

## **National Union of Journalists—written evidence (FEO0064)**

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

#### **Introduction**

1. The National Union of Journalists (NUJ) welcomes the announcement of this inquiry and we would like the opportunity to provide oral evidence in addition to this written submission.
2. The NUJ is the voice for journalism and journalists in the UK and Ireland. The union was founded in 1907 and has more than 30,000 members. The NUJ is not affiliated to any political party and has a cross-party parliamentary group.
3. The NUJ represents people working across the media - as staff, casuals and freelancers - at home and abroad. Freedom of expression is central to many of the employment sectors that NUJ members work in including broadcasting, newspapers, news agencies, magazines, book publishing, public relations, photography, videography and digital media.
4. Freedom of expression is also vital for democracy; it entails the ability to hold and express opinions freely and without interference (including the interference of Government) and the right to seek, receive and impart information and ideas through any media regardless of frontiers.

#### **Summary of this submission**

5. The UK's existing legislative framework acts as a constraining force on media reporting and public interest journalism. The law does not currently protect journalists working in the public interest, instead it enables the authorities to interfere with legitimate journalistic endeavours.
6. Journalists are increasingly working in what amounts to a hostile environment, with incidents of abuse and harassment on the rise, particularly in the online sphere. The most recent and serious threats have been in Northern Ireland.
7. The NUJ safety survey revealed that union members in the UK have received death threats, rape threats and other threats to physically harm them, their families and their homes. Raising awareness and stamping this out is vital, as an insidious aspect of this abuse is that it becomes seen as inevitable and part of the job.
8. Social media platforms do not robustly implement their own policies intended to deter and stop abuse, they should do more to combat online harassment and be held to account as publishers. NUJ member's personal testimony highlights the toxic online culture that exists, and

media workers have developed their own strategies to uphold their right to freedom of expression.

9. NUJ members make a range of recommendations for online platforms, media outlets and the police about how to tackle harassment and abuse. Powerful individuals including politicians and public figures should be held to account for their actions.
10. Technology could be put to better use to track, trace and tackle perpetrators who threaten journalists and freedom of expression. Focusing more effort on tackling the perpetrators would help to improve the social media environment and associated norms.
11. The NUJ supports the Cairncross recommendation for a News Quality Obligation. Ofcom's Broadcasting Code principles should apply to the internet and Ofcom should be empowered to regulate online news content produced by UK public service broadcasters in the same way it regulates broadcast content.
12. The NUJ welcomes new measures to make platforms pay for content and the union is calling for a one-off windfall tax of 6 per cent from the tech giants, then a levy based on profits imposed as part of a Digital Services Tax to fund public interest journalism.
13. The NUJ supports programmes to improve media and digital literacy in the UK and proposes new public-funded schemes that would help incentivise people to access accurate and reliable digital information.
14. The present crisis has shown just how vital it is to have a news media providing accurate information, how desperate people are for trustworthy content and how essential it is that the government and authorities are held to account.

## **NUJ ethics**

15. The NUJ ethical code of conduct was first established in 1936 and it is the only ethics code for journalists written by journalists. The code is part of the union rules, members support the code and strive to adhere to its professional principles. The first principle in the NUJ code of conduct states:

"A journalist at all times upholds and defends the principle of media freedom, the right of freedom of expression and the right of the public to be informed."

The code also emphasises other principles that are interlinked with freedom of expression and these include: "A journalist:

- Strives to ensure that information disseminated is honestly conveyed, accurate and fair
- Does her/his utmost to correct harmful inaccuracies

- Differentiates between fact and opinion
  - Protects the identity of sources who supply information in confidence and material gathered in the course of her/his work
  - Resists threats or any other inducements to influence, distort or suppress information
  - Produces no material likely to lead to hatred or discrimination on the grounds of a person's age, gender, race, colour, creed, legal status, disability, marital status, or sexual orientation."
16. These NUJ principles offer a practical framework that helps to clarify the boundaries of what is desirable and permissible in terms of journalistic practices and endeavours. These principles are also relevant and interlinked with the right to freedom of expression.

### **Legislation that impacts on media freedoms**

17. Reporting and public interest journalism is already under severe pressure, and the legal backdrop to which journalists operate is itself a constraining force. Freedom of expression, whether on or offline, is threatened when the state attempts to interfere in any way with journalists who are reporting in the public interest. In general this can arise when journalists are reporting on a range of issues including national security, public safety, crime and corruption.
18. An extensive legislative framework enables the state to obstruct reporting in the public interest. This framework includes the lack of a public interest defence for journalists in the existing Official Secrets Acts (1911, 1920 and 1989), the entirely insufficient media safeguards contained within the Investigatory Powers Act 2016 and the deeply problematic proposals contained within the Covert Human Intelligence Sources (Criminal Conduct) Bill 2019-21. NUJ member Ewen MacAskill, who worked on the Snowden files, explains the impact on journalism:
- "What we learned from the Snowden documents is the ease with which journalists can be targeted and the speed with which the intelligence agencies and police can locate sources. They can - and do - gain access to emails, phone records and any other electronic data used by journalists, and, through that, can track journalists and identify sources."
19. The law does not currently protect journalists working in the public interest, instead it enables the authorities to interfere with legitimate journalistic endeavours - the right to seek, receive and impart information and ideas through any media is compromised by UK legislation affecting journalism.

### **Journalists at work**

20. In considering the factors inhibiting freedom of expression online, it is

also important for the Committee to consider the role of practitioners, and the challenges journalists are contending with in their daily working lives.

21. Journalists are increasingly working in what amounts to a hostile environment, with incidents of abuse and harassment on the rise, particularly in the online sphere. The polarisation of debate, and the experiences of reporting on major issues including the Scottish referendum, Brexit and now the pandemic, has led to spiralling abuse and hostility – which whilst often played out in the virtual world, has damaging real-life consequences. The practical impacts of that are sobering, both personally and professionally, as a recent safety survey of NUJ members revealed.
22. The survey of UK NUJ members was carried out in conjunction with other work that was focused on increasing the safety and protections for journalists in the UK, and the union continues to engage with the Government as part of the National Committee for the Safety of Journalists and is a key partner in the development of the Government's National Action Plan.
23. The NUJ survey findings can be used as evidence to show that freedom of expression is under significant threat both on and offline in the UK today.

### **Threats to freedom of expression – attempts to silence the media**

24. The most recent and serious threats to NUJ members and their right to seek, receive and impart information and ideas through the media has been in Northern Ireland. Various criminal and paramilitary groups have threatened journalists (both online and offline) in unsuccessful attempts to silence them.
25. Below is a list of threats to NUJ members in Northern Ireland since the start of the lockdown in March 2020. This is not a comprehensive list as it only includes the threats that have been accompanied by an NUJ public statement.
26. On Saturday 28 November 2020 two journalists working for the Sunday World newspaper were contacted by police and told of a series of "imminent threats" of attack by criminals and loyalist paramilitaries including the West Belfast Ulster Defence Association (UDA). One NUJ member was contacted in the middle of the night by the police and alerted to a threat. Another NUJ member has been issued with a shoot to kill threat and is also at risk of entrapment and attack. Both individuals have been named in various threatening social media posts and both journalists have been threatened on previous occasions. Those involved in issuing the threats against the journalists have carried out recent acts of serious violence.
27. On Thursday 26 November 2020 the NUJ strongly condemned a violent threat issued against a journalist employed by Independent News and

Media (INM) in Northern Ireland. The journalist works for the Belfast Telegraph and Sunday Life newspapers had been advised by the PSNI that they are at risk of attack from loyalist paramilitaries.

28. In October 2020 journalist Patricia Devlin lodged a complaint with the Police Ombudsman more than a year after she had received death threats and other threats of violence, she lodged an official complaint over what she says is the police failure to investigate a threat to her child. Patricia is a crime reporter working for the Sunday World newspaper. She received a threat by direct message to her personal Facebook account. The sender threatened to rape her baby son. It was signed in the name of a neo-Nazi terror group, Combat 18, which in the past has had links to loyalist paramilitaries in Northern Ireland. The person suspected to be behind the threat is a convicted criminal, with links to both loyalist paramilitaries and far-right groups.
29. In May 2020 media organisations, religious leaders, trade unions and cross-party politicians in Northern Ireland came together to condemn the threats made against journalists. The publishers of three Belfast-based newspapers published a joint statement to “stand up for journalists” and press freedom in Northern Ireland. The public statement appeared in three daily titles: the Belfast Telegraph, Irish News and News Letter on Wednesday 20 May 2020. This unprecedented joint initiative addressed the increasing number of threats of violence inflicted on the media. The threat in May 2020 that prompted the initiative was issued by the South East Antrim Ulster Defence Association (UDA) and it was made against journalists at the Belfast-based Sunday World and Sunday Life newspapers. This was a blanket threat against all staff working at the two newspapers.
30. On 8 April, the NUJ condemned a threat by dissident republicans to carry out a violent attack on a Belfast-based journalist working for the Irish News. The journalist received confirmation of the threat from the PSNI.
31. These threats represent a sustained attack on freedom of expression and the right to impart information and ideas through the media in Northern Ireland.
32. Harassment and abuse of journalists is on the increase throughout the UK. Over the last year, NUJ members have been attacked or threatened when reporting at public demonstrations or out reporting during the lockdown. Those in frontline newsgathering and visible roles, such as reporters, photographers and presenters, are particularly affected but all media workers should be able to go about their work without fearing for their safety.
33. The NUJ safety survey points to the differences between exercising freedom of expression online and offline in one key regard - the survey found that a relatively small number of journalists have been physically attacked or threatened: 21% of respondents reported physical assaults or attacks had taken place and 27% of respondents said they had experienced physical threats. When differentiating between different

types of threats, it is possible to say that much larger numbers of NUJ members have experienced abuse and harassment that has taken place online. It is also the case that many incidents of abuse starts online, but become a "real-life" threat, such as examples of stalking, and in-person harassment.

### **Freedom of expression and online safety**

34. The NUJ safety survey revealed that union members have received online death threats, rape threats and other threats to physically harm them, their families and their homes. Raising awareness and stamping this out is vital, as an insidious aspect of this abuse is that it becomes seen as inevitable and part of the job.
35. The NUJ survey found that:
  - 78% of survey respondents agree that "abuse and harassment has become normalised and seen as part of the job"
  - 96% of respondents believe that abuse and harassment risks silencing journalists and censoring debate
  - 93% of respondents feel that social media platforms do not robustly implement their own policies intended to deter and stop abuse
  - 88% of respondents believe that social media platforms should do more to combat abuse and harassment.
36. In response to a question about social media usage: 75% of respondents said they have a work-focused social media presence with 87% of respondents having a Twitter account, 49% with a Facebook account and 54% have a LinkedIn account.
37. When asked about online harassment and abuse within the last year and connected to work: 51% of all respondents said they had experienced online abuse in the last year, with 20% of those abused on a daily, weekly or monthly basis.
38. The survey asked about changes to levels of harassment over time: 62% of respondents said levels of harassment had stayed the same over the last year and 30% of respondents said levels of online harassment had increased (slightly or greatly) over the last year.
39. A spike in incidents of harassment and abuse is certainly reflective of the industrial experience of NUJ officials over this period, with the problems increasing through the Covid-19 pandemic and associated lockdowns and restrictions.
40. NUJ members' testimony -

*"My photograph has been circulated on far-right websites with threats to assault me."*

*"Call for me to be killed in newspaper's comments."*

*"I've been doxed"*

*"I experience online stalking, and the stalker repeatedly attempts to contact my family, friends and children. If blocked on social media, they just change the account name or set up a new one and carry on."*

*"My home address has been published online, I had to move after my house was targeted by the far-right."*

*"I was told to be careful about what I said on social media because what I say may affect my husband."*

*"When I had death threats and rape threats for one piece I wrote, nobody understood how bad it was. The abusers found me on every platform, there were thousands of abusive messages and I was afraid for my family that I would be doxed (have my address posted online). The editor and my desk editor didn't even ask if I was ok and they obviously knew how bad it was because they were getting messages calling for me to be sacked. I felt completely alone. There was nobody to talk to and no procedure to follow. This was a few years ago now. I'm good at advising young reporters who suffer the same thing and I hope that I help but I shouldn't have had to learn the hard way."*

*"I was doxed by a men's rights activist who included details of my family members in their post, this caused a lot of worry for my family. I've recently had a prominent far-right activist try to add my brother on Facebook, presumably so they could find photographs of me."*

*"My partner had suffered online abuse. My children have a heightened awareness of privacy on social media and are unable to have a public presence on it in the way their peers do, or publicly have their achievements celebrated. We do everything possible to prevent the stalker from knowing where we live or being able to contact our children."*

## **Different types of online threats**

41. The types of threats that NUJ members have experienced online include:
- Death threats, rape threats and gang rape threats
  - Threats to physically assault a journalist
  - Advertising a journalists' home address online
  - Attempts to contact family members and friends via social media platforms

- Screenshots of home address taken from google maps and circulated on social media
  - Circulating photographs accompanied by threats via far-right websites
  - Online stalking and doxing.
42. More than half (55%) of the respondents said the abuse had affected their wellbeing and mental health and 48% said the abuse had made them fearful or anxious. Just over a quarter (26%) of NUJ members said they had made changes to the way they work in response to abuse and harassment. In addition, 19% said they had made changes to their home and/or personal life. Over one in five members said the abuse and harassment has adversely impacted on their families and when asked if the harassment and abuse had ever made them feel like leaving the industry, 15% said yes and a further 15% said sometimes.
43. This evidence not only shows the personal impact but also highlights how threats to journalists have an impact on their right to freedom of expression and the right to seek, receive and impart information and ideas through the media.

### **Threats linked to different types of media reporting**

44. Nearly half of all the survey respondents (47%) reported experiencing abuse or threats related to the subject or content of their work. NUJ members said:

*"Covid reporting is getting much more difficult, with targeted abuse and 'fake news' accusations."*

*"If you tweet about Brexit you get loads of abuse and get accused of bias, whichever way the story is looking"*

*"I have been specifically targeted for my work uncovering racism in football"*

*"When I reported on Dominic Cummings cottage not having planning permission and it went viral, I received hundreds of threats. When I report on the mask protestors I've been inundated with threats and abuse"*

*"Covering political events in Northern Ireland"*

*"Even weather stories I get horrendous messages"*

*"People of certain political persuasions dismiss your reporting as fake news"*

*"The idea that anyone who works for the BBC is fair game"*

45. NUJ members highlighted additional reporting themes that are linked to threats –

- Politicians (local and national), parliamentary candidates, local councils, politics, political events, the US president and Scottish nationalism
- Criminal activity, terrorism, paramilitaries, rogue trading and drugs
- Court and inquest reports
- Lobbyists
- Allegations of child abuse
- Exposing sexual predators, sexual violence, domestic violence and sexual abuse
- Racism, islamophobia, sexism and homophobia
- Sports including football and football fans
- Brexit
- Coronavirus and face masks
- Parenting
- Pornography
- Trans issues
- Fracking and the climate crisis
- Video games
- Israel and Palestine, Syria, Iraq and the Middle East
- Science, scientific drug trials, vaccinations, genetics, scientific fraud, medicines
- Religion
- Local community disputes
- Sectarianism
- White supremacy and the far right
- Colonial history
- Reviews or opinion/comment pieces

- Taking photographs
- Covering protests
- Accusations linked to bias, irresponsible reporting and working for the BBC.

46. The list of themes above suggests there is not an area of media reporting that is exempt from online threats. Furthermore, this implies a broader, toxic online culture which impacts adversely on journalists and journalism.

### **Adopting changes at work**

47. In response to the survey, NUJ members provided examples of the changes they have made as a result of harassment and abuse. As well as the personal impact, abuse and harassment has a broader, collective impact on journalism and freedom of expression - with many NUJ members admitting that it makes them self-censor, they think twice before reporting on something they know will initiate further harassment, some move to other reporting topics, and some have left journalism altogether.

48. Changes to working practices include –

- Stopping working in public
- Concealing their identity
- Dropping their byline
- Using a pseudonym
- Working via a company in order to conceal their identity
- Stopping reporting on certain subjects
- Refusing to work for titles with noxious commenting communities
- Changing phone and/or email address
- Deleting social media accounts
- Stopping posting on social media platforms
- Changing social media accounts
- Tightening privacy settings
- Taking care not to tweet locations
- Quitting their job

- Making their phone number ex-directory
  - Removing themselves from the electoral roll
  - Withholding consent for photographs of children and/or publishing children's names
  - Self-censorship.
49. These strategies and methods provide a rare insight into how media workers have been able to uphold their right to freedom of expression and continue to impart information and ideas, despite being threatened at work.
50. In addition, online abuse can often centre around protected characteristics, and this was reflected in the NUJ survey findings: 18% of respondents said they had experienced abuse or threats related to their gender, 13% experienced abuse or threats related to their age, 10% of respondents had experienced abuse or threats related to their ethnicity and 8% of respondents had experienced abuse or threats related to their sexuality.
51. At union events it has been made clear by NUJ members that the targeting of women journalists, even those covering the same work or patch as their male colleagues, and those of BAME backgrounds is a stark and disturbing feature.

### **Reforming online platforms**

52. It is clear that the major platforms need to do more to tackle this problem, and to be held to account as publishers. The NUJ safety survey found that 34% of respondents had reported abuse to social media platforms and 80% said that reporting the abuse had not made any difference. Furthermore, an overwhelming number of respondents (93%) said social media platforms do not robustly implement their own policies that are intended to deter and stop abuse, and an overwhelming number of respondents (88%) said that social media platforms should do more to combat abuse and harassment.
53. Suggestions from NUJ members about what social media platforms could do to tackle abuse and harassment include:
- Be more proactive, investigate accounts
  - Faster response rates
  - Stop anonymous accounts and stop people hiding behind fake names
  - Ban repeat abusers
  - Pay more attention and offer support to women and BAME journalists

- Better admin, moderation and monitoring including tackling racist, extremist or hateful content
- Stop the spread of fake news
- Stop the creation of accounts set up to attack journalists
- Provide verification status for journalists on twitter
- Permanent ISP bans
- Stricter rules/code of conduct that is enforced
- Any accounts linked to threats to kill should be removed
- Warning and then removing abusive accounts and content
- Make account users sign a code of practice/behaviour
- Provide a direct route to identify and fast track media complaints
- Use more human moderators and have the staff available to deal with complaints
- Track and trace repeat offenders
- Referral to local police and provide evidence
- Allow comments to be switched off on newspaper posts on Facebook
- Social media platforms should have to adhere to the same legal obligations as publishers.

54. NUJ members said:

*"Just taking reports of harassment or abuse seriously to begin with would be a start. People think they can say what they like as there will be no comeback."*

*"Ideally they should be prepared to lose users/traffic in the interests of maintaining a safer environment for all."*

*"Twitter are hopeless, they have very good guidelines regarding abuse, but they simply don't follow them. Even after there was a person prosecuted for abusing me the threats, abusive and sexual content remained and still remains online."*

*"If you are a journalist you should be able to register as a journalist, with an easier way of being 'accredited' with a blue tick which should then afford your account closer monitoring for harassment."*

*"Employ real people rather than artificial intelligence, ability to escalate to a real person, get smarter people on the ball with the ability to see the wider picture of how a certain tweet or comment constitutes abuse."*

55. For years the NUJ have been calling for Government action to close down specific websites (including user-generated content) which seek to intimidate and silence the media. We still have no effective means to respond to harmful content about NUJ members that is published and disseminated online.
56. The current social media environment and norms do not protect freedom of expression or reduce the propensity for online harm. Online thuggery must be tackled as a priority by civic leaders and primarily by the organisations that profit from owning online platforms and sharing online content.
57. The NUJ would support a new package of measures aimed at promoting a plurality of diverse voices online. This would be difficult to achieve but it is absolutely necessary - there must be change to the toxic culture online. Online companies must take full responsibility for the content they publish and host.
58. Online platforms should be compelled to adhere to their existing policy and procedures or face legal action and legal penalties if they fail to do so. This could be underpinned by a broader legal duty to protect freedom of expression.
59. At present NUJ members are not satisfied that the appeals process for complaints or moderation on social media platforms are fit for purpose and the NUJ supports calls for much greater transparency from the tech giants.
60. Technology could be used more effectively to ensure complaints procedures belonging to social media platforms, media employers and/or the police are designed with the intention to support individuals who have been affected.
61. Technology could also be put to use to better understand, track, trace and tackle the perpetrators who threatened freedom of expression. Focusing more effort on tackling the perpetrators would help to improve the social media environment and associated norms.
62. NUJ members do not have an agreed view on the right to anonymity online and the union does not have explicit policy on this issue. The union would support new measures to effectively prevent online platforms from allowing and profiting from disinformation and personalised 'dark adverts' from unidentifiable sources.
63. Online platforms should increase their levels of public accountability and transparency in relation to their algorithms, they should be compelled to publish their policies, procedures and data. The algorithms should be

used to promote ethical and quality journalism as a priority. It also cannot be right that news publishers' digital strategies can be made or destroyed on the whim of an algorithm determined by an American company.

64. Legislation is already in place to deal many of the transgressions the internet platforms allow. There are laws to combat malicious communications, hate crime, copyright breaches, there are those on privacy, defamation, obscenity, intellectual property, regulations against indecency and terrorism. They just need to be applied equally to people using internet platforms and, where appropriate, the owners of the platforms.
65. As part of her review, Dame Frances Cairncross recommended a News Quality Obligation whereby online platforms would be under an obligation or "regulatory supervision" requiring them to improve how users understand the origin of a news article and the trustworthiness of its source. The NUJ supports this proposal.
66. Ofcom enforces the Broadcasting Code for TV and radio. This covers causing harm and offence, crime, disorder, hatred and abuse, impartiality and due accuracy, protection of under-18s, and privacy as well as commercial interests. This code is generally thought to work well and there is much to commend it in terms of considering a code for internet platforms. Broadcasters such as ITV have long argued that the internet platforms should be subject to similar rules. The NUJ's own code of conduct provides an ethical framework for news gathering. The Independent Press Standards Organisation and Impress have codes, as does the BBC. The Ofcom Broadcasting Code covers professional broadcasting organisations, but its principles should apply to the internet. However, those posting on the internet will not be professional journalists and will include people who wilfully or unwilfully misreport, mislead and be offensive.
67. Ofcom should be empowered to regulate online news content produced by UK public service broadcasters in the same way it regulates broadcast content.
68. The NUJ has welcomed the setting up of the Digital Markets Unit (DMU) which will produce a code of conduct for the digital tech giants. There is a need for the tech giants to be brought to book for their stranglehold on the media industry and the unfair competition for advertising revenue. An Australian-style model to make these platforms pay for the content they presently help themselves to would be welcomed by the union.
69. The NUJ agrees with the Select Committee that there should be legislation for a mandatory news bargaining code modelled on the Australian Competition and Consumer Commission's proposal. The NUJ agrees that once it is set up, the DMU should take on responsibility for this and keep it under review. The government and regulators should work closely with international partners including the NUJ's sister unions and the International Federation of Journalists.

## Promoting freedom of expression - media responsibilities

70. Most of the NUJ survey respondents (64%) said they had not reported the abuse they had experienced to their employer. The reasons why the abuse had not been reported included:

- Was not worth the bother, they won't listen
- There is nothing they can do
- They won't take any action
- There are no procedures in place
- They can't police social media platforms
- I just dealt with it myself
- Wasn't serious enough/wasn't too bad
- Freelance status, self-employed and/or precarious employment.

71. NUJ members said:

*"I'm a freelance reporter and there is no legal obligation for the outlets I write for to support me."*

*"I felt unable to discuss personal matters with them [the employer] and there has been no clear chain of reporting. I had reported online stalking to previous management and tech support, but not to the new management since the takeover of the company. As one of few staff working remotely, I've felt my job has been more precarious, and did not wish to add further complications."*

*"They know that abuse on Twitter is widespread and toxic, but my employer is concerned that replying to abuse often makes it worse. Also virtually everyone in our organisation who is on twitter is subject to it. It's part and parcel of audience interaction."*

72. When asked if an employer was supportive when an NUJ member had attempted to report abuse: 23% of respondents said yes and 5% said no. Examples of supportive action taken by media employers included:

- Referral to the mental health team
- Circulated information about the support available
- Complaints were submitted to the social media platform
- They were interested in monitoring what was happening.

73. Comments from respondents linked to action by employers that was not supportive included:

- Online abuse is seen as inevitable
- Threatened with the sack as the trolls were seen as affecting the reputation of the company
- I was forced to leave my job
- I was made redundant as a result of voicing my concerns
- My next contract was cancelled.

74. NUJ members said:

*"Recognise that unregulated comment normalises abusive, negative attitudes and undermines trust in journalism."*

*"Genuine statement of intent and action against perpetrators rather than acceptance that hate speech equals hits."*

*"Stop employing 'grifters': columnists and controversialists with scant regard for the truth, who fuel hatred and corrupt the civility of public discourse."*

*"I think editors have to be careful in the headline they give a piece knowing that if it's poorly phrased the backlash will come to the reporter not them. They are there to serve as a check on anything that could unfairly expose a journalist and sometimes I think they can be a little driven by courting controversy for clicks."*

*"I was given a verbal warning for blocking those harassing me via the company account. One week later I was made redundant."*

75. Suggestions from NUJ members on how media employers could do more –

- Adopt a zero-tolerance policy towards online abuse and harassment
- Create new workplace policies and statements that acknowledge online abuse and offer support
- Increase monitoring and moderate social media channels and comments
- Publishers need to have a duty of care for freelance workers
- Create a reporting system and/or make it easier to report issues to an employer
- The press office should publish robust defence when online abuse is directed at journalists

- The BBC should challenge online trolls and offer stronger rebuttals against attack by politicians and/or other media outlets
- Provide corporate responses to online abuse
- Protect the journalists not the company
- Provide training for staff and freelance workers, editors and managers
- Remove and tackle abusive online comments
- Create support networks, facilitate a supportive working environment
- Provide mental health resources and support
- Provide technical support for blocking emails and/or rejecting correspondence
- Be supportive of journalists when they want to report crimes
- Pursue legal action where necessary, including criminal cases.

#### 76. Editorial suggestions –

- Editors need to show more care when writing headlines and when a backlash or controversy for clicks can expose the journalist to online abuse
- Do not compel journalists to work on social media
- Allow journalists to remove their byline from a story
- Allow journalists to decide not to use a byline profile picture
- Think carefully before commissioning something which a person is vulnerable in/writing from personal experience
- Don't compel freelance journalists to continue to engage on social media in connection with commissioned pieces
- Don't court controversy on social media in commissioning
- Make sure headlines and standfirst are representative of the piece
- Warn writers when a subject might be controversial and support them in the leadup and act responsibly around first-person opinion pieces knowing that the subject is likely to attract a backlash
- Organise a public education campaign.

77. We hope that the Select Committee will engage with media outlets as part of this inquiry; to find out more about their existing approaches and to discuss the further steps that could be taken.

### **Protecting freedom of expression – police action**

78. When asked about reporting abuse to the police: 11% of NUJ survey respondents said they had reported incidents to the police and when asked if the police were supportive and helpful 4% said yes and 4% said no.
79. Responses related to reporting incidents to the police included:
- Officers seemed helpful but the system is not
  - There is no consistent policy
  - I was told to expect it, the police can be dismissive
  - I was told they have no powers of enforcement
  - The usual response is they just log the incident.
80. We hope that the Select Committee will be able to engage with the policing authorities as part of this inquiry in order to help clarify and assess any nationwide policy and procedures as well as identify and promote existing good practice.
81. The NUJ has organised a range of meetings and events with members where the following suggestions have also been made:
- When blogs or websites contain hate speech, defamation or target journalists, it is still not possible to get the material taken down
  - There is a lack of consistency in the response by the police, some don't have any training or expertise, especially about online harassment, there should be standard training and training on the existing and/or new legislation
  - Police have not followed up complaints or investigated instances of online threats and harassment
  - A Facebook user can create an account, send abusive messages and/or threats, then delete the account and they cannot be traced
  - Young women are often encouraged to write confessional pieces and then they cannot deal with what comes back to them
  - New measures need to be put in place in terms of offering aftercare to journalists who have experienced targeting online (especially if an

individual has been forced to leave home/office environment because of the threats)

- Staff on probationary periods, entry level journalists, temporary/contract workers and freelancers are potentially more vulnerable and lack support from media employers.

82. We hope that the Select Committee will consider these practical suggestions offered by NUJ members, the union believes that implementing such measures would help to bolster the right to freedom of expression and improve public debate.

### **Promoting freedom of expression - political rhetoric**

83. Powerful individuals including politicians and public figures should be held to account for their behaviour, especially when it has an adverse impact on public debates and freedom of expression.

84. The recent assault on the Capitol, spurred on by a president who has cultivated a narrative of the media as "enemies of the people" throughout his term of office, led to the trashing of camera equipment and news crews and reporters coming under abuse, and left in fear of their lives, whilst reporters continued to bring images of the mob at work despite the personal risk to themselves.

85. This attack on the democratic process in America, constantly undermined by the increasingly crazed messages and false accusation of electoral fraud in Trump's social media feeds, has also been an assault on the media.

86. Damaging and dangerous political rhetoric is not restricted to the States. NUJ members have been demonised and impugned. The NUJ has called out briefings against so-called "campaigning newspapers" by Downing Street officials in this past year and there have been regular and tedious incidents of the dismissal of stories that politicians' disagree with as "fake news" – a derogatory phrase that is then rehashed and dished-out as abuse online.

87. The NUJ safety showed an overwhelming number of respondents (98%) agree that those in public office, including politicians, have a leadership role to play in maintaining high levels of public discourse and should avoid dismissing journalistic work as fake news. A similarly high number of respondents (97%) agree that disinformation and fake news undermines trust in journalism and increases hostility towards journalists.

88. We would like to urge all politicians to reflect on their own responsibilities and for the Select Committee to consider recommending steps for politicians to take that would help to improve the current situation.

## **Media and digital initiatives – engaging the public**

89. With the public desperate for accurate and trustworthy content, now is the time to make it more accessible than ever. Education and support to improve media and digital literacy is vital in helping people to negotiate the internet, learn how to find respected news sources and differentiate between rumour, pastiche, propaganda and misinformation.
90. Media literacy needs to be embedded in the curriculum from early years onwards and the rollout of nationwide media literacy initiatives is vital. The NUJ agrees with the Select Committee recommendation that the Government's media literacy strategy should include coordination between the Department for Education, Ofsted and Ofcom.
91. By increasing the access to and provision of quality journalism would help fight against disinformation. That's why the NUJ is calling for free vouchers for online or print subscriptions for all 18–19-year-olds and for tax credits for all households with subscriptions to news outlets. Creating new, public-funded schemes would help to incentivise people to access accurate and reliable digital information. It would also help to improve freedom of expression and help inform a more positive public debate.
92. The NUJ support's the proposal for one of the existing regulatory bodies to have responsibility for co-ordinating work on media literacy across government, media organisations, platforms, academia and charities and the union would welcome further engagement on this work.

## **The NUJ's news recovery plan**

93. Journalism has been radically transformed by the arrival of the internet. It has transformed the way news and information is gathered and disseminated. It has transformed newspaper production and it has been the wrecking ball of a business model in which adverts paid for the news, and editorial and advertising were separate beasts. Advertisers have flocked to online platforms while newspaper revenues have plummeted.
94. In her report on the UK news industry, Dame Frances Cairncross highlighted how the number of "fulltime frontline" journalists have fallen from 23,000 in 2007 to 17,000 in 2019. Newspaper annual advertising spend also dropped by 69 per cent (£3.2 billion) and annual circulation revenue declined by 23 per cent (£500 million). These problems already existed prior to the outbreak of Covid-19.
95. The pressures on media outlets has already led to some resorting to clickbait copy using sensationalist headlines and stories and there has been a blurring of advertorials and a rise in native advertising (paid ads that match the look, feel and function of the media format in which they appear) which is not the hallmarks of good journalism.
96. The destruction of the press – particularly the local press – has left a dangerous vacuum for trusted information and news and the conspiracy theorists and extremists have moved in. The lack of a robust local press

has also unmoored citizens from their local democratic institutions and led to a loosening of community cohesion.

97. The union is calling for a one-off windfall tax of 6 per cent from the tech giants, then a levy based on profits imposed as part of a Digital Services Tax to fund public interest journalism. We hope this proposal will be pursued by the Digital Markets Unit. This levy of the tech giants would provide the means to address some of these existing problems and by resourcing innovation and plurality in journalism it would help the media industry out of the current crisis.
98. A more strategic body is also needed - such as a Journalism Foundation - to increase media plurality, champion public interest journalism and rebuild the present broken media model.
99. The present crisis has shown just how vital it is to have a news media providing accurate information, how desperate people are for trustworthy content and how essential it is that the government and authorities are held to account. This is not and cannot be about the preservation of the status quo. The NUJ wants to achieve a healthy diverse press, focussed squarely on the public good, one that can be sustained now and into the future. We also need to collaborate globally to protect and promote freedom of expression. The NUJ believes there is scope to do this within the global federation of journalists.

*15 January 2021*