



22 November 2022

**To Irene Khan, United Nations Special Rapporteur on Freedom of Expression and Opinion**

Cc Fernand de Varennes, UN Special Rapporteur for Minority Issues

Reem Alsalem, UN Special Rapporteur on Violence Against Women and Girls

Dear Ms Khan

#### **THE ONLINE SAFETY BILL AND FREEDOM OF SPEECH**

You have recently received representations about the final stages of legislating for improved online safety in the United Kingdom. A wider range of viewpoints might be helpful in determining how to balance the competing rights in this space. Freedom of expression, as the ICCPR itself recognises, carries duties and responsibilities and may be limited in specified circumstances, including the respect of the rights of others (as well as national security, public order, public health or morals). Moreover, freedom of expression should be available equally to all, and some are silenced by the aggressive and exclusionary speech of others.

The Online Safety Bill, in aiming to improve wellbeing generally, will protect minoritized groups in the UK and children. The human rights of these groups have been sorely affected by the unregulated operation of some social media services. The Bill has strong support in UK civil society from groups representing victims. It also has strong support from elected representatives of all parties following an exhaustive democratic scrutiny process that began with a Green Paper in 2017, a White Paper in 2019, then the issues were debated by many Select Committees and most recently the scrutiny of a draft Bill prior to the formal legislative scrutiny.

The majority of online platforms are commercial venues – they are run by their owners to support advertising sales. The systems and processes used to run these platforms are designed to incentivise and encourage types of speech that drive engagement and thus deliver eyeballs to adverts. This can lead to a harsh, combative environment where the algorithm rewards controversy and persecution rather than calm deliberation; minoritised groups, including women, suffer the most from this. Rewarding the harshest speech without carrying out an adequate balancing exercise to protect those who might be harmed inevitably causes human rights infringements.

The current limited liability of the service owners means they only need care about the harms to people's human rights to the extent to which it damages advertising sales. That many of the platforms are based in the USA, with its highly atypical approach to human rights may explain much. As these services have risen to mass market scale, present in almost every home and even every pocket or bag, there is a requirement on the state to exercise its duty to take positive steps to protect the human rights of minoritized groups.

The heavily skewed approach to human rights in social media platforms, magnified to population scale causes a severe impact on the human rights of minoritized groups in particular.

In your October 2021 statement, which focused on gender censorship, you set out how: "sexual and gender-based violence, hate speech and disinformation are used extensively online and offline to chill or kill women's expression. In many cases, online threats escalate to physical violence and even murder. Women journalists, politicians, human rights defenders and feminist activists are targets of vicious, coordinated online attacks. The objective is to intimidate, silence and drive them off the platforms and out of public life. The effect is to undermine human rights and set back media diversity and inclusive democracy."

Here in the UK, 23 out of 25 members of the England women's football squad who won the European Championship in July were sent online sexist hate; and research by the UN found that women are 27 times more likely to face online abuse compared to male counterparts. Intersectional impacts are significant here too; for example, according to Amnesty International, Black women are 84% more likely to be abused online than white women.

Carnegie UK's research into democratic wellbeing shows 63% of women in the UK always or frequently self-censor when online, most commonly due to fear of abuse and not wanting to get into an argument. A survey by UK charity Glitch during the Covid 19 pandemic found that the silencing effect of online abuse on women of colour was more significant than on their peers: 77% of respondents reported modifying their behaviour online as a result of abuse; this increased to 87.5% for women and non-binary individuals of colour.

This has an impact on participation in public life and ultimately on effective democratic representation: in 2019, 18 female Members of Parliament in the UK cited online abuse as a reason for stepping down from politics; and in 2021, the Fawcett Society reported that 70% of female respondents to a survey cited abuse or harassment as a reason for not pursuing a career in politics in the first place.

Other society-wide commercial media in the UK and Western Europe have long been regulated or self-regulated in compliance with human rights regimes. In the UK, the nature of that regulation has focussed on whether speech is harmful or not, rather than whether it is criminal. As is always the case with any legislation on any topic, no one thinks the Online Safety Bill is perfect but some action is necessary. In fact, the "harmful but legal" duties, which opponents of the Bill want to see removed, do not require platforms to take down content that is designated as "harmful" but is

not illegal; instead, it requires them to be clear in their terms and conditions how they will deal with it and, crucially, to enforce those Ts&Cs consistently.

Carnegie UK supports the Bill as do other organisations who are signatories to this letter and many more.

Yours sincerely

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