

Michael Johnson—written evidence (FEO0078)

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

I am a PhD student, studying chemistry at a Russell Group university, and I write to express my views on online freedom. I am a strong believer in free speech, and I wish to outline my thoughts below, on the questions raised by this consultation. I should say I am not professionally concerned with Big Tech, and do not have specialist knowledge on online expression and/or harm. I am merely wishing to state my opinions and preferences on the matter. I submit this document in my personal capacity, and this is my first submission of this sort for parliament. I hope that this is not totally unlike what parliament is looking for. My views with respect to some of the specific questions asked by the call for evidence (copied from the Parliament Website):

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?

I believe freedom of expression is under serious threat online. As it stands, large tech companies have an enormous amount of control over how people communicate, and the forms that speech and expression take on in society. The most serious examples can be seen of tech companies working very quickly (perhaps this is real collusion, perhaps just a symptom of many cut-from-the-same-cloth tech executives making similar decisions independently) to compliment the efforts of each other. Some examples I can think of most prominently in the past couple of months to exemplify this point are:

Twitter, Facebook and YouTube banning Donald Trump and several other right-wing people in the wake of the riot at the US Capitol, *followed up by* Google Play, Amazon and Apple removing the alternative social media app Parler from their app stores. This is significant as it is not only that Silicon Valley has managed to act decisively to limit certain political figures on their social media platforms, but they have also acted with the effect (not necessarily intent) of limiting the choice of internet users to use other alternative platforms.

Another example of Big Tech acting in a very alarming way is the recent deleting of millions of videos from Pornhub and various other pornographic sites. These sites hosted millions of videos that were claimed to be videos of underage people, and videos of rape and other abuse (all of which, to be clear, I believe should have been moderated and never allowed to go public in the first place). These videos were online for years, despite repeated efforts by the alleged victims appearing in these videos to get them taken offline, and no work was achieved to introduce legislation to address this. In the end, the videos were taken down and moderation was increased because Visa Debit, one of the few big electronic financial management companies, threatened to remove its services from the relevant pornographic websites. This again shows the danger to free expression because elected, representative legislators, in their inability to

act in a timely manner and address a serious online problem, have in effect left it to private corporations to enforce rules themselves.

What we see at this point is an online environment similar to the early era of industrialism; several extremely large companies with enormous power, and seemingly unassailable positions over competitors, making decisions that affect the way society works.

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

Children should be taught in school, and classes offered to adults (particularly new parents) about the use of the internet, including the roles of algorithms, the tools internet users can employ to block, filter or avoid content they object to, and the potential dangers of allowing vulnerable people to use the internet with no safeguards.

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?

Internet users should be allowed to post 'lawful but harmful' material, and it should be required of websites that they employ systems to the best reasonable extent to allow the hosting of such content. Other internet users should be given tools to filter this content out, if they wish not to see it.

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

Yes, I believe so. I believe online platforms should be legally obliged to host content regardless of political leanings, or how obscene it is (unless it is explicitly threatening or violent). There should be flagging systems in place, such that material that is pornographic, hateful or otherwise obscene can be labelled as such, and internet users should have filters to control what they can see, and should have the ability to organise their own forums with their own moderation to allow control of obscene content.

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

Specifically for the protection of vulnerable people (children, mentally disabled people, etc.), I believe it is important to encourage development of more comprehensive browsing restriction software, and standardised flagging and labelling systems. I believe websites should be required to allow users to allow "child friendly" versions of their websites, whereby an under-18 can create a profile that will filter out various obscene content.

In cases where vulnerable people are exposed to obscene material (hate content, pornography, extreme graphic violence) and negative consequences arise for the vulnerable, I believe legal responsibility should fall on the parent/guardian of the vulnerable individual if the website he/she visited had employed its protections correctly (i.e. the parent did not bother to set up the

filters for the person in his/her care with due diligence), and should fall on the website hosting the content if the protective features provided are insufficient. In cases where potentially harmful material is posted online (dangerous hoax treatments and cures for coronavirus, or conspiracy theories blaming some ethnic group for society's woes, for example) the person(s) posting the content should always be immune from any liability for negative consequences arising from people following their advice. It is the job of internet users to decide not to listen to harmful advice, and the role of parents/guardians to protect vulnerable people from content such as the aforementioned.

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

All websites of sufficient size should be legally obliged to offer the option to post and view content anonymously online. It is essential for internet users in some circumstances (abused people seeking help/contacting people whilst living in unsafe environments, or people in oppressive countries that do not allow free access to the internet). All users should have the option to block correspondence with anonymous users, however, to balance privacy and give people the tools they need to convenience and protect their use of the internet.

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?

Online platforms should provide tools to users (blocking software and filters) such that users should not have to see content they do not want to, but other than that content should be allowed. It is one's own job (or that of a parent/guardian in the case of vulnerable people) to ensure that material one considers harmful is avoided.

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?

Algorithms should be monitored by a regulatory body, and should be investigated to ensure that they are as ideologically neutral as possible. Any such ideological biases (Youtube recommending right-wing content creators less than progressive ones) should be unlawful.

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 believe users would have a much better selection of platforms if competition and Big Tech monopolies were regulated. Small platforms that see themselves 'muscled out' by the few giant platforms (for example, Google and Apple deciding to remove an app from their stores that offers an alternative to Twitter), should have an avenue to appeal less-than-preferential treatment (in this same example, they should be able to apply to get their apps reinstated, if there no reason can be provided to the regulator against reinstatement).

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 am not well read-up on other countries' policies on freedom of expression online specifically. As a general principle, however, I believe strongly that all forms of speech and expression should be allowed, regardless of how offensive they are considered to be. The only restriction of speech I believe to be justified, is where the speech would cause someone of reasonable sensibilities to believe that a credible threat of violence (including vandalism and other property damage) to him/her exists.

I believe that the United Kingdom must enact some sort of codified, modern convention protecting people's fundamental human rights (most relevant here, the absolute human right to freedom of speech), and it should sit above all other laws passed in the country, similarly to a national constitution like that of the USA. I believe that any laws passed in the UK must have to stand up to this convention, and justify that they do not violate our fundamental rights.

15 January 2021