abuse has huge negative impact on the woman and may cause immense and irreversible harm. The more identifiable a woman is, the more devastating is the impact on her of having these images published/distributed.

Young women are more likely to suffer cyber-abuse and specifically image based sexual abuse:

- 1 in 5 young women experience intimate relationship abuse in Ireland.
  - Nearly half (49%) of whom experience online abuse by their partners and ex-partners.
  - Of these, 20% had images or videos taken of them without their permission with 15% having been threatened with sharing sexually explicit intimate photos and or videos and 17% having actually had sexually explicit or intimate videos or images shared without their consent.<sup>1</sup>
- Hotline.ie reports that in the period September 2021 to September end 2022 they received 773 reports of intimate image abuse.

---

<sup>1</sup> Women's Aid, 2020 One in Five young women suffer intimate relationship abuse in Ireland. Available here: <https://www.womensaid.ie/app/uploads/2023/04/One-in-Five-Young-Women-Report-2020.pdf>

- of which 525 were actionable.
- For 90% of the reports, they were successful in having the images removed.
- 83% of the people reporting intimate image abuse were women and the great majority was under 35 years old.<sup>2</sup>

Given the above, the most pressing issue for us in relation to Video-Sharing Platform Services (henceforth VSPS) is the **non-consensual sharing of intimate images/videos and the comments posted about them**, which are often degrading, sometimes violent, and can compound the negative impact on women and girl's mental health and wellbeing.

We therefore welcome the drafting of binding codes for VSPS. In particular we would like to comment on the prevention of uploading and sharing intimate videos without consent and the response of platform services when reports are made to them by victims/survivors.

An important part of this response should be fast and free take downs. The Harassment, Harmful Communications and Related Offences Act 2020 created much needed offences in relation to image-based sexual abuse. However criminal prosecutions take time and, for a variety of reasons, do not always go ahead.<sup>3</sup> In the meantime, the images are available and can be shared and re-posted numerous times. The more

---

<sup>2</sup> Hotline.ie. (2022). Hotline.ie 2021 Annual Report. Dublin, Ireland

<sup>3</sup> McGlynn C, e al. 2019, Shattering Lives and Myths: A Report on Image-Based Sexual Abuse

[https://www.researchgate.net/publication/339352950\\_Shattering\\_lives\\_and\\_myths\\_A\\_report\\_on\\_image-based\\_sexual\\_abuse](https://www.researchgate.net/publication/339352950_Shattering_lives_and_myths_A_report_on_image-based_sexual_abuse)



IBSA material is allowed to go viral, the more difficult it is to eliminate it from the Internet and the more harm that is done.

For the majority of victims, swift removal of intimate videos/images shared without consent is a priority and more important than prosecution. For example, Hotline.ie reports that “only 1 in 7 reporters indicated they wished to have the matter referred to An Garda Síochána for law enforcement investigations. The vast majority opted for content removal only”.<sup>4</sup>

Getting images/videos removed from the internet can be difficult, costly and time-consuming, and it should **not** be the responsibility of the victim/survivor.

We have provided answers to the questions which are most relevant to our remit and concerns as detailed above.

## **Answers to consultation questions**

### **Question 1: What do you think our main priorities and objectives should be in the first binding Online Safety Code for VSPS? What are the main online harms you would like to see it address and why?**

As outlined above our main concern regarding VSPS is the non-consensual sharing of intimate images/videos, including altered/fake ones, which are becoming more and more common.

---

<sup>4</sup> Hotline.ie (2022) op. cit



Once an intimate video is uploaded, it can go viral and be shared multiple times. It then becomes nearly impossible to delete all occurrences, and even if the video is deleted from the original site, it can reappear on others endlessly, which is extremely harmful to the victims.

Intimate images are shared without consent on a variety of platforms, and many are shared on video sharing platforms. According to Hotline.ie, 51% of this imagery reported to them was shared on video streaming services and 23% of image hosting services.<sup>5</sup>

Priorities for this code therefore should be to:

- prevent the uploading or sharing of intimate videos/content unless **consent has been verified prior** to the uploading/sharing. This means that anonymous account should not be able to upload or share this content and that users will have to confirm they are sharing with consent.

For example, the EAW Violence against Women and Girls Code of Practice for suggests that to mitigate harm of IBSA in platforms with user generated or uploaded pornography, “services should require user verification before uploads and require users to confirm they have consent from everyone depicted in the content to upload. This should be accompanied with messaging that informs them it is a criminal offence to upload material without the consent of those depicted, including content in violation of

---

<sup>5</sup> Hotline,ie op. cit.

copyright and that the platform will take action against users for doing this.”<sup>6</sup>

- Address the impact of deep-fake pornography by including it in any such requirements.
- Require clear, fast take down procedures for platforms, provided at no cost to the user, with penalties for not doing so within strict timeframes.
- Require platforms to also have to delete links or comments linked to intimate videos posted without consent.
- Require platforms to raise awareness about the harm and unacceptability of sharing intimate images/videos without consent.
- Address the way multiple forms of discrimination intersect and intensify the negative impact of abuse in the experiences of marginalized individual and groups.

Note that a huge percentage of images is shared without consent to adult pornographic sites,<sup>7</sup> it is therefore essential that they are included

---

<sup>6</sup> EAW Violence Against Women and Girls (VAWG) Code of Practice, page 16; <https://drive.google.com/file/d/1cMIginaMEN2kULCL2eftH2B7oGVK9FZh/view>

<sup>7</sup> In the UK, the Revenge Porn Hot-line estimates that “Private sexual content is frequently shared on adult content sites, in around 40% of cases where content is shared” Ward, Revenge Porn Helpline Report 2022, <https://revengepornhelpline.org.uk/resources/helpline-research-and-reports/>

Similarly the Australian e-safety commissioner reports the majority of IBSA material was posted on exposé or pornography sites Australian government, ACMA and eSafety Annual reports 2021-2022 page 183 <https://www.esafety.gov.au/sites/default/files/2022-10/ACMA%20and%20eSafety%20annual%20report%202021-22.pdf>



in the codes. Moreover, given the increase use of deep-fakes in image based sexual abuse, this should also be specifically included.<sup>8</sup>

The definition of intimate image should correspond to the Harassment, Harmful Communications and Related Offences Act 2020.

Other harmful content of concern includes misogynistic videos (for example relating to incel) and channels where perpetrators of abuse seek suggestions and guidance to help them abuse, which should also be included in the code for action.

**Question 2: What types of online harms do you think should attract the most stringent risk mitigation measures by VSPS? How could we evaluate the impact of different types of harms e.g. severity, speed at which harm may be caused? Is there a way of classifying harmful content that you consider it would be useful for us to use?**

Online Violence against women has severe impacts on victims/survivors, affecting their mental health, physical safety in the real world, reputation, relationships, and employment and their ability/willingness to maintain an online presence.<sup>9</sup>

Image based sexual abuse (IBSA) content, should be a priority, as it is extremely harmful, as confirmed by numerous studies and by our own

---

<sup>8</sup> The State of Deepfakes: Landscape, Threats, and Impact, Henry Ajder, Giorgio Patrini, Francesco Cavalli, and Laurence Cullen, September 2019.

<sup>9</sup> See for example, the Guardian, 'There's no end and no escape. You feel so, so exposed': life as a victim of revenge porn, 22 September 2019, <https://www.theguardian.com/lifeandstyle/2019/sep/22/theres-no-end-and-no-escape-you-feel-so-so-exposed-life-as-a-victim-of-revenge-porn>

experience supporting victim/survivors. Women are disproportionately impacted by online abuse and IBSA in particular. Marginalised women even more so.

In relations to Imaged based abuse and the sharing of intimate content without consent, it is important to note that the more the victim is identifiable the worse the harm. So cases where personal information is also shared with the image/video (for example name, address, social media profiles) or where the person is easily identifiable (for example clearly visible face), this should be prioritised.

Where the content shared is a recording of rape/sexual abuse and/or involves children, this would be an absolute priority.

**Question 3: Do you have reports, academic studies or other relevant independent research that would support your views? If you do, please share them with us with links to relevant reports, studies or research.**

- McGlynn C, e al. 2019, "Shattering Lives and Myths: A Report on Image-Based Sexual Abuse."

[https://www.researchgate.net/publication/339352950\\_Shattering\\_lives\\_and\\_myths\\_A\\_report\\_on\\_image-based\\_sexual\\_abuse](https://www.researchgate.net/publication/339352950_Shattering_lives_and_myths_A_report_on_image-based_sexual_abuse)

- Plan International, 2020, "Free to be online? Girls' and young women's experiences of online harassment." <https://plan-international.org/publications/free-to-be-online/>

- Glitch, UK (2023) “The Digital Misogynoir Report: Ending the dehumanising of Black women on social media.”  
[www.glitchcharity.co.uk/research](http://www.glitchcharity.co.uk/research)

While not specific to VSPS, the publications below offer very useful considerations for designing codes that address VAW online:

- ERAW Violence Against Women and Girls (VAWG) Code of Practice  
<https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2022/05/VAWG-Code-of-Practice-16.05.22-Final.pdf>
- End Cyber Abuse, Orbits A field guide to advance intersectional, survivor-centred, and trauma-informed interventions to tech abuse (technology-facilitated gender-based violence)  
<https://endcyberabuse.org/orbits/>

**Question 4: What approach do you think we should take to the level of detail in the Code? What role could non-binding guidance play in supplementing the Code?**

Women's Aid believes the code should be quite detailed and prescriptive and therefore we would not recommend approach 2 (a very High-level code).

Our experience, with women contacting platforms to have material taken down, is that it can be frustrating and traumatizing, with women not knowing what to do, who to contact /reporting channels, not getting responses, not knowing timeframes for actions or their rights. It seems



that platforms do not always enforce even their own regulations, especially if harmful content draws a lot of views.<sup>10</sup> Therefore codes need to be enforceable.

We believe the code should be very clear and prescriptive in regard to the responsibilities of VSPS both in terms of prevention and in terms of action when reports are made.

The code should include a commitment to work with hotline.ie and equivalent services in other jurisdictions in relation to removal of CSA and IBSA content.

Non-binding guidance platforms are welcome to help ensure consistency and clarity but there needs to be enforcement of the code, binding rules are therefore more important.

We welcome Coimisiún na Meán's plan to introduce an accompanying guide, and recommend that the guide is inclusive and accessible to all users, including young people.

**Question 5: What do you think would be the most effective structure for the Code? What are the most important factors we should consider when we decide how to structure the Code?**

As the range of content the code will address is quite varied and the level of harm different, Women's Aid believes that it would be useful for the structure of the code to have a separate section for each main

---

<sup>10</sup>[https://www.nbcnews.com/tech/internet/deepfakes-twitter-tiktok-stars-rcna87295?mc\\_cid=adf5fa2110&mc\\_eid=1fd5b6746d](https://www.nbcnews.com/tech/internet/deepfakes-twitter-tiktok-stars-rcna87295?mc_cid=adf5fa2110&mc_eid=1fd5b6746d)

category of content it addresses. This would make the code specific and clear regarding how each harm is addressed.

Image based sexual abuse would have to be one of the major separate sections.

Within each major section there could be similar subsections addressing the relevant measures (Content Policies / T&Cs; Risk Assessments; Content Moderation and Complaints; Online Safety Features; Service Design Measures; Compliance Measures.)

**Question 6: How should we design the Code to minimise the potential for conflict and maximise the potential for synergies in how platforms comply with it and the DSA?**

Women's Aid agrees the code should maximise synergies with the DSA. While we do not have firm suggestions regarding design the code should be designed with the objective to:

- Require commitments (and ensure mechanisms to evaluate) co-operation between platforms to minimize the burn out on a victim/survivor having to deal with multiple platforms relating to a single or connected experience of online harm.
- Require all platforms to have - or sign up to - a meaningful commitment to recognize specific gendered violence and harm that can be affected and perpetuated against women and girls on their platforms. This should include acknowledgement and recognition of intersectional factors which exacerbate harms to

women and girls from minoritized backgrounds and circumstances.

**Question 7: To what extent, if at all, should the Code require VSPS providers to take measures to address content connected to video content?**

As mentioned, there could be content linked to the intimate images shared without consent which could be extremely harmful:

- content that may identify or locate the person or content that falsely suggests the person provides sexual services. For example, women report to us their partners post videos of them on escorts sites, without the woman's consent or knowledge and include their phone number, social media profiles or address. This should also include incidents of 'Doxing' (sharing of personal information about an individual online with a malicious intention) which can include, for example, sharing a video of someone's home and threatening to - or inciting others to - go to their home and harass or do them harm.
- Derogatory, offensive, threatening and abusive comments often features on the sites where intimate videos are posted without consent and increase the victim's trauma.

Women's Aid recommends that the code should provide that:

- Where there is a request for a video to be taken down, all related content and links should also be deleted.

- in any case abusive, misogynistic and violent comments should not be allowed and platforms should be required to develop policies recognizing gendered violence and abuse; setting out both their commitments to eliminating this - and tangible actions to address this in the round on their platforms.

**Question 8: How should we ask VSPS providers to introduce a feature that allows users to declare when videos contain advertising or other type of commercial communications? Should the Code include specific requirements about the form in which the declaration should take? What current examples are there that you regard as best practice?**

Not in our remit.

**Question 9: How should we ask VSPS providers to introduce and design a flagging mechanism in the Code? How can we ensure that VSPS providers introduce the mechanism in a user-friendly and transparent way? How should we ask VSP Providers to report the decisions they've made on content after it has been flagged? To what extent should we align the Code with similar provisions on flagging in the DSA?**

Women's Aid believes that flagging/ reporting mechanisms need to be **visible**, transparent, accessible and free for any users.

As many of the VSPS based in Ireland have an international/global presence, it is vital that these mechanisms are accessible in the local

language/s of the user. It is not good enough for them to be only in English. They should also be designed with the needs of children, young people and people with additional needs and/or disabilities in mind.

Information on reporting mechanisms, detailing what can be expected by the VSPS after a report is made and within which time-frames need to be provided in accessible formats including plain (local) language/s, and need to be easy to locate on the website/platform.

Once a user flags IBSA content, the user should also be shown a message acknowledging the report and summarising what would happen next. The message should also include information on relevant and local (to the country) supports and on the Online Safety Commissioner/equivalent. This should be done considering the safety of the reporter, for example this information should not be automatically retained in the browser or the account of the user.

There should also be an option for offline reporting (phone line) to ensure survivors whose access to the Internet is controlled or monitored by the abuse can report image based sexual abuse safely.

Moreover, there should be options for users with disabilities, for example there should be the possibility to make voice-activated reporting mechanisms for users who may have visual impairments or literacy issues.

Users should be informed of the decision made and reasons for it regarding the flagged content. The way to receive this information should be chosen by the user to maintain their safety.



Women's Aid agrees that it seems a good idea to integrate the flagging mechanism under the DSA and the Code, as this would be a more user-friendly option than having two different mechanisms.

The DSA (Article 16) will require platforms to put in place a notification mechanism for illegal content and require them to process the notifications in a timely, diligent, non-arbitrary and objective manner. This should be integrated into the Code being developed. It is important to make the process for flagging content as straightforward and easy to understand for children and young people as possible. Children in particular may find some of the rules set out in community guidelines confusing or struggle to distinguish between what is illegal and what is legal but prohibited by a service. Requiring users to determine whether they are flagging content under the DSA or the Code would place a significant burden on the user and could act as a deterrent to children and young people flagging illegal and harmful online content.<sup>11</sup>

---

<sup>11</sup> Children's Rights Alliance Submission on Online Safety Code.

**Question 10: What requirements should the Code include about age verification and age assurance? What sort of content should be shown by default to users who are logged out or in private browsing mode and whose age cannot be verified or assured? What evidence is there about the effectiveness of age estimation techniques? What current practices do you regard as best practice? Where accounts are not age verified should default privacy settings be used, should content default to universal content and should contact by others be more limited?**

Women's Aid agrees on user age verification for certain content. Pornography is widely available to children and young people and shapes their understanding of sex and relationships. It harms both girls and boys, by influencing expectations, normalising disrespectful sexual behavior and promoting misogynistic, and often abusive and violent, models of sexual expectation.

Recent Women's Aid research found that:

- The majority of Irish people believe that pornography is too accessible to children, and that it is contributing to gender inequality and to coercion and sexual violence against women and girls.
- 73% of respondents believe that we must end children' and young people's exposure to pornography if we are to foster healthy sex and intimate relationships.

- 75% of people believe that pornography makes children and young people more vulnerable to requests for sexually explicit images and videos.<sup>12</sup>

Age verification is therefore an essential tool, however we do not have an opinion regarding the best technology to be used. We also recommend that access to adult content to users whose age cannot be verified should be restricted. Women's Aid also stress that age verification **alone** cannot be considered a 'panacea'/the only mechanism to protect children and young people and must be considered as one of a range of protective mechanisms.

**Question 11: What requirements should the Code have in relation to content rating? What do you consider to be current best practice? What experiences have you had using content rating systems on platforms and do you think they have been effective? What steps could we ask VSPS to take to ensure content is rated accurately by users?**

No comment.

---

<sup>12</sup> Women's Aid, 2022, It's time to talk about porn Irish attitudes on the links between pornography, sexual development, gender inequality and violence against women and girls. Available here:  
[https://www.womensaid.ie/app/uploads/2023/06/its\\_time\\_to\\_talk\\_about\\_porn\\_report\\_womens\\_aid\\_november\\_2022.pdf](https://www.womensaid.ie/app/uploads/2023/06/its_time_to_talk_about_porn_report_womens_aid_november_2022.pdf)

**Question 12: What requirements should the Code have in relation to parental control features? How can we ensure that VSPS providers introduce the mechanism in a user-friendly and transparent way? Can you point to any existing example of best practice in this area? Should parental controls be 'turned-on' by default for accounts of minors or where age is not verified?**

Women's Aid believes that all online platforms should be safe for everyone. Further, we also believe that the onus of safety should be with the online platform. It should be the responsibility of platforms to ensure that the onus does not fall on users to utilize safety settings, and that their platform is a safe, respectful environment. This should be the case for children and adults alike.

We recommend that safety and privacy setting for minors should be set at maximum safety and privacy by default.

**Question 13: What requirements should the Code contain to ensure that VSPS provide for effective media literacy measures and tools?**

No comment.

**Question 14: How should we ask VSPS providers to address online harms in their terms and conditions in the Code, including the harms addressed under Article 28b? How should key aspects of terms and conditions be brought to users' attention? What examples are there of best practice in relation to terms and conditions including content moderation policies and guidelines?**

Terms and Conditions are very important to make it clear to the users what kind of online behaviour will not be tolerated. They need to be clear and simple, in local languages and accessible to all users. They should not be too long or legalistic, as users will simply not read them and users should sign up to them before being able to upload content, comment, or be an active user on the platform.

We agree that a summary in simple language would be useful and also periodical reminders, particularly if there has been any updates.

Terms and Conditions should make clear the platform commitment to combat the spread of online violence against women and girls (VAWG), and spell out in clear language that gender based violence and misogyny online will not be tolerated.

They should outline how the service will respond to VAWG:

- Including uploading or sharing of intimate images without consent.
- which steps would be taken and commitment to short time-frames for action.





Note that in order to create awareness of non-consensual sharing of intimate images as harmful content, it is important that image-based sexual abuse is specifically **named** and made visible in the T&C and it is not “hidden” in the generic category of illegal content.

Platforms that allow adult content, should make it clear that the consent of all person depicted is necessary **prior** to uploading, and there would be consequences if this requirement is not adhered to. If possible this obligation should be made a legal requirement. We do however also note, and emphasize, that where a woman or young person is subject to coercion and exploitation that consent may ‘appear to be given’ in uploading of content, but that it can be revealed that they were coerced to do so. Therefore, it is vital that platforms recognize this and respond swiftly, and without question, to any subsequent complaint **regardless of** whether there was any initial indication of ‘consent’.

The T&C should also reference the users’ privacy rights under the GDPR, including the right to be forgotten and how to request this.

Moreover, a platform service should be responsible for, and make a written commitment to ensuring that algorithms do not suggest material that is in contravention of the site’s own Terms and Conditions.

**Question 15: How should we ask VSPS providers to address content moderation in the Code? Are there any current practices which you consider to be best practice? How should we address automated content detection and moderation in the Code?**

AI moderation need to be carefully deployed so that it does not operate in a discriminatory way. It cannot completely replace human moderation. There needs to be clear ways for the users to contact a human moderator if they are dissatisfied with the way automated moderation dealt with content and have the automated decision reviews within strict time-frames.

Moderators need to be trained on the various forms of online violence against women and supported in dealing with what is often harrowing and disturbing content. They also need to be culturally competent for the local areas they monitor. They need to also be trained in diversity and inclusion.

There needs to be a sufficient number of moderators appropriate to the size of the platforms. For bigger platforms there could be specific Violence against Women (VAW) moderators, with more in-depth training.

Illegal content, including image-based sexual abuse, should be taken down immediately. If there is any doubt as to whether content does or does not constitute image-based sexual abuse, the code should stipulate that **the content in question will be taken down immediately pending a final decision being made**, to prevent it going viral in the meantime.



Time-frames for taking action on reports may vary depending on the issue being raised. We note E-safety in Australia responds within a **maximum** of 2 business days, often sooner, to reports about child cyberbullying, adult cyber abuse, image-based abuse or child sexual exploitation material. It seems a fair time-frame, provided that such material is taken down pending the more detailed examination of the material in question. It can be reinstated if it is found that it is 'legitimate' content.

If survivors chose to pursue criminal or civil cases against perpetrators, the platforms should provide them promptly upon request with any evidence they have in their system.

Relevant VAW specialist services should be considered trusted flaggers in relation to IBSA and other VAW online content and content flagged by them should be immediately removed while review is pending. Services should be compensated for this role. However, they should not become the **only** flaggers, and users should be able to flag content themselves as well. Specialists VAW services could also have a role in informing the Commission about new trends in harmful VAWG content.

**Question 16: What requirements should the Code include about procedures for complaint-handling and resolution, including out-of-court redress or alternative-dispute resolution processes? To what extent should these requirements align with similar requirements in the DSA? What current practices could be regarded as best practice? How frequently should VSPS providers be obliged to report to the Commission on their complaint handling systems and what should those reports contain? Should there be a maximum time-period for VSPS providers to handle user complaints and if so, what should that period be?**

The code should require that platforms have clear complaint procedures, with appropriate time-frames, including a maximum period.

In particular the code should include specific guidance on complaints about decisions on illegal and harmful content, especially image-based sexual abuse. Women's Aid believes that during any dispute proceedings regarding intimate images shared without consent, such images should be taken down within a fixed, short time frame while the dispute is resolved as a precaution against further sharing, while the status of the images is determined.

Acknowledgment of complaint should be within 24 hours and should specify the next steps and how long they will take. Time-frame for the resolution of the complaint may depend on the type of complaint/s and the potential harm, in any case there should be a maximum period in which a decision is made and remediation action (if any) is completed.

When users report or complain about VAWG or image-based sexual abuse content, their contact details should not be shared with the alleged perpetrator/s. Every effort should be made to protect their data and identity from any third party.

There should be an appeal process. For image-based sexual abuse and other VAW content, the appeal should be examined by a trusted service in the trusted flaggers scheme, or the Online Safety Commissioner.

VSPS services should report on complaints handling system quarterly, they must include how many complaints were made in the period by type of complaint and how they were resolved and the time-frame in which they were solved. Complaints in relation to VAWG content should be visible separately from other types. See Question 22

**Question 17: What approach do you think the Code should take to ensuring that the safety measures we ask VSPS providers to take are accessible to people with disabilities?**

The best approach is to design safety measures together with people with disabilities and/or relevant services from the beginning and not as an afterthought.

However, some suggestions may include (as examples):

- Using clear and inclusive language on all communications, including T&Cs.
- Providing information in multiple formats e.g. video (with captions) as well as text.

- Providing different ways of flagging/making a complaint (voice report, third party report).

**Question 18: What approach do you think the Code should take to risk assessments and safety by design? Are there any examples you can point us towards which you consider to be best practice?**

Women's Aid agrees that the principle of safety by design should be included in the code, and that VSPS should carry out risk assessment of new and existing features on their platforms and how they can be abused by users to perpetrate Violence against women and girls.

For example, platforms should:

- Set users setting to maximum safety by default (with possibility to change for adult users).
- Ensure algorithms do not promote hateful content, including misogynistic content.
- require that users uploading intimate images have to confirm that they have consent of all people depicted in them, and remind them of the consequences should that not be the case. This should be a requirement for each image uploaded, not a once off.
- In relation to consent: where an individual is subject to coercion and exploitation that consent may 'appear to be given' in uploading of content, but it can be revealed that they were coerced to do so. Therefore, there must be a commitment that a platform recognize this possibility and respond swiftly to any



subsequent complaint without question, regardless of whether there was any initial indication of 'consent'.

- Ensure deep fake and nudification technology cannot be used to harm women and children on their platforms.
- Give users control on how their images/video can be downloaded and shared.
- Use digital fingerprinting, to assist with removing offending materials from all platforms and flagging accounts that shared the offending materials.
- Refer users who flag IBSA content to relevant supports in their country.
- Highlight no tolerance of VAWG and IBSA in their T&C and other relevant information.
- Provide visible and easy to access in platform report and complaints mechanisms.
- Giving survivors the option to report through an independent third party reporting platform (e.g. in Ireland hotline.ie). This would allow survivors to report IBSA content uploaded in different platforms once, rather than have to contact each platform. This option needs to be visible and accessible.

Safety by design and risk assessment need to not only focus on the individual but also consider the broader social and cultural harm of not allowing VAWG online and IBSA culture go unchallenged, and what this

means for women's and girl's safety online and offline and for women's and girl's ability to freely engage with the online world.

**Question 19: How do you think that cooperation with other regulators and bodies can help us to implement the Code for VSPS?**

It is important that the Commission works with other regulators at EU and global level to implement the code. In particular, at EU level clarity is needed regarding who is responsible for platforms with HQs in Ireland and the role of regulators in member states and in Ireland.

If a regulator is not the appropriate one for a complaint, the regulator should pass on the complaint to the appropriate regulator (with consent of the user making the complaint) and not ask the complainant to start anew in another jurisdiction.

**Question 20: What approach do you think we should take in the Code to address feeds which cause harm because of the aggregate impact of the content they provide access to? Are there current practices which you consider to be best practice in this regard?**

In certain cases individual pieces of content may not seem harmful, but a number of pieces in the aggregate, on the same or different platforms, may have great negative impact.

When content is flagged, moderators should engage with the user and consider the whole pattern of abuse including on other platforms and



offline, before making decisions regarding appropriateness of content and action to block/remove it.

Platforms should be responsible to design algorithms that do not amplify harmful contents. Platforms should also collaborate with each other both with technology and coordinated responses to create a seamless response that will minimize any need for an individual to have to engage multi-laterally with different platforms in respect of the same complaint.

**Question 21: Do you have any views on how requirements for commercial content arranged by a VSPS provider itself should be reflected in the Code?**

This is outside our remit.

**Question 22: What compliance monitoring and reporting arrangements should we include in the Code?**

In relation to VAWG and image-based sexual abuse (IBSA) content, VSPS should be required to monitor and report quarterly to the Commission on:

- Preventative measures taken to limit VAWG online and in particular to prevent the spreading of IBSA content, including risk assessment carried out.
- How many trained moderators they have available to monitor these issues specifically.

- Number of IBSA/ misogynistic videos flagged, outcomes and time-frames.
- Number of complaints received, outcomes and time-frames.
- Number of videos promoting VAWG removed.
- Number of videos with IBSA content removed.
- Number of accounts closed or blocked.
- Data should include details on race, sex/gender, gender identity and other protected characteristics of depicted victims and information on whether content was flagged automatically, by moderator, by targeted individual or third party.

Moreover, VSPS should commit to release non identifying data to bona fide researchers.

**Question 23: Should the Code have a transition period or transition periods for specific issues? Which areas touched on in this Call for Inputs may VSPS providers require time to transition the most? What time frame would be reasonable for a transition period?**

No comment.

## Conclusions

While this code addressed VSPS specifically, the issues highlighted in this submission are relevant for other online services and social media as well. Since digital abuse is not compartmentalised and can be carried

out through different platforms there should be synergy and complementarity between codes for different types of platforms and services when these are developed in the future.

Women's Aid believes we cannot rely on platforms only to enforce codes only and that the Online Safety Commissioner should have a strong monitoring and enforcing role.

While hotline.ie has been very successful in getting content removed in the majority of cases, they only have “soft power” to do so and lack the ability to issue binding take down orders. They are also limited to residents of Ireland and public websites/platforms therefore many of the platforms and websites implicated in abuse are not currently covered by this service. EU residents wishing to make a report against a platform headquartered in Ireland cannot avail of hotline.ie and it is not clear who would be able to assist them.

Women's Aid recommends that the role of the Online Safety Commissioner is expanded to include responding to individual complaints of image-based abuse and other harmful content and facilitating their removal, at least in cases outside the remit or power of hotline.ie. Failing that, that the Online Safety Commissioner would at least have an appeal role in relation to take-down requests, as recommended in the Law Reform Commission report.<sup>13</sup>

---

<sup>13</sup> Law Reform Commission, 2016, Final Report on Harmful Communications and Digital Safety, page 143, Paragraph 3.77, [https://www.lawreform.ie/\\_fileupload/Reports/Full%20Colour%20Cover%20Report%20on%20Harmful%20Communications%20and%20Digital%20Safety.pdf](https://www.lawreform.ie/_fileupload/Reports/Full%20Colour%20Cover%20Report%20on%20Harmful%20Communications%20and%20Digital%20Safety.pdf)



Women's Aid are grateful for the opportunity to submit on this very important piece of work and are available to discuss any aspect of our submission with Coimisiún na Meán on request.