

The Rt Hon Chloe Smith MP
Secretary of State for Science, Innovation and Technology
Sent by email

14 June 2023

Dear Secretary of State,

Online Safety Bill: Animal cruelty & wildlife trafficking

On behalf of seventeen animal protection and anti-trafficking organisations, we are writing to express our disappointment at the Government's rejection of an amendment recently tabled to the Online Safety Bill concerning animal cruelty.

The amendment (134), tabled by Lord Stevenson of Balmacara and the Lord Bishop of St Albans, and advocated for in Lords committee on 25.05.23 by Baroness Merron and Lord Clement-Jones¹, would have added animal cruelty offences to the list of priority offences set out in schedule 7 of the Bill.

We strongly disagree with the response from Viscount Camrose, speaking for the Government, which suggested that animal cruelty offences were not appropriate for schedule 7 as they "*cannot be committed online*".

This assertion fails to reflect the reality of online animal cruelty content, which typically consists of videos specifically created for user-to-user platforms where perpetrators inflict harm on animals for the enjoyment of viewers, sometimes with features allowing viewers to suggest real-time actions for the abuser to commit.² In this sense, there is little to differentiate online human cruelty content and online animal cruelty content. Additionally, research has established a direct link between animal cruelty and violence towards humans.³

Wildlife trafficking crimes, just like the drug dealing offences already included in schedule 7, are directly enabled by user-to-user platforms, which can serve as online forums for this form of crime. User to user services have supercharged wildlife trafficking by providing a means for traffickers to connect, buy and sell endangered animals. Wildlife trafficking crimes increasingly have a cyber component to them, usually involving social media or eCommerce platforms, or messaging apps - all user-to-user services. Evidence provided by the Alliance to Counter Crime Online quotes the National Wildlife Crime Unit as saying that, as a result of these trends, cyber-enabled wildlife crime has become "*one of the areas of priority focus within the UK*".⁴

The unfortunate decision not to include wildlife trafficking as a priority offence will hamper those law enforcement units working to fight the problem.

¹ <https://hansard.parliament.uk/lords/2023-05-25/debates/A33279F3-CCAB-4964-9575-E6192DD5DDA6/OnlineSafetyBill>

² <https://www.smaccoalition.com/smacc-report>

³ [Animal Cruelty and Domestic Violence - The Link Between Cruelty to Animals and Violence Toward Humans \(aldf.org\)](https://www.aldf.org.uk/animal-cruelty-and-domestic-violence-the-link-between-cruelty-to-animals-and-violence-toward-humans)

⁴ <http://www.nwcu.police.uk/how-do-we-prioritise/priorities/cyber-enabled-wildlife-crime>

In light of this information, we urge you to again consider the case for adding both animal cruelty and wildlife trafficking offences to schedule 7 of the Bill. These online crimes inflict serious harm on children who come into contact with them⁵, the stated criteria for inclusion in schedule 7. Recent polling undertaken by the RSPCA showed that 46% of those polled had seen cruelty to animals online at Facebook, 20% on Twitter and 14% on Tiktok the latter rising from 11% in the past year.⁶

In addition, we believe that there is an opportunity to do more to address online animal cruelty and wildlife trafficking through published Government guidance in relation to the Bill. This opportunity was helpfully highlighted by Viscount Camrose in his response to amendment 134. He suggested that the duties the Bill imposes upon user-to-user service providers to better enforce their terms of service (clauses 9 & 11) and to improve their content reporting and compliance systems (clauses 16 & 17) could be particularly useful in tackling animal cruelty and wildlife trafficking.

On this point, we agree with the Minister. Extensive research carried out by the Social Media Animal Cruelty Coalition (SMACC) has found that user-to-user service providers currently often fail to remove animal cruelty videos when reported, despite them being in clear contravention of platform policies - less than 50% of links reported by the coalition since 30 August 2021 have been removed (47%).⁷

Given this example of the need for the application of clear duties of care, created by the Bill, we believe that it would be both appropriate and useful to directly cite animal cruelty and wildlife trafficking content in published guidance to aid the implementation of the Bill. Such guidance should explicitly set out that, in order to comply with clauses 9, 11, 16 & 17, user-to-user service providers must ensure that their terms of service, content removal processes and complaints systems enable the swift reporting and removal of content that constitutes animal cruelty and wildlife trafficking offences.

The use of these highly relevant subject areas as examples of guidance on how the Bill should be implemented would helpfully illustrate how these duties should be applied. This illustration would also directly aid efforts to reduce animal cruelty content and wildlife trafficking content online. Clear explanation of how the Bill will make it easier for individuals, campaigners, police forces and others to take action to remove online animal cruelty and wildlife trafficking content from online platforms will make a huge difference to global efforts to tackle these crimes, demonstrating international leadership from the UK.

We would be happy to assist by providing any material to facilitate and support this use of relevant examples to deliver effective guidance on Bill implementation.

The general duty in the Bill requiring user-to-user service providers to take specific action to protect children from 'priority' content that is harmful to children also provides an opportunity to reduce animal

⁵ There is an abundance of evidence which demonstrates that viewing acts of cruelty towards animals can cause psychological harm to children, references can be found here: https://www.wcl.org.uk/docs/assets/uploads/Online_Safety_Bill_Briefing_animal_cruelty_trafficking_content_12.04.23.pdf

⁶ <https://www.rspca.org.uk/-/news-reports-of-animal-abuse-doubled>

⁷ https://docs.google.com/document/d/1niHh_zpkIR4uvWS7InNU02D3hNGoMUKIZdpCb3WH1dQ/edit#heading=h.i6hg9okikpw3

cruelty and trafficking content. Both content types should be designated as priority content in the secondary legislation that will follow the Bill, given the strong evidence of the harms they cause to children.⁸

Thank you for your consideration of these suggestions, and for any renewed deliberation by your department of the case for recognising animal cruelty and wildlife trafficking as priority offences within the Online Safety Bill.

Yours sincerely,

Sonul Badiani-Hammett, Country Director, FOUR PAWS UK
Claire Bass, Senior Director Campaigns and Public Affairs, HSI UK
David Bowles: Head of Public Affairs and Campaigns, RSPCA (England and Wales)
Matt Browne, Head of Policy & Advocacy, Wildlife & Countryside Link
Chris Butler-Stroud, CEO, Whale and Dolphin Conservation
Nedim C Buyukmihci, V.M.D, Co-founder, Action for Primates
Sarah Carr, CEO, Naturewatch Foundation
Jan Creamer, President, Animal Defenders International
Tricia Croasdell, UK Country Director, World Animal Protection
Jamie Gilardi Ph.D., Executive Director, World Parrot Trust
Frances Goodrum, Head of Campaigns and Programmes, IFAW UK
Iris Ho, Head of Campaigns and Policy, Pan African Sanctuary Alliance
Nina Jackel, Founder, Lady Freethinker
Andrew Kelly Ph.D., Director, Freedom for Animals
Gretchen Peters, Executive Director, Alliance to Counter Crime Online
Ian Redmond OBE, DSc(hc), Chairman, Ape Alliance, Head of Conservation, Ecoflox
Will Travers OBE, Executive President, Born Free Foundation

Replies can be sent to matt@wcl.org.uk

CC:

Viscount Camrose, Parliamentary Under Secretary of State, Department for Science, Innovation and Technology

The Rt Hon Lord Benyon, Minister of State (Minister for Animal Welfare), Department for Environment, Food and Rural Affairs

The Rt Hon Lord Goldsmith, Minister of State (Minister of State (Energy, Climate and Environment), Foreign, Commonwealth & Development Office

Lord Stevenson of Balmacara

The Lord Bishop of St Albans

Baroness Merron

Lord Clement-Jones

⁸ https://www.rspca.org.uk/-/16_10_18_genkind#:~:text=Nearly%20a%20quarter%20of%20schoolchildren,generations%20have%20simply%20not%20experienced.