

## Online Safety Bill: Animal cruelty & wildlife trafficking content Briefing for Lords report stage

This briefing has been produced ahead of Lords report stage of the Online Safety Bill by environmental coalition Wildlife and Countryside Link ([Link](#)). It welcomes Government amendment 172, which adds content showing animal cruelty to the category of 'priority content' within the Bill and makes the case for amendment 180 which would enable further action to be taken. The briefing also supports amendment 180A, which would help to tackle online content that enables wildlife trafficking.

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### Animal cruelty content

Previous stages of the Bill<sup>1</sup>, and an oral question in the House of Lords on 27 June<sup>2</sup>, have considered the growth of animal cruelty content online. This content, recently the subject of a BBC investigation<sup>3</sup>, typically consists of videos specifically created for social media sites where perpetrators inflict harm on animals for the enjoyment of viewers.

The argument that viewing such content harms children<sup>4</sup>, and as such should be included within the scope of the Online Safety Bill as legislation primarily designed to keep children safe online, has now been accepted by the Government.

**Government amendment 172**, tabled ahead of report stage<sup>5</sup>, defines content that depicts serious violence against an animal as 'priority content' harmful to children. This means that, under the duties in Part 3 of the Bill, online service providers are required to use proportionate systems and processes to prevent children from encountering animal cruelty content. This amendment is very welcome, and we urge all peers to support it. We are grateful to all the peers who have argued for this addition to the Bill over recent months.

However, we believe that there is scope for the Bill to do more to combat online animal cruelty. The inclusion of animal cruelty offences within schedule 7 of the Bill would define these offences as 'priority illegal offences'. Schedule 7 requires online providers to actively monitor content showing priority illegal offences, and to remove it at once when found. This would require service providers to prevent animal cruelty content being available online at all, as opposed to simply taking steps to prevent children from being able to access it.

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<sup>1</sup> See previous Link briefing:

[https://www.wcl.org.uk/docs/assets/uploads/Online\\_Safety\\_Bill\\_Briefing\\_animal\\_cruelty\\_trafficking\\_content\\_12.04.23.pdf](https://www.wcl.org.uk/docs/assets/uploads/Online_Safety_Bill_Briefing_animal_cruelty_trafficking_content_12.04.23.pdf) & letter from civil society:

[https://www.wcl.org.uk/docs/assets/uploads/Letter\\_to\\_SoS\\_Online\\_Safety\\_Bill\\_animals\\_14.06.23.pdf](https://www.wcl.org.uk/docs/assets/uploads/Letter_to_SoS_Online_Safety_Bill_animals_14.06.23.pdf)

<sup>2</sup> <https://hansard.parliament.uk/lords/2023-06-27/debates/E3463218-952D-4F55-AB36-EFA805CCB9AD/AnimalTortureOnlineVideos>

<sup>3</sup> <https://www.bbc.co.uk/news/extra/lot1dlWVS5/hunting-the-monkey-torturers>

<sup>4</sup> [https://www.rspca.org.uk/-/16\\_10\\_18\\_genkind](https://www.rspca.org.uk/-/16_10_18_genkind)

<sup>5</sup> <https://bills.parliament.uk/publications/52137/documents/3783>

During committee debates, the Government pushed back against the suggestion animal cruelty offences should be added to schedule 7, with the Bill Minister stating:

*“The offences in this schedule are primarily focused on where the offences can be committed online—for example, threats to kill or the unlawful supply of drugs. The offences that the noble Baroness proposes cannot be committed online.”<sup>6</sup>*

We do not agree that animal welfare offences cannot be committed online. The nature of animal cruelty content videos, as set out in the recent BBC investigation and detailed through a series of reports compiled by the Social Media Animal Cruelty Coalition (SMACC)<sup>7</sup>, is that they are specifically commissioned for online viewing. The offences would not take place if the online audience was not there to view it, the online aspect is fundamental rather than incidental.

There is a direct equivalence with the extreme pornographic images offence already included in schedule 7. With both animal cruelty and extreme pornography, the offences are committed solely to create content for online consumption. As a result, the crime effectively takes place online. This argument has been accepted for extreme online pornography offences; it should be accepted for online animal cruelty offences.

As such **amendment 180**, tabled by Baroness Merron and Lord Clement-Jones, is an essential addition to the Bill. The amendment would require the Government to consider this argument further, to review whether offences under the Animal Welfare Act 2006 (the main Act under which animal cruelty offences occur) can take place online, and to add them to schedule 7 as priority illegal content if so. The amendment would also require the Government to consider whether online animal cruelty could constitute offences under the Communications Act 2003 and be added to schedule 7 on that basis.

We strongly urge peers to support this amendment, which would ensure that all the opportunities to tackle animal cruelty content through the Online Safety Bill are fully explored.

### **Wildlife trafficking content**

The role that online providers play in facilitating another crime that harms animals, wildlife trafficking, also needs to be addressed through the Online Safety Bill. Amid a global extinction crisis that the UK government has pledged to reverse<sup>8</sup>, bustling markets for endangered wildlife products and exotic pets are to be found on the world’s largest social media platforms, including Facebook, Instagram, Snapchat and WeChat.<sup>9</sup>

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<sup>6</sup> See committee stage debate on 25 May:  
<https://hansard.parliament.uk/lords/2023-05-25/debates/A33279F3-CCAB-4964-9575-E6192DD5DDA6/OnlineSafetyBill>

<sup>7</sup> See published SMACC reports here:  
<https://www.smaccoalition.com/smacc-report>  
<https://www.smaccoalition.com/wild-pets-report>  
<https://www.smaccoalition.com/teasing-report>

<sup>8</sup> <https://www.gov.uk/government/topical-events/london-conference-on-the-illegal-wildlife-trade-2018/about>

<sup>9</sup> See 2020 ACCO report: <https://www.counteringcrime.org/wildlife-sales-on-facebook>

This growth has been driven by algorithmic recommendation tools on social media sites that provide traffickers a cost-free mechanism for instantly reaching potential customers around the planet, in an environment that provides illegal actors a great deal of anonymity and even payment systems.<sup>10</sup> In just a few clicks, it's easy to find online pages, groups and postings selling wildlife products made from endangered species such as elephant ivory and marine turtle shells, as well as live animals themselves, as detailed into a recent BBC investigation into the cyber-enabled illegal parrot trade.<sup>11</sup>

It is for this reason that cyber-enabled wildlife crime has become a priority focus of the UK National Wildlife Crime Unit, as the majority of wildlife cases they now investigate have a social media or eCommerce component to them.<sup>12</sup>

In light of this growth in the online facilitation of wildlife trafficking we strongly support **amendment 180A**, tabled by Lord Clement-Jones. The amendment would require the Government to review whether animal trafficking offences qualify for inclusion in schedule 7 of the Online Safety Bill. These offences would usually be committed under the Control of Trade in Endangered Species Regulations 2018 (COTES).

Wildlife trafficking crimes, just like the drug dealing offences already included in schedule 7, are directly enabled by social media sites, which can serve as online marketplaces for this form of crime. For the same reasons as offences under the Misuse of Drugs Act 1971 are included, offences under the Control of Trade in Endangered Species Regulations 2018 (COTES) should be included in schedule 7, requiring service providers to swiftly remove content that facilitates wildlife trafficking offences from their sites.

The internet provides a forum for a wide range of serious criminal activities. The Online Safety Bill should crack down on all of these forms of crime, including the ecologically devastating trafficking offences which social media sites continue to facilitate.

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Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 75 organisations to use their joint voice for the protection of the natural world and animals.

This briefing is also supported by [Humane Society International](#) (UK)

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7 July 2023

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<sup>10</sup> <https://www.counteringcrime.org/wildlife-fact-sheet>

<sup>11</sup> <https://www.bbc.co.uk/news/technology-60247540>

<sup>12</sup> [www.nwcu.police.uk/how-do-we-prioritise/priorities/cyber-enabled-wildlife-crime](http://www.nwcu.police.uk/how-do-we-prioritise/priorities/cyber-enabled-wildlife-crime)