

Written evidence submitted by Young Epilepsy (OSB0140)

About us

Young Epilepsy is the children and young people's epilepsy charity. We exist to create a society where children and young people with epilepsy are enabled to thrive and fulfil their potential. A society in which their voices are respected and their ambitions realised.

Does the draft Bill make adequate provisions for people who are more likely to experience harm online or who may be more vulnerable to exploitation?

Young Epilepsy recommends that the Online Safety Bill should incorporate the Law Commission's recommendation to make it an offence to intentionally send flashing images to someone with epilepsy with the intention of causing a seizure.¹

We are unaware of any successful prosecutions in England and Wales for individuals provoking seizures through targeted electronic communications. The Online Safety Bill is an opportunity to provide a strong footing to pursue prosecutions in these types of cases.

Young Epilepsy's Twitter account has been subject to malicious posting by multiple individuals attempting to induce seizures in people with epilepsy. These attacks have put the charity's supporters at risk of serious harm.

The malicious posts take the form of flashing images, intended to induce a seizure in someone with photosensitive epilepsy. They have been posted in response to Young Epilepsy's own Twitter content. Seizures can result in injuries such as bruises, cuts and burns. Prolonged seizures can also result in a potentially fatal condition known as status epilepticus.

Whilst it is estimated that only 3% of the epilepsy population experience photosensitive seizures, the threatening nature of the posts is likely to have caused distress to the wider epilepsy community, including young people and their parents. We are aware that some of our supporters have also been specifically targeted through direct messages.

Young Epilepsy is just one of several epilepsy charities to have been targeted, including Epilepsy Society.

As part of its review of communications offences, the Law Commission recommended in July that a new offence be introduced to address these malicious attacks against people with epilepsy:

'We recommend that the intentional sending of flashing images to a person with epilepsy with the intention to cause that person to have a seizure should be made an offence'

¹ [Law Commission \(2021\) *Modernising Communications Offences*, p. 113](#)

(Recommendation 6)²

Young Epilepsy welcomes the Law Commission's recommendation and calls for this proposal to be incorporated into the Online Safety Bill.

Are there any types of content omitted from the scope of the Bill that you consider significant? How should they be covered if so?

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Will the proposed legislation effectively deliver the policy aim of making the UK the safest place to be online?

In order to ensure that the law protects individuals in the UK, online offences related to the intentional causing of seizures should have extra-territorial application. The significant risk of harm to those with epilepsy warrants consideration of expanding the application of the law.

27 September 2021

² [Law Commission \(2021\) *Modernising Communications Offences*, p. 113](#)

³ [Law Commission \(2021\) *Modernising Communications Offences*, p. 113](#)