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Second Reading in the House of Commons 19 April 2022

Briefing for Members of Parliament on Online Safety Bill:

Protecting Black Women from Online Abuse

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Online Safety Bill: Protecting Black Women from Online Abuse

Glitch's work centres the experience of Black women and non-binary people, who are disproproptionately impacted by online abuse and routinely harmed by racist and misogynistic online harassment and violence. By protecting the most vulnerable groups online, we better protect everyone.

Women are 27 times more likely than men to be harassed online, and Black women are up to 84% more likely than white women to face online abuse. Glitch and the End Violence Against Women Coalition's joint 2020 research The Ripple Effect shows an increase in online abuse during the first Covid-19 lockdown, which again was worse for Black women and non-binary people.

The UK Government stated its intentions for the Online Safety Bill was to make the UK the safest place to be online. And yet the Online Safety Bill does not mention online gender-based violence once. **Over 60,000 people have signed Glitch and the End Violence Against Women Coalitions petition calling for women and girls to be named in the Bill. The time to act is now.**

We all have a right to not just survive online but to thrive, to engage and play online and not have our freedom of expression curtailed or our voices silenced by perpetrators of abuse. The online space is just as real as the offline space. The Online Safety Bill is our opportunity to create safe digital spaces. The Bill must name the problem: violence against women and girls, particularly those who have one or multiple protected characteristics, is creating harm and inequality online. We must actively and meaningfully name this issue, taking an intersectional approach to ending online abuse, to ensure the Online Safety Bill brings meaningful change for all women.

The time to reshape the Online Safety Bill is now - we must ensure that women and girls are not left out and left behind. Glitch urges Members of Parliament to attend the Second Reading of the Online Safety Bill on 19th April to raise concerns around the shortcomings of the Bill so we can achieve a safer online experience for all.

Glitch's Concerns with the Online Safety Bill:

Including Women and Membership of Certain Groups & Characteristics

- The Bill takes a gender-neutral approach to the highly gendered issue of online abuse - we know that a gender-neutral approach cannot deliver for women, girls and non-binary people.

- Women and girls, sexism and misogyny are not included in this Bill - by not explicitly naming these aspects of online harms and abuse, they will not be addressed adequately within this regime.

- The Bill has been weakened with regards to abuse and discrimination across characteristics (e.g. Black women experiencing abuse related to gender/sex and race). While the Draft Online Safety Bill spoke of ' a member of a class or group of people with a certain characteristic (or combination of characteristics) targeted by the content' (clause 15 7b), the removal of the parenthesis that allows for multiple characteristics in the new Online Safety Bill is reversing progress that had been made in the last year of evidence sessions and discussions , for example seen in clause 10 6d :'…which particularly affects individuals with a certain characteristic or members of a certain group'.

- The social media business model uses the attention economy to drive profits regardless of whether content is harmful or unsafe - this approach drives users towards outrage, as discussed by Facebook Whistleblower Frances Haugen in front of the Pre-legislative Committee on the Draft Online Safety Bill, and leads to profitisation from harm . By not adequately addressing the ahborantly disproportionate levels of online abuse targeting Black women in the Online Safety Bill, this law will fail to end the profitisation of violence towards Black women that is bankrolling social media companies.

- Women and girls are deliberately targeted by online abuse, as are Black communities, in a manner which suppresses progress towards racial and gender equality and damages our society nationally and globally.

- Racism, sexism, ableism, transphobia and homophobia in sport will not be adequately eliminated if we do not change the fact that social media companies do not take a strong stance against systemic forms of abusive repression that is pervasive both online and offline.

- Lessons from the vile and degrading treatment of women and girls online through gaming has not been adequately factored into the design of plans for the Metaverse or to current Virtual Reality spaces where sexual violence is already been perpetrated, to both women and girls, including young children. This means the Bill is already failing at keeping up with developments in technology.
- To tell women and girls to leave online spaces, (from social media platforms to the Metaverse) in order to mitigate the violence and abuse thrown at us is to tell us to remove ourselves from society, to limit our economic opportunities, to allow international social media companies, but not ourselves, to profit from our online presence and set the social standards for our society in the UK, both online and offline.

Recommendations:
- Women and girls must be named on the face of the Online Safety Bill and not left to secondary legislation, with sexist and misogynistic abuse recognised.
- As done in previous drafts, the Bill must appropriately reflect the nature of abuse based on multiple, intersecting characteristics, such as race and sex/gender in relation to Black women.
- Regulations to improve women's online experiences must also include emerging tech such as Virtual Reality spaces and the Metaverse.

Online Abuse Against Women & Violence against Women and Girls

- Violence against women is not named in the bill and will therefore not be prioritised by tech companies or by OFCOM, including not being fully reflected or included in the list of priority offences or in the mandatory Codes of Practices. The bill therefore does not currently create any levers of accountability for tech companies regarding online gender based violence.
- The Petitions Committee made strong recommendations to try to ensure that violence against women and girls is included in the Online Safery Bill. We have been concerned by the [Government's response to the Committee's recommendations](#) in relation to online violence against women.
- The list-based approach to priority harms is very narrow and will do little to address the vast majority of gendered online violence and abuse.

- Cyberflashing offences and rape threats are a subsection of online VAWG; we are concerned that the wide spectrum of online VAWG is not accounted for within the regime as it is not named.

- The current approach to criminalising cyberflashing is inappropriate and disregards expertise of the VAWG sector and academic experts such as the recommendations of Professor Clare McGlynn. The intent-based approach, as recommended by the Law Commission, is not supported by the specialist sector and deemed to be unenforceable, whereas a consent based approach is victim centred and in line with expert opinion on the issue. Also, the approach to criminalising cyberflashing currently carries a potential sentence of two years in prison, this is not proportionate or in line with a public health approach on the matter based on building Digital Citizenship (media literacy).

- We are also concerned that the removal of the vast majority of provisions around media literacy will lead to a lower level of awareness around good digital citizenship, while criminalising marginalised communities who are routinely disproprotionately criminalised by the criminal justice system.

- Funding is needed for specialist VAWG sector services and online abuse charities and organisations supporting survivors of online gender-based violence.

- Tech companies will not prioritise VAWG if not explicitly prioritised in the bill over the priorities named in the bill such as CSEA and terrorism. To ensure tech companies do priorise ending violence against women on their platforms, this must be prioritised and VAWG Codes of Practices mandated.

- There must be a joined up approach between ongoing VAWG and Equalities work currently being undertaken by the Government. While we welcome the Home Office's renewed commitment to calling 'Enough' on Violence against Women, there was a lost opportunity when the Enough campaign launched and did not include any elements of online gender-based violence; the current version of the Online Safety Bill, launched within days of the 'Enough' campaign not only did not include reference to VAWG as has been discussed, even the rhetoric around the bill did not include women or violence against women, unlike the rhetoric when the draft Online Safety Bill was published last year.

- Glitch is working in partnership with the End Violence Against Women Coalition, Refuge, Carnegie Trust, 5 Rights, NSPCC, academics Professor Lorna Woods and Professor Clare

McGlynn to develop a VAWG Codes of Practice, which we hope will serve as an example of how a mandatory VAWG Code of Practice could fit within the regime.

Recommendations:

- Online violence against women must be included throughout the OSB, named in the list of priority harms, included in mandatory Codes of Practice and explicitly named as a priority for tech companies to adequately tackle on their platforms.

- A list-based approach to priority harms must not be narrow and must reflect the prioritation of violence against women broadly.

- Specific offences such as that of cyberflashing and rape threats should be shaped by the expertise of the violence against women sector and academics, and not ignore advice for example round the intent-based approach with has been deemed unworkable and inadequate.

- Public awareness of online violence against women is key to societal change around online abuse and must be included adequately in the Online Safety Bill, alongside strong media literacy provisions.

- The criminalisation of VAWG offences must not lead to the disproportionate criminalisation of Black and ethnic minoritised males.

- A 'polutors pay' model should be implimented to fund specialist services such as the violence against women sector and charities that work on ending online abuse via a Tech Tax model (see below).

- A mandatory VAWG Code of Practice must be included in the OSB to ensure that online gender-based violence is prioritised by tech companies.

- Home Office's campaign calling enough on violence against women must include online abuse and violence against women.

- The Government should reassess its position on the Petition Committees' recommendations in relation to VAWG to ensure that online violence against women is included in the OSB, rather than passing a law that 'could' deal with some aspects of VAWG rather than ensuring that it will.

Harm to Adults

- The Online Safety Bill is currently weak regarding harm to adults and we share concerns raised by Carnegie UK that one cause for this is that the types of harms that will be prioritised are unknown and will not be set out until the Bill has received Royal Assent.
- Category 1 platforms as currently drafted will be based on size alone and not risk, which is concerning. We echo the calls from the Antisemitism Policy Trust to include risk as a factor in the classification of Category 1 platforms to increase the protection of autuls from small but deeply harmful platforms.

Recommendations:
- The list of types of priority harms should be decided prior to Royal Assent to allow parliamentarians to scrutinise and strengthen the list and ensure it is fit for purpose.
- Category 1 platforms should be determined by risk, as well as size, to ensure small platforms with high levels of harmful content are adequately included within this regime.

Harm to Children

- While the bill may now be strengthened regarding provisions to children, we are concerned that the gendered nature of online safety for girls, boys and non-binary children is missing. Children are named 390 times in the bill - despite evidence, for example from Girlguiding, showing the gendered nature of online abuse against children, provisions around children are gender-neutral in the bill.
- Treating children and adults as entirely separate and unrelated when it comes to online abuse does not make sense - reaching the age of 18 should not expose social media users to exponential levels of online harms.

Recommendations:
- The gendered nature of online harms against children should be reflected throughout the regime of this legislation, including on the face of the bill and in the mandatory Codes of Practice.

- There should be a mandatory VAWG Code of Practice which reflects the experiences of girls, young women and older women rather than siloing the experiences of online harms experienced by females throughout childhood, adolescence and adulthood.

Structure of the Bill

- Media literacy provisions in the bill have been all but removed. This is deeply concerning because adequate media literacy has the potential to build a good foundation for digital citizenship where online behaviour is improved through a greater understanding that our online experiences are as real as our offline experiences. Media literacy includes the identification of mis- and disinformation - such as being able to identify sexist/misogynistic disinformation, which is used as a weapon against women in public life for example, but it is much broader and must extend beyond our educational institutions to include people in all stages of life, many of whom have had little to no ICT training or formal media literacy training at all, and yet are daily internet users.

- Verification approaches that leave good actors who legitimately use anonymity online to a more harmful, siloed online experience is problematic and must be avoided.

- Verification models that are easily side-stepped, for example through the use of VPNs must be taken into consideration.

- [According to the Digital Secretary](#), the Online Safety Bill has been deliberately designed to stop politicians interfering with OFCOM's work once the bill has reached Royal Assent. This means that the bill needs to adequately address online gender-based abuse now - there will be no second chances to fix this important legislation.

- Freedom of expression is not the freedom to abuse others. Hate speech and hate crime offline is unacceptable. We should not allow hate online to silence women and those disproportionately impacted and deliberately targeted by online abuse. We all have a right to live with dignity and to live free from fear, intimidation, threats and violence.

Recommendations:
- Media literacy should be strengthened in the bill, and not allowed to be effectively removed.

- Verification and changes to online anonymity must not silo those who use anonymity for legitimate purposes in an unsafe tier of social media.

- Set out priority harms before Royal Assent to allow parliamentarians to adequately scrutinise the listed harms to ensure they are fit for purpose and will lead to increased online safety and decreased experiences of online harms.

- Arguments around protecting freedom of speech must not forget the systematic and deliberate silencing of those affected by online abuse and online gender-based violence, whose freedom of expression and speech is deliberately curtailed.

Tech Tax

- As the UK Government looks to introduce new laws to make the UK the safest place to be online, we are urging the Chancellor of Exchequer to ring fence 10% of the new digital services tax to help achieve this. The Digital Services Tax of 2% on tech giants like Facebook, Google and Twitter is expected to raise an [additional £400m a year (£70m (2019/20); £280m (2020/21); £390m (2021/22); £425m (2022/23); £465m (2023/24); £515m (2024/25)).](#) It is essential that the UK Government provides funding to the the specialist violence against women sector and online abuse organisations to support victims of online abuse and helps fund the vital work of ending online violence and abuse, such as through training on good digital citizenship and online safety, providing resources and awareness raising and supporting survivors of online abuse and violence. By ring fencing at least 10% of this new tax annually for ending online abuse, the UK Government can commit £4m+ to further establishing online standards which are fair and necessary to the growing digital economy, funded by the tech giants where these societal harms are pervasive. Through no negative deficit, using money from tech giants, the UK Government can take decisive action.

Recommendation:
- 10% of the tech tax should be ring fenced to fund the specialist violence against women sector and online abuse organisations to support victims of online abuse and helps fund the vital work of ending online violence and abuse.

- Glitch's oral evidence on the Draft Online Safety Bill to the [Petitions Committee 16 Nov 21](#)
- Glitch's oral evidence on the Draft Online Safety Bill to the [Digital, Culture, Media and Sport](#) [Sub-Committee on Online Harms and Disinformation 26 Oct 2021](#)
- Glitch's written evidence on the Draft Online Safety Bill to the [Joint Committee on the](#) [Online Safety Bill Sept 21](#)
- Glitch's written evidence on the Draft Online Safety Bill to the [Digital, Culture, Media and](#) [Sport Sub-Committee on Online Harms and Disinformation Sept 21](#)
- EVAW led joint briefings, with Glitch and others: [VAWG Principles for the Online Safety Bill](#)
- Joint Briefing from the Centenary Action Group, Glitch and others: [Online Safety Bill and](#) [Online Harms Against Women](#)
- Please also see EVAW's briefing for the 2nd Reading of the Online Safety Bill [here](#).

Who is Glitch

Glitch is an award-winning UK charity that is working to end online abuse – particularly against women and marginalised people, centring Black women's online experiences in our work. We were founded in 2017 by then local politician, Seyi Akiwowo, after she received a flood of online abuse when a video of her speech at the European Parliament went viral. Through training, research, workshops, and programmes, we are building an online world that is safer for all. We focus our effort on three key areas: Awareness, Advocacy and Action.

For more information and to discuss amendments to the Online Safety Bill that centre Black women's experiences online, please contact Policy and Campaigns Manager Hilary Watson, hilary@glitchcharity.co.uk