

WARNING: This consultation response contains language and/or material that may be distressing

Your response

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<p>Question 1: Do you have any comments on our proposed approach to 'content and activity' which 'disproportionately affects women and girls'?</p>	<p>Confidential? N</p> <p>This guidance aims to protect all women, including queer and trans+ women, from online harm. But the majority of examples, case studies and descriptions in the current guidance center the most privileged experiences. If this guidance is going to benefit the many types of women in the UK and reduce the unequal barriers faced, it needs to acknowledge these differences and exemplify what inclusive approaches to online safety look like in practice.</p> <p>This could better be incorporated through the following actions:</p> <ul style="list-style-type: none">- Including examples of transmisogyny, queer and trans+ fetishization, and evidencing the intersection between anti-LGBT+ hate and gender-based violence.- Outlining by-and-for specialist support services who support victims and survivors of gender-based violence with intersecting identities.- Naming specialist LGBT+, global majority, and disability anti-violence training in the multiple recommendations around training and education for moderation staff. <p>An intersectional approach should be implemented from step one in all actions to support women and girls with online safety. Without naming and defining intersectional approaches throughout the guidance, this seems like 'optional' or 'additional' work which is less of a priority for technology firms.</p> <p>There needs to be clarity on what constitutes 'harmful content and activity' - both for LGBT+ people and concerning LGBT+ topics. Social media platforms can sometimes conflate LGBT+ content as harmful, therefore limiting access to specialist LGBT+ information, support and community networks. Further clarity in the guidance could prevent the blanket banning of LGBT+ content and ensure that only content which is 'harmful' or 'high risk'</p>

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	<p>within an LGBT+ context is prohibited. This is mentioned in terms of LGBTQ+ kissing being banned but this issue has much further reach than banning queer and trans+ intimacy.</p>
<p>Question 2: Do you have any comments on the nine proposed actions? Please provide evidence to support your answer.</p>	<p>Confidential? N</p> <p>Action 1 A good practice step for aiding service providers to track and evidence new kinds of illegal content [3.11e] would be to create pathways for specialist gender-based violence organisations to raise emerging trends from front-line support services. Platforms can also meaningfully engage with specialist services, especially by-and-for organisations, by sharing emerging ‘hot topic’ words. Meaningful partnerships and knowledge exchanges with by-and-for services can strengthen monitoring and evidence gathering. We’ve also seen language that was previously used as slurs or to incite hate be reclaimed by younger generations. Engaging with specialists could prevent the mislabelling for these terms as ‘harmful’ and provide an opportunity for nuanced insight.</p> <p>Action 4 4.18c could be strengthened by recommending that lived experience users are involved when conducting risk assessments and abusability testing. We would also emphasise the importance of having this supported by by-and-for specialist gender-based violence organisations.</p> <p>Action 6 [4.37.b] should be a Foundational Step, rather than Good Practice, but it also needs further clarification. The recommendation makes a hierarchical distinction between harmful content for children, where content “including abuse on the basis of sex or gender reassignment, as well as content promoting gendered violence” is treated less seriously than harmful content such as “pornography, eating disorder content, self-harm and suicide content”. It is not enough to give content containing “abuse on the basis of sex or gender reassignment” a “low degree of prominence”, where other harmful content “should not appear on children’s recommender</p>

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	<p>feeds at all”.</p> <p>LGBT+ children who would likely be harmed by content that includes “abuse on the basis of sex or gender reassignment” should not be exposed to a higher degree of harmful content than their cisgender peers. Even at a “low degree of prominence”, exposure to this kind of content can be deeply harmful to LGBT+ children and perpetuates hateful rhetorics which can be assumed by their peers. According to the UK Government’s suicide guidance for working with trans+ young people, young people who have experienced cyber-bullying are almost twice as likely to attempt suicide compared to those who have not. We know from both queer and trans+ young survivors accessing Galop’s advocacy and support service that bullying, harassment, and hate crime all have a complex and long-lasting impact because the victims and survivors are being targeted for an intrinsic aspect of who they are.</p> <p>LGBT+ children should not be exposed to any degree of harmful content that abuses their identity.</p> <p>We also recommend further clarity on the phrase “abuse on the basis of sex or gender reassignment” as this is not reflective of current inclusive language around both cisgender and transgender women and girls. You could rectify this by defining both misogyny and transmisogyny and with a clear and robust definition of gender-based violence which clearly includes both cis and trans women.</p> <p>Action 8</p> <p>[5.19.a] At what point do platforms have a responsibility to ensure that complaints and/or reports are processed by a human? Is there scope to add this to the guidance? For example, it isn’t trauma-informed for the only option for someone reporting intimate image abuse, including deepfake images, is to use chatbots and AI. There’s a duty of care to ensure victims and survivors can reach another human who is trained to respond to their situation in a trauma-informed and person-centered way.</p> <p>[5.20.d] We recommend that trusted flaggers should fall under the Foundational Steps, rather than just Good Practice.</p>

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	<p>[5.25.e] Moderator should receive specialist training from by-and-for organisations, such as LBT+ specialists.</p>
<p>Question 3: Do you have any comments about the effectiveness, applicability or risks of the good practice steps or associated case studies we have highlighted in Chapter 3, 4 and 5? Are there any additional examples of good practices we should consider? Please provide evidence to support your comment.</p>	<p>Confidential? N</p> <p>It’s important to name intersecting forms of abuse and the guidance could go further in protecting survivors with intersecting identities. There are many opportunities where misogynoir and transmisogyny can be named as specific online harms, such as in 3.17a(ii).</p> <p>Case studies</p> <p>92% of case studies seem to reflect the experiences of cis, white, able-bodied women’s experiences of online harms. We strongly recommend diversifying your examples to further encourage platforms to adopt the values outlined in the guidance and ensure inclusion.</p> <p>Out of the 25 case studies included in the guidance, trans+ women and girls’ experiences are not included, with only one brief mention of “misgendering” in case study 13. The LGBTQ+ community is mentioned very briefly in case study 3, but this reference is not enough to count as inclusion.</p> <p>If this work is going to reach all women and girls, as intended, there should be examples how the guidance can be implemented to improve safety for LGBT+ women and girls.</p> <p>Here are four ideas for where you could illustrate both queer and trans+ women and girls experiences:</p> <ol style="list-style-type: none"> 1. Case Study 19: You could highlight the challenge trans+ women and girls could face as the “affected persons” if the images are pre-transition or don’t match their current ID. This could also further illustrate the need to connect trans+ women who are victims of online gender-based violence with an actual person for support, rather than a chatbot. 2. Case Study 19: You could highlight the risk of deepfake detransition images being crated of trans+ women and girls and used to facilitate transphobic hate.

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	<p>3. Case Study 2: Misogyny noir is mentioned in case study 15 but in Case Study 2 you could also mention transmisogyny and offer a specific example of a trans+ women experiencing fetishization online.</p> <p>4. Case Study 15 section 5.14: You're using a digital pile on as an example here, and you could easily include an example of a trans+ woman experiencing doxing of her identity, leading to a digital pile on and a stark increase in online hate.</p> <p>Galop would happily provide evidence or a more robust a case study for each of these points.</p>
<p>Question 4: Do you have any feedback on our approach to encouraging providers to follow this guidance, including our proposal to publishing an assessment of how providers are addressing women and girls' safety? Do you have any examples or suggestions of other ways we could encourage providers to take up the 'good practice' recommendations?</p>	<p>Confidential? N</p> <p>Overall, the guidance is not strong enough to hold tech firms accountable for ensuring online safety. We strongly recommend that the Foundational Steps in the guidance become legally binding, so Ofcom has the authority to enforce these measures and ensure companies adequately prioritise safety.</p> <p>We also recommend introducing positive incentivisation to encourage companies to implement the Good Practice steps. Is there an industry standard or Ofcom list of best-practice platforms that companies can be awarded if they evidence the measures they're taking to implement the Good Practice steps toward safety? For some large tech companies, fines or sanctions can be a drop in the ocean but if they are seen to be falling behind industry standards and aren't named as 'safe' platforms, this could incentivise them to prove that they are safe for women and children.</p>
<p>Question 5: Do you have any comments on our impact assessment, rights assessment, or equality impact assessment? Please provide any information or evidence in support of your views.</p>	<p>N/A</p>

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<p>Question 6: Do you agree that our draft Guidance is likely to have positive effects on opportunities to use Welsh and treating Welsh no less favourably than English? If you disagree, please explain why, including how you consider the draft Guidance could be revised to have positive effects or more positive effects, or no adverse effects or fewer adverse effects on opportunities to use Welsh and treating Welsh no less favourably than English.</p>	N/A

Please complete this form in full and return to OS-Section54@ofcom.org.uk.