Anonymous 2—written evidence (FEO0069)

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

Introduction

I am replying to this consultation as an individual. I work in primary education so am particularly interested in the way that children learn about online norms. I am concerned about freedom of expression in social and political discussions where the urge to demonise and censor seems to be characteristic of online discussion. I am keen for all people in this country to have balanced views about what you **can** and **should** say online.

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?

Yes, I think freedom of expression is under threat online in different ways. The use of social media has become embedded in many people's lives, careers, self-promotion and sense of group identity. It is seen as indispensible and where everyone can have a view (for good or for bad). It has also been given an extra 'importance' because of the habit of (lazy) journalists and opinion-formers to use social media as a cheap way of getting views without leaving your desk. Although only about 17% of Uk adults are on Twitter, many news stories seem to only exist there.

There are several ways in which people try to stifle users' freedom of expression online:

1. The most egregious is when users try to get someone sacked or get someone's name blackened in a way that will cause them financial harm. I think this is the worst because it has an obviously intended 'chilling' effect of warning others who hold the same view that they too will be targeted. I know that many people do not give their strongly-held opinions online for exactly this reason. And conversely, the tactic of anonymous commenting, which many people use in controversial areas precisely to avoid being hounded out of a job, means that comments can become more poisonous. If there was more respect for people's right to speak their opinion then more people would use their own name and comment might become less abusive and more balanced.

2. Some users will use direct threats (eg revealing someone's address) to scare them into not giving their views. This is probably covered by GDPR law or other common law, but the purpose is the same as number 1.

3. Some users try to have other users of platforms such as Facebook and Twitter banned. They do this by reporting what they say is a breach of the platform's rules. This has produced the new category of 'online archaeology' where very old comments are sifted to find 'incriminating' comments.

4. Finally, the most litigious will ask the police to intervene and compel hosting platforms to hand over user details. I hope the police will keep their involvement in such intervention restricted to those cases where a personal attack or threat is involved, not merely where someone says something with which you strongly disagree.

I have seen all of these tactics used during the last two years in disagreements over the potentially competing rights of trans-people and non-trans. In this particular argument, there have been strenuous attempts to paint opponents as bigoted and to try to suppress their honestly-held, legal and fairly-expressed views. This is one area of attempted suppression that I have noticed; I'm sure there are many others.

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

I think we should teach children – very early – what is good and bad behaviour on the internet. Without making them scared to give their opinions we should teach them that communication at a distance tends to lose some of the good norms of face-to-face communication. We should teach them all of the good things that come with digital citizenship, such as finding groups you can belong to or responding to consultations that need to hear a range of views, and we should teach them to prize their freedoms against algorithm and censors alike.

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?

I have just responded to the 'Hate Crime' consultation from the Law Commission and it seems that user-generated content is already reasonably covered by existing laws. I am not sure whether 'lawful but harmful' content should be further regulated by law. There seems to be already enough social pressure for social media websites to act against sites that, for instance, promote pro-Anorexia beliefs. The problem is that such sites cannot be removed from the internet completely; they can only be moved into the darker parts of it. Anyone who sincerely wants to find such content will succeed.

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

I think with certain caveats there should be a legal duty to attempt to protect freedom of expression. The current case with President Trump's Twitter account shows that even in America freedom of speech is not an absolute on commercial sites. I note that even those who agree with Twitter's actions do not feel completely happy about the precedent.

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

I do not know which model of liability would work best.

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

I feel that the current model is sufficient whereby users can have anonymous accounts but can have their real personal email/IP address required by the police under force of a warrant. I would in principle like to discourage anonymous comments because it improves the quality of discussion if people use their real names, but anonymous IDs can allow some information to be made public which would otherwise be unavailable because of fear of being 'outed'. An example of this would be NHS staff talking about the current conditions in their hospitals.

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

I feel that in the long term there is a great risk in the way that AI and algorithms will be provided with such a huge amount of information about individual users that they will be able to influence people's opinions. This is the issue raised by the writer Yuval Noah Harari in his book '21 lessons for the 21st century' https://www.theguardian.com/books/2018/aug/15/21-lessons-for-the-21st-century-by-yuval-noah-harari-review

I believe that regulation of the 'personal information' market will be part of protecting our freedom of thought, never mind of speech.

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?

I have no comments to make on this question.

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?

Yes, I believe regulators need to have a role in algorithms. Although it is commercially sensitive information, the risk of algorithms unintentionally radicalising users is too great to ignore.

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?

I have seen many poor examples of moderation on current platforms (where truly inoffensive material is removed and truly offensive remains). I feel that moderation and content rules need to be very public and need to be open to challenge via a regulator. This oversight should encourage platforms to have balanced moderation rules.

11.   To what extent would strengthening competition regulation of dominant online platforms help to make them more responsive to their users' views about content and its moderation?

I am unhappy about the dominant role of the most popular platforms (especially facebook and Twitter). Unfortunately, their very attraction comes from their dominant and ubiquitous presence. I believe more competition would help to keep platforms focused on issues such as freedom of expression.

12.   Are there examples of successful public policy on freedom of expression online in other countries from which the UK could learn? What scope is there for further international collaboration?

I do not know of any examples in this area, but I am sure that other countries have thought about this as seriously as we have and that examining other systems would be very useful.

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