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Dear Convener,

Thank you for your letter of 29 June 2023 following the Criminal Justice Committee's evidence session of 31 May 2023 on tackling online child abuse, grooming and exploitation.

I am grateful to the Committee and participants in the evidence session for their careful consideration and feedback on their priorities for action in this area.

The Scottish Government is clear in its commitment to securing the online safety of children and young people. We are taking a range of actions to achieve this including funding third sector organisations involved in safeguarding, preventing and responding to child sexual abuse and exploitation, and delivering campaigns that are aimed at parents and carers to keep children and young people safe online. We have also revised our National Child Protection Guidance to support local areas develop effective, evidence-based responses to child sexual abuse and exploitation.

Improving online safety for children

While the regulation of internet services is reserved, the Committee are aware of our engagement with the UK Government's on the Online Safety Bill and our successful efforts to strengthen protections for children and young people through the measures proposed in the Bill.

As noted in your letter, this includes recent commitments from the UK Government on amendments which address concerns raised by the First Minister in a letter to the Secretary of State on 4 May 2023.

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The UK Government has confirmed that lists of ‘primary priority’ and ‘priority’ content that are harmful to children will now be on the face of the Bill, in a welcome change from the original intention to prescribe these categories in regulations. This raises the profile of the impact of violent online content, including cyberbullying, online abuse and harassment, and will ensure that service providers covered by the Bill will be in no doubt of their responsibilities to take action against these harms and proactively protect children from encountering them online.

Abuse or bullying, online and offline, is totally unacceptable, and I remain extremely concerned about online content involving bullying and violent attacks, including in schools and on public transport, being available to young people in Scotland on social media platforms. These troubling incidents, some of which have the potential to cause serious harm or injury to our children and young people, must receive our full attention. The Scottish Government remains committed to taking action to tackle the issue of violent content on online platforms and I continue to call on the UK Government to do the same.

You may be aware that the Cabinet Secretary for Education and Skills committed to convening a summit on behaviour in schools in the coming months. A multi-stage approach is planned to ensure the issues are considered in detail and will involve a number of partners, including teacher representatives. The outputs from the summit along with our longitudinal Behaviour in Scottish Schools Research will be used to inform our future policy actions in this area.

Your letter also sought our view on other measures the UK Government should consider improving online safety for children. We welcome wider changes to the Bill which the UK Government confirmed in their reply to the First Minister’s letter, including introduction of a new communications offence of intentionally encouraging or assisting serious self-harm, and we support the application of that offence in Scotland, as provided for by the Bill.

There are a number of further opportunities for the Bill to be further strengthened to keep children and young people safe online. These include, but are not limited to: introducing stronger ‘safety by design’ duties on companies to actively eliminate or reduce the risk of exposing children to harm; stronger age verification requirements on the part of pornography providers, including confirmation of consent of individuals depicted in pornographic content; greater consideration of how to future-proof legislation against threats to children and young people posed by emerging technology including Artificial Intelligence (AI) and Immersive and Virtual Reality (VR) technology; and introduction of a mandatory code of practice on Violence Against Women and Girls to ensure providers recognise and act to prevent the disproportionately gendered impact of online abuse against girls and women.

I am aware a number of these suggestions have been the subject of proposed amendments to the Bill, and we will continue to closely monitor the Bill’s progress. We will also continue to engage our partners including Police Scotland, Education Scotland, third-sector organisations and professional bodies to identify any further areas where Bill provisions can be strengthened.

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Understanding the scale of child sexual abuse

As highlighted in your evidence session, there is need to improve data about the prevalence of child sexual abuse and exploitation. This is an issue that is not unique to Scotland and is experienced in other UK nations and international jurisdictions. For example, Recommendation 1 of the final report of the Independent Inquiry into Child Sexual Abuse in England and Wales calls for the improvement of data collection around child sexual abuse.

Collecting data is challenging for a number of reasons including the nature of this type of abuse, and challenges around collecting such data in a trauma-informed manner which supports and protects child victims. While it is acknowledged that enhanced data could support more effective policy and interventions to better prevent, identify and address child sexual abuse, we are clear that this must be achieved in ways that avoid re-traumatisation for children and young people.

The main national source for information on child abuse is the [Children's Social Work Statistics](#), which contains a range of information on children in the child protection system including information on concerns identified (including, among others domestic abuse, neglect, emotional abuse, physical abuse, sexual abuse and child sexual exploitation). Information is also available on referrals from the Scottish Children's Reporter Administration. Information on the types of abuse that constitute a crime against a child are available from Police Scotland.

Taken together, these data collections provide vital information on both victims and perpetrators of crimes. Whilst not prevalence studies, these collections provide a significant foundation to our understanding of the scale and nature of the abuse and exploitation experienced by children and young people.

We are committed to continuing to work with our analysts and partners to improve the collection, reporting and use of data on child sexual abuse and exploitation. This includes work to enhance analysis of Initial Referral Discussion (IRD) data to better understand the scale and nature of child protection concerns. This and other data improvement activities will drive improvements in policymaking, earlier intervention and inform resourcing and capacity planning in children's services.

National strategy to tackle sexual harm in Scotland

Your letter highlighted that some witnesses called for an overarching sexual harm strategy for Scotland. As previously outlined to the Committee in a letter from my predecessor in July 2022, we are committed to ensuring that robust child protection measures are in place across Scotland and the Scottish Government are taking forward a wide range of work with our partners to both prevent abuse and intervene early to ensure that risk and harm to children and young people is recognised and acted on quickly and effectively.

Cross-directorate Government-supported work-streams deliver actions to prevent and protect children in Scotland from child sexual abuse and provide appropriate support to victims and survivors of sexual harm. This includes funding to support a range of activity and programmes with a particular focus on early intervention and prevention. All of our work in this area recognises the links to online exploitation, and as outlined above, we will continue

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to liaise with the UK Government and Ofcom on the Online Safety Bill to ensure it effectively reduces the risk of vulnerable groups encountering, or being subject to, sexual harm.

The breadth of work happening across Government is such that we do not think that a national strategy to tackle sexual harm in Scotland is required at this time. We will however keep this decision under review.

Improving prosecution of child sexual abuse and exploitation

Your letter also sought an update on our discussions with Police Scotland and the Crown Office and Procurator Fiscal Service (COPFS) in relation to legislation on tackling online child sexual abuse. Officials met with Police Scotland colleagues in April 2023 to further discuss the areas highlighted in the evidence session. A further discussion involving COPFS is planned in the near future to further explore the issues raised. The areas of law raised are complex and I would be pleased to update the Committee on progress in this consideration in due course.

Thank you again for your letter and I trust this response has been helpful in addressing the queries and issues raised in the evidence session.

Yours sincerely



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