

LGB Alliance—written evidence (FE00072)

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

SUMMARY PAGE

Notes:

Our general point is that freedom of expression is under threat, particularly as a result of the dominance of a very small number of social media companies which are all based in California, USA.

These companies all share a common belief in what we call “gender identity ideology”. This is our term for the belief that all people have a gender identity, separate from their biological sex, and that this gender identity should take precedence over biological sex in most situations. As a group committed to facts, freedom of expression, and the protection of sex-based rights, LGB Alliance opposes this ideology.

Our recommendation to the committee is that controls are needed to ensure that freedom of expression for all is protected.

Thank you.

“The Communications and Digital Committee wishes to investigate how the right to freedom of expression should be protected online and how it should be balanced with other rights”

Background

1. LGB Alliance was formed in October 2019 in response to the refusal of Stonewall, once an LGB rights campaigning organisation itself, to engage in any discussion on issues of sex and gender and how they relate to LGB people. Specifically, there were serious concerns at the adoption by Stonewall of “queer theory” with its focus on the primacy of subjective gender over sex. This theory rejects biology and promotes an unscientific concept of “gender identity”. Our submission shows how social media in general promote this theory and suppress opposition to the set of ideas we call “gender identity ideology”.
2. LGB Alliance believes that “gender identity ideology” reinforces outdated and repressive stereotypes. We would like to see a world where any boy or girl, man or woman, can dress how they like, and be whoever they would like to be, as long as they respect the rights of others.
3. LGB Alliance fully supports the rights of transsexuals to equality under the law. Trans people have attended and spoken at both our meetings and many fully support the work we are doing.
4. LGB Alliance opposes the idea that those who are exclusively attracted to persons of the same sex are “transphobic”; that sex can be changed; that it is possible for a child to be “born in the wrong body”; and the social taboo on discussing these subjects.

Introduction

5. The House of Lords inquiry will be aware that the top five social media companies, Facebook, Google, Medium, Twitter and YouTube share the same culture, location and leadership demographics. The head offices of all five are located within 30 miles of one another in the San Francisco Bay Area of California.
6. Why does this matter? Because California has pioneered the enforcement of gender identity ideology language and rules – even when this is unconstitutional. In October 2017, California enacted a law on preferred gender pronouns in long-term care facilities. Although the bar for criminal prosecution is very high, violations could, under limited circumstances (in the event of “wilfully and repeatedly failing to use a resident’s preferred ... pronouns”), be treated as a misdemeanour. In cases judged to be the most serious, a punishment of up to a year in jail and/or a \$1,000 fine can be imposed for this misdemeanour. This is a form of compelled speech and directly contravenes the First Amendment.
7. The California Board of Education teaches children from kindergarten onwards that they have a “gender identity” which may differ from the “sex they were assigned at birth”; see the book *Irreversible Damage* by

Abigail Shrier. In the UK, schools have outsourced the teaching of Relationship and Sex Education (RSE) to a wide range of non-regulated gender identity lobby groups. This means that despite DfE guidance that RSE should be fact-based, in many cases it is not.¹

8. It is worth noting that four out of five of the social media companies referred to above have founders, CEOs and controlling shareholders who are male, white, aged 36–48. It is not inconceivable that this homogeneity serves to reinforce the lack of diversity in their worldview.
9. The cultural context in which these companies operate normalises acceptance that biological sex is unimportant or old-fashioned. “Gender” – in the sense of gender identity – overrides all. These beliefs effectively erase women and same-sex attracted people, who lose the right to name the systems and structures that oppress them.
10. Our thesis is that these five companies present a single, unified world view which includes acceptance that everyone has a “gender identity” and that it is “transphobic” to suggest otherwise. Anyone who challenges these views is at risk of being suspended or banned from their platforms.
11. The mechanism to control or remove views with which the companies disagree is the widespread use of rules forbidding what the social media companies call “hate speech” and “hateful conduct”.
12. All five companies include gender and gender identity as characteristics which must be protected. It is not clear what definition of “gender” they are using. As stated above - the concept of gender identity has no scientific basis and is purely subjective: like any other “identity”.
13. Those who break the rules find their content removed. In some cases, they are banned. In recent years, most of those at the receiving end of such punitive action have been women and LGB people who reject gender identity ideology. In addition, after several sustained and coordinated complaints by his detractors, writer Graham Linehan was removed from Twitter (as mentioned in your call for evidence).
14. It is our position that the narrow worldview imposed by these companies directly contravenes Article 10 of the European Convention on Human Rights and Article 19 of the UN Universal Declaration of Human Rights.
15. We believe that there should be both national and international regulation of online content to ensure that the rights enshrined in Article 10 ECHR and Article 19 of the UDHR are upheld.
16. There is a need for good national and international regulatory mechanisms to compel social media companies to operate in line with national laws and human rights conventions. And the language of sex and gender as used in human rights laws and conventions needs to be reviewed. The word “gender” is never defined and is understood

¹ <https://lgballiance.org.uk/schools-campaign/>

differently by different people. This leads to confusion and ultimately blurs every expression of the relevant rights. CEDAW is virtually the one remaining bastion of women's sex-based rights. And that too is under attack from those seeking to replace "sex" with "gender".

17. Where the terms employed in laws and conventions are unclear, they cannot be used to call social media companies – or anyone else – to account for their actions. As things stand, these companies can impose their rules and are unaccountable to anyone except their shareholders.

Question 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?

18. Freedom of expression online is under serious threat. The handful of companies mentioned above, (Facebook, Google, Medium, Twitter and YouTube) now monopolise social media. They impose corporate control on private individuals in "the public square" worldwide. We believe they have become too powerful and are now undermining freedom of expression. There is an urgent need for national regulatory bodies to monitor and check the censorship they are imposing. These hugely profitable private companies are able to set their own guidelines, deleting comments and banning accounts at will. Their guidelines are based on what a relatively small group of individuals consider to be acceptable "in the public square". There is usually very little opportunity to disagree with a "ruling". You simply need to comply or go to court.
19. Many of those who are sanctioned by these social media companies are women who stress the importance of biological sex to safeguarding the rights of women and LGB people, especially lesbians. The hundreds of examples include Meghan Murphy, banned from Twitter (and appeal denied) for tweeting "men aren't women" (see Feminist Writer Meghan Murphy Sues Twitter, Law & Crime (lawandcrime.com)).²
20. Twitter often allows tweets that offend through slurs, threats, incitement of violence, or discussion of sexual paraphilias (fetishes and sexual disorders) and illegal activity (rape, murder, child sex abuse) to remain on the platform. On the other hand, posts on breastfeeding have been removed for being "arousing", and users have been subjected to temporary or even permanent bans for repeating quotes from elected members of parliament.

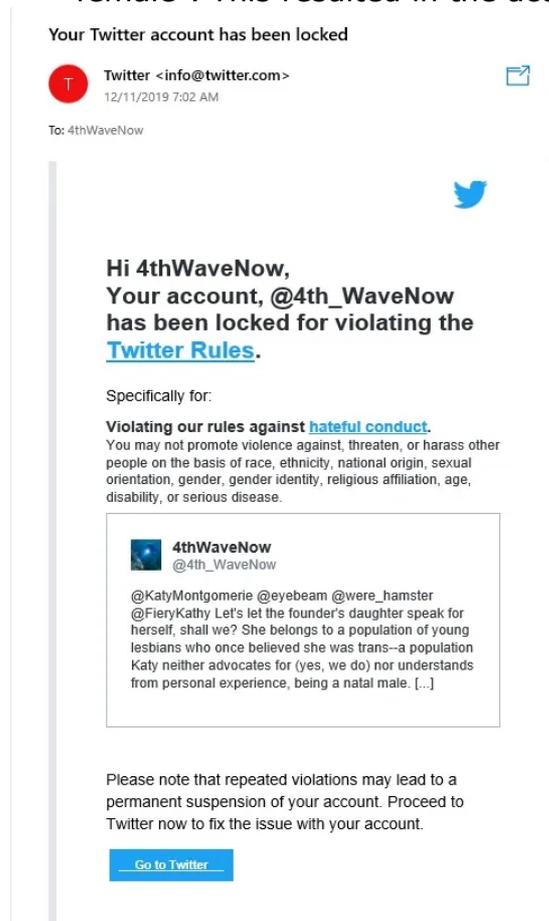
² <https://lawandcrime.com/lawsuit/feminist-writer-sues-twitter-after-she-tweets-men-arent-woman-and-gets-banned/>



21.

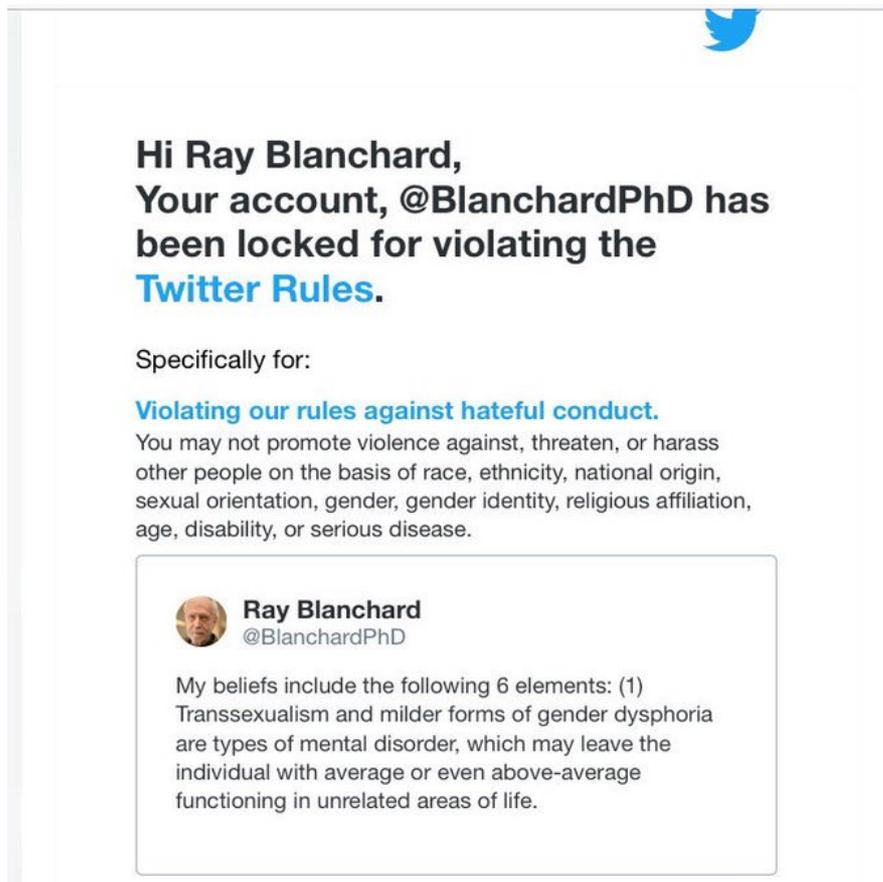


22. The example below refers to human biology by using the term “natal female”. This resulted in the account held by 4thWaveNow being locked.



23. Professor Alessandra Asteriti was permanently suspended from Twitter for highlighting women’s deaths in childbirth.³

24. Dr Ray Blanchard, a leading authority with decades of experience in the field of Transsexualism and Gender Dysphoria, was temporarily banned from Twitter for sharing his expertise.



25. Preventing the public from learning the views of an expert is indefensible censorship. Moreover, displaying intolerance to an alternative point of view is the very definition of bigotry. Twitter and Facebook are practising what they claim they seek to prevent. Twitter in particular is hostile to those who express dissenting views on “gender identity ideology” or “gender self ID”.
26. Other platforms take similar action. Reddit has removed entire groups centring feminism and critical thought, while Medium has banned posts that describe the promotion of “preferred pronouns” as coerced speech.

Are there differences between exercising the freedom of expression online versus offline?

27. Yes, there are clear differences related to scale, ownership and rules.
28. In the UK, the influence of Stonewall, the leading “gender identity lobby group” cannot be overstated.

29. Stonewall operates a scheme called Diversity Champions. This scheme was once a benchmark of employment best practice in relation to LGB employees.
30. Sadly, it has degenerated to such an extent that many originally supportive corporations such as IBM, American Express, Citibank & others have withdrawn their membership.
31. It now rewards employers who choose to implement their extra-legal advice, including removing words that are specific to biological sex, removing sex-protected facilities and promoting the enforcement of a belief in "gender identity ideology". We will see several legal challenges to Stonewall's undue and damaging influence in the workplace over the next 18 months, starting with the case for Indirect Discrimination brought by criminal barrister Allison Bailey.⁴
32. It is of concern that the independent regulatory bodies ASA and OFCOM are both members of Stonewall's Diversity Champions Scheme. We would argue that this severely compromises their stated aim to operate with impartiality.
33. The same applies to the BBC, Channel 4, The Guardian, ITV, the Telegraph Media Group, Discovery UK, Sky, Walt Disney Company and many other media players. It is not surprising therefore that the views of LGB Alliance are rarely seen or heard in UK media.

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

N/A

Question 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?

34. Open third-party social media platforms are not responsible in the UK for the content they host; they are only responsible for the platform and how their company and its operations are conducted. The government says it will take action, but unlike Germany where harmful content must be removed within 24 hours, nothing has happened here.
35. Words, whether written or spoken, may be regarded by some as "harmful". However we believe that referring to words as "literal violence" lacks credibility. The only kind of words that should be subject to sanctions are those that clearly incite violence.
36. No laws currently exist to protect someone from being offended. However, many jurisdictions, including Scotland, are seeking to extend the definition of "hate crime" to achieve this outcome.

⁴

<https://thestudentlawyer.com/2020/07/03/allison-bailey-v-stonewall/>

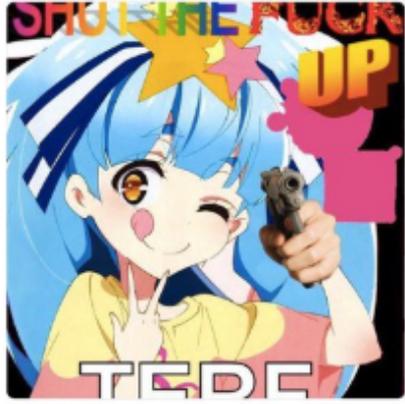
37. In contrast, few if any sanctions are applied to those who threaten or incite violence online. As with criminal offending in general, what we see online is a pattern in which males, including those who wish to be seen as women, threaten violence towards women and girls.
38. When threats of "Kill TERFS" (TERF is a pejorative term meaning "trans exclusionary radical feminists") are posted online, and when thousands of rape or murder threats are sent to JK Rowling, for example, nothing is done, not even when graphic descriptions of intended harm are used.
39. Yet when a woman complains about violent threats and abuse, it is very common for no action to be taken at all. See the example below, relating to Joanna Cherry MP.

anya @ainebike

Hi @TwitterSupport The tweet on the left was sent to @joannacherry 8 days ago. It was reported 8 days ago. The tweeter is not suspended and the tweet is still up. The tweet on the right was sent yesterday. The tweeter was promptly suspended. Can you explain the difference?

gigi @gigi4ugates

Replying to @joannacherry



11:00 PM - 1 May 2019

2 Retweets 365 Likes

Twitter your reply

Eurobeat @MerziesGrasme - May 1
Replying to @gigi4ugates @joannacherry @HumanRightsChr
Reported.

Rachel (Gender Free) @rachelshold

Hey @TwitterSupport I'm being sent this meme over and over.

It depicts an anime character with a photoshopped gun. It's intending to silence gender critical women. It's misogynistic, targeted harassment.

I wonder if it's ok for me to respond with this ...?



11:53 pm - 9 May 2019 - Twitter Web Client

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

40. Yes. Any social media company should agree to uphold Article 10 of the European Convention on Human Rights and Article 19 of the UN Universal Declaration of Human Rights.
41. If any social media company is found not to do the above, then penalties should apply to enforce compliance.

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

42. It is essential to incorporate information framed in clear and explicit language(s) suitable for the target audience. This should be presented in different formats, such as text, video and audio, and include community standards and guidelines on use and management of the digital platforms to ensure and promote fairness, accessibility, transparency and accountability.
43. The information must be compliant with the rules in the Equality Act and the Data Protection Act relating to the routine collection and storage of user information. Policies should be easily located and short and easy to read.
44. There is no uniformity in the models that apply to these issues around the world. For instance, in the US there is no legal liability for content providers, in Canada, "common tort law" applies, and the EU's eCommerce Directive (2000/31/EC) has a "notice and takedown" approach.⁵
45. The heart of the dilemma is the need to reduce online harms while respecting freedom of speech. It is necessary both to protect people from targeted abuse and harassment (also referred to as "hate speech" and classed as a crime) and to stop the spread of dangerous disinformation (which is not a crime).
46. In the UK, the recent Online Harms White Paper proposes that social media companies will be expected to remove illegal content such as terrorist incitement and child sexual abuse. Illegal content will be regulated by Ofcom. However, the White Paper proposes in clarification that legal but harmful speech will be left to social media platforms to moderate.
47. The importance of social media platforms adopting and maintaining robust content moderation models is now widely recognised. These models must operate with adequate and consistent understanding and recognition of the protected characteristics under the Equality Act.

⁵ <https://core.ac.uk/download/pdf/144231787.pdf>

48. Prompt action should be taken against anyone engaging in the targeted harassment of, and threats against, groups belonging to a protected characteristic (e.g. gays and lesbians; women) on the basis of disagreements or statements of fact (e.g. "only women have a cervix"). Failure to take action amounts to complicity.
49. An independent body is needed to study the workings of content moderation and to identify any patterns and biases.

Question 6: To what extent should users be allowed anonymity online?

50. This is an extremely complicated issue. Anonymity is used on the one hand as a disguise by users who attack their opponents and express abuse, and on the other hand as a protective device by users who express dissenting views.
51. In particular, it is common for anonymous users to attack opponents of "gender identity ideology" and target their employment or professional standing or threaten legal action. The named users who have been attacked in this way include Meghan Murphy, Kathleen Stock OBE, and Graham Linehan.
52. Understandably, then, many people choose anonymity to express opinions which reject "gender identity ideology".
53. An ideal world would be one in which users could engage in civilised discourse without fear of reprisals and in which anonymity would no longer be necessary.

Questions 7, 8

N/A

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?

54. The algorithms used by Google (90% mobile market share), in particular, should be made transparent. It is noteworthy that online users looking up LGB Alliance find several articles smearing LGB Alliance (including a particularly defamatory one by an obscure writer) on the first page of the search result. A similar search of Stonewall finds none of the numerous articles that have been published criticising Stonewall except for a single article on the fifth page of search results. Regulators should insist on transparency and accountability: users need to know what the underlying algorithms are based on. The manipulation of algorithms is addressed in "How Google interferes with its search algorithms and changes your results", *Wall Street Journal*, 15 Nov. 2019.

Questions 10, 11, 12

N/A

15 January 2021