Ms S J Atherton—written evidence (FEO0063)

House of Lords Communications and Digital Committee inquiry into Freedom of Expression Online

My background:

I'm making this submission as an individual. I've worked as a journalist/writer for nearly 20 years. I began by career with a postgraduate diploma in broadcast journalism, which included training in media law and public affairs. I've worked for local newspapers, local radio, in publicity for a conservation charity and for the last 10 years as a freelance with clients including broadsheet national newspapers, magazines and more.

I have some personal experience of some of the issues raised by this inquiry, but also take an interest because as things stand it is almost impossible to be a journalist or writer without using social media. It's not always said explicitly but there's an expectation - from those written about and also sometimes from editors - that published work will be promoted on social media.

Furthermore, if you specialise in a certain subject, it's likely there will be a Twitter 'community' also dedicated to that subject, which acts as a sort of virtual office or club, and through which people involved in the same industry speak with each other. Like its real life counterpart there are arguments and cliques, but in latter years things have gone beyond that and become much more adversarial and tribal - and sometimes with consequences in the real world.

Summary of my response:

- I believe freedom of expression online <u>is</u> under threat.

- I think threats and defamation are being used to silence people - especially women's rights campaigners.

- I believe double standards are being applied, whereby threats and defamation are being allowed but the reasonable expression of views is being prevented.

- In my experience women's right to freedom of expression in particular is under threat.

1. **Is freedom of expression under threat online? If so, how does this impact individuals differently, and why? Are there differences between exercising the freedom of expression online versus offline?**

1.1   In my experience freedom of expression <u>is</u> under threat online - particularly if you are a woman. Back in 2018 when the Government was holding a public consultation into proposed changes to the Gender Recognition Act, I used my Twitter account to share details about the consultation along with my

views that the changes represented a threat to women's rights. I also urged people to respond to the consultation in order to stand up for women's rights. (It's worth noting that I also wrote to my MP about my concerns and that he urged me to respond to the consultation.)

1.2   As a result I was singled out and bullied by an individual - whom I don't know in real life and have never met - and subjected to a multi-tweet rant accusing me of transphobia and bigotry. These tweets were then retweeted by the individual's friends - who had thousands of followers and a greater reach than the individual who made the original tweets.

1.3   As the accusations were so serious I decided to respond. I spent some time carefully drafting what I wanted to say in reply before posting it. With hindsight I wish I had just ignored the tweets, as the exchange I had with the person turned into what is colloquially referred to as a 'pile on' whereby a number of other people joined in to bully me. I blocked the person who posted the original tweets and tried to forget about it. The problem with this though was that the person works in the same industry as me and their accusations had been spread among others from our industry thanks to the retweeting and the pile on. I felt very worried about the effect on my work. As a self-employed freelance writer I have no direct boss, but I had clients who may have seen what had gone on. Whether as a result or by coincidence jobs that I would normally have been asked to do in the period, shortly after this incident, were not offered as usual.

1.4   Some months later I found out, quite by chance, that the same person had again been tweeting angrily about a few tweets I had later made on the same issue. They again accused me of transphobia and bigotry, referring to the previous incident and asked their followers to direct message them so they could tell anyone who did not recall the earlier incident who it was they were talking about. They also encouraged people to unfollow me and to have nothing to do with me. After this I noticed some people - who had been clients and friends in real life - had unfollowed me. Being 'unfollowed' in itself is of course not a big deal, but these were people I'd hitherto had good real life relationships with, who were now publicly distancing themselves from me.

1.5   I believe I'm quite a robust person but I found the experience extremely upsetting. I also found myself anxious about it for a long time afterwards. I became too nervous to attend industry events or to pitch for work because of it. I also stopped tweeting about the issue that had prompted the person to attack me in the first place.

1.6   I believe this is what you might reasonably call a 'chilling effect'. I began to feel fearful of saying anything about this issue - or any other issue relating to women - in any forum or medium - not just on Twitter. I also became aware of, and acquainted with, many other women who had experienced similar because of speaking out about the GRA consultation - and others who had been subjected to much worse bullying and also to rape and death threats.

1.7   As the committee will be aware, there are many women who (like Graham Linehan) have been permanently banned from social media platforms including Twitter and Facebook for what seems no reason other than they express

themselves on the issue I refer to above and other women's rights issues. I believe this suggests that Twitter is happy to discriminate against women and to curtail their freedom of expression, while at the same time doing little to prevent threats of violence against women who are legitimately exercising their right to freedom of expression.

1.8   My other concern about threats to freedom of expression online - and also in the real world - is the concept of 'hate speech' and the way it is being used to prevent people speaking freely. One might think that threats of violence - such as rape and murder - are what is meant by 'hate speech'. Or viciously abusive remarks to an individual directed at an aspect of their self that they have no choice or control over, such as their race, sex or age. But as I understand it the 'hate' aspect seems to be about hating what a person is saying.

1.9   I also understand that there are moves to increase the definition of hate speech and the proposals seem Orwellian to me - as they seem to be attempts to police what people think. I appreciate some might argue it is a good thing for society if it leads to things like racism and sexism being widely deemed unacceptable, but I don't believe that will be the effect. I think it causes more division than cohesion, by making it seem as though some groups are more important than others. I think this is unhelpful in general, but particularly online, where much of the communication takes place at a very superficial level.

2.   How should good digital citizenship be promoted? How can education help?

2.1   Perhaps there should be a digital citizenship code of conduct and social media platforms should be required to have it on their home pages. Although I believe that children should be protected from social media, it should probably be part of PSHE type lessons whereby children are taught not to speak to people online in the sort of way that would get them into trouble at school.

2.2   There also needs to be a campaign to spread an understanding of defamation and how not to libel someone. It may be a civil matter but the damaging effects of online defamation, of ordinary people not the rich and famous who can afford to bring a legal case, should not be underestimated.

3.   Is online user-generated content covered adequately by existing law and, if so, is the law adequately enforced? Should 'lawful but harmful' online content also be regulated?

3.1   No. Providing user-generated content is publishing, therefore social media platforms which publish such content should be treated as publishers and ought to be held legally responsible for what they publish - and should certainly be held responsible if they publish threatening and defamatory material.

3.2   The business model of these platforms is to hold people's attention and ensure they keep returning to the platform, in order to sell, and profit from, advertising on the platform. To do so the content that users see is curated and certain posts of the sort that will keep people's attention are promoted and boosted. In traditional media we call this editorial policy and editing. The act of doing this is one of the things that means they are publishers and not merely

platforms.

3.3   Furthermore, allowing defamation and threats to be made and then not banning those who make them has a chilling effect on free speech - because threats and smears are frequently being used to frighten people into silence.

3.4   Also there is a disingenuous attitude from these platforms, whereby they talk of 'inclusivity' and being a safe space for certain groups, but the reality is the sort of nastiness they allow is what keeps some user's attention - and attention equals profit. Therefore they are happy to prevent freedom of expression for some, if it enables them to keep other people's attention. A look at what sort of things 'trend' on social media bears this out, as very often it is about a slanging match, or worse it is a the equivalent of an utterly enormous gang of playground bullies crowding round to tell someone how much they wished she was dead - as happened to J K Rowling.

4.   Should online platforms be under a legal duty to protect freedom of expression?

4.1   Perhaps what is needed is a legal duty <u>not to prevent</u> freedom of expression. As per my answer to Q3, when platforms do nothing about threats and defamation - but instead actively punish those who are being threatened and defamed - this surely reduces opportunities for freedom of expression because people become wary or fearful of speaking up.

4.2   Therefore, perhaps online platforms should be legally bound to encourage civil debate and conversation and to recognise that making threats and defaming people is a means of silencing people and preventing debate. They ought to focus their efforts on acting against users who threaten and defame, rather than trying to police what views people air online.

5.   What model of legal liability for content is most appropriate for online platforms?

5.1   Something similar to the rules that apply to traditional media - and to broadcasters, particularly when it comes to the period of time running up to general elections. As per my comments in response to Q3, I think online platforms should be held responsible in law for defamation and threats published on their platforms. At present both are rife and there is little any ordinary person can do about damage to their reputation or the terror that threats cause them.

5.2   Also, as I understand it there are a number of examples of the police being called and visiting social media users because another user has complained about petty unkindness or views they disagree with. This is a waste of police resources and public money. Conversely, I have heard that when women complain about threats of violence via social media they are not always taken seriously and it is not always acted upon by police.

5.3   There needs to be legally binding regulation of social media companies and platforms (along with proper taxation of these companies) and perhaps an element of it is that they must verify people's identity before allowing them to have an account. It would surely deter people from making threats and

defaming people if their accounts were not anonymous.

6. To what extent should users be allowed anonymity online?

6.1   The right to freedom of expression should surely come with the expectation of taking responsibility for what one says. In the days prior to the existence of the online world, if you wrote to a newspaper you would not expect your letter to be published if you did not supply your name and address - except in certain circumstances whereby the newspaper was given your name and address but agreed it was not appropriate to publish it. Why should it be any different with this new form of media?

6.2   However, I do believe that there is legitimacy in enabling people to fill out questionnaires and surveys anonymously - just as there is in terms of a secret ballot at elections.

7. How can technology be used to help protect the freedom of expression?

7.1   Something that prevents the creation of often multiple anonymous accounts would be a start - especially when these are used to threaten individuals but also when they are used to skew public debate and make it seem as though certain, and often extreme, views are more acceptable than they would be in real life.

7.2   Another thing that would help is a return to the ethos of the early days of the internet before the whole thing became about monetising sites and making a profit. The algorithms and internet bubbles they create, along with the insidious nature of the online world which connives and manipulates to keep people's attention (rather than relying on the quality of the published content), in order to make money, combine to make the online world a poisonous place driven by schadenfreude - instead of being a civil, but lively, place to exchange views and hold public conversation and debate. The latter is what we need.

8. How do the design and norms of platforms influence the freedom of expression? How can platforms create environments that reduce the propensity for online harms?

8.1   As I understand it algorithms amplify the effect of herd mentality and filter content so that users only see a very narrow view of the world. This helps create an artificial environment with its own rules and which may bear little resemblance to the real world and to the plurality of views one can find if you meet and speak with people from other walks of life. This could be especially damaging to young, impressionable minds but is also unhelpful when it comes to society as a whole. Live and let live and variety being the spice of life used to be widespread attitudes, but these days people seem much more divided from one another and far less tolerant than they used to be. From what I can tell this is a change brought about by the advent of social media and smartphones - and it is something that urgently needs addressing.

8.2   Algorithms must enable balance and allow people to hear a wide range of views. This is especially important in terms of important issues like rights and

politics and also for young people because if they only hear the same thing over and over again - one might describe that as a form of brainwashing.

8.3   There is also a need for something to be built into platforms to make them less addictive and to limit the amount of time people spend looking at them.

8.4   There should also be a system that asks people if they are sure they want to post or share before they do so. Something to slow things down and encourage people to stop and think about what they are saying or the content of what they are sharing.

8.5   I urge the committee to watch a documentary film called *The Social Dilemma*[1] with reference to this question. It is an interesting watch and contains a lot of insight from the very people who have designed these platforms.

9.   How could the transparency of algorithms used to censor or promote content, and the training and accountability of their creators, be improved? Should regulators play a role?

9.1   There should be a legal requirement that algorithms and how they operate should be explained in plain language so that it can be understood by anyone - and that this information should be made widely available. To keep such things secret is to allow people to be manipulated purely for profit - and with great negative effect in the real world. Special attention also needs to be paid to the effect on young people, whose brains may not have reached maturity, and who are subjected to these algorithms.

10.   How can content moderation systems be improved? Are users of online platforms sufficiently able to appeal moderation decisions with which they disagree? What role should regulators play?

10.1   In response to this question, I would urge the committee to seek evidence from the many 'gender critical' women who have been temporarily and/or permanently banned from social media for what seem quite spurious reasons. They will find many examples of free speech being curtailed.

10.2   Regulators should certainly ensure that women are not being discriminated against or abused and threatened because of their sex.

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[1]   https://www.thesocialdilemma.com/