



Consultation response form

Your response

Question	Your response
<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>Please note that throughout this consultation response, unless another author is explicitly referenced, all references made are to the draft guidance.</p> <p>Ofcom's guidance outlines four overlapping forms of harm covering content and activity as set out in the Online Safety Act (OSA) (1.10). These four areas are online misogyny, online harassment, image-based sexual abuse, and online domestic abuse (ODA). The latter of which is described as the use of technology for coercive and controlling behaviour in the context of an intimate relationship (1.10). According to the draft guidance, sending unwanted and repeated messages, causing serious alarm or distress which has substantial adverse effects on the message recipient, is an example of coercive and controlling behaviour (p. 60). There is a noticeable overlap between the priority offence of harassment and the priority offence of controlling and coercive behaviour.</p> <p>Collectively these harms are referred to as "online gender-based harms", a term used by Ofcom to describe their approach to content and activity that disproportionately affects women and girls as set out in Section 54 of the OSA (footnote 9). Ofcom's guidance further takes the view that online gender-based harms are systemic and intersectional and "recreate and amplify existing gender discrimination" (2.4), online and offline harms tend to co-occur and overlap (e.g. intimate image abuse can be a form of coercive control in cases of DA) (2.5), and recognises that online gender-based harms are "exacerbated by societal norms such as victim-blaming" (2.6). Whilst we submit that the broader approach to VAWG taken by Ofcom is well-informed and welcomed, the guidance is marginal on the ODA front compared to the remainder of the four overlapping harms addressed and lacks a defined approach, leaving space for consultation.</p>

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	<p>As per 1.12 of the guidance, providers should “take a holistic view of the experience of women and girls online when making decisions about their policies, tools, and features they offer users, and how those choices may impact women and girls’ safety.” Taking into consideration the complexities of domestic abuse (DA) relationship dynamics would strengthen the aforementioned holistic view. Our commentary throughout this consultation form will focus on ‘reactive abuse’, a term which has gained traction across social media, has been picked up by legal services both nationally and internationally (despite being unaccounted for in any criminal or family legislation), and is a commonly understood term across local DA organisations that we have interacted with as part of our research. In the absence of an academic definition of ‘reactive abuse’ and until the completion of our qualitative research and publication of our outputs, we propose the following working definition for Ofcom’s understanding: ‘reactive abuse’ describes instances where victims of DA respond to their abusive partner with conduct that may constitute a criminal offence, often provoked to misrepresent victims as perpetrators. There can be multiple psychological explanations for this phenomenon such as trauma or as a defence mechanism (Gupta 2023). ‘Reactive abuse’ is closely situated amongst related terminology such as DARVO (which stands for deny, attack, reverse victim and offender) and the criminalisation of domestic abuse victims (Harsey and Freyd 2020). Our research is interested in building an evidence base to advocate for law reform by learning about women’s experiences of ‘reactive abuse’ and their perspectives about the legal responses to it.</p> <p>As ‘reactive abuse’ tends to be provoked as an attempt to evidence the victim as the perpetrator, we are particularly concerned about increased attention towards ODA given its documentable nature, as will be flagged further into this consultation form.</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>We submit comments on Actions 2, 4, 8 and 9.</p> <p>Action 2: Conduct risk assessments that focus on harms to women and girls.</p> <p>‘Reactive abuse’ is a highly complex phenomenon that risk assessments need to be able to account for. How risk assessments can fully consider context would be a key question for the guidance. Without context and nuanced understanding, misinterpretation of victims’ posts and communications could lead to the conclusion that they resemble those of perpetrators. This could lead to failure to protect and/or potential additional harm being caused to victims (Gupta 2023; Mend Project 2025).</p>

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	<p>It is unclear from Ofcom’s draft guidance how ODA will be dealt with in a public context (e.g. public posts and communications), such as how it will be detected and by what means it will be dealt with (e.g. platform sanctions or police referral). Furthermore, as the OSA creates a duty for message scanning on platforms to identify terrorism and child sex abuse content (other priority offences under the Act), it is plausible this could be extended to ODA, given that it most commonly manifests in private communications (user-to-user nature via direct message). Urgent investigation is needed before VAWG guidance is implemented, as detection of ODA may uncover ‘reactive abuse’, which remains poorly understood in law. Without considering ‘reactive abuse’ in Ofcom’s regulatory framework, measures to protect women may instead reinforce existing power imbalances in DA contexts, leading to unintended legal consequences. We advocate for a nuanced approach to ODA to prevent further penalisation of DA victims.</p> <p>Action 4: Conduct abusability evaluations and product testing.</p> <p>It is arguable that automated systems would fail to distinguish between perpetrator and victim in the context of reactive abuse in the online environment. Grey literature on ‘reactive abuse’ describes how a victim who reacts abusively is usually acting out of character, leaving them confused and surprised by their response, leading to more self-doubt and self-criticism. While this could be assessed by a trained and experienced person in a face-to-face situation, in an online communication this distinguishing reaction cannot be observed, resulting in the communication appearing to be from a perpetrator, rather than a victim acting out of character (Mend Project 2025). It is further acknowledged that perpetrators may use this difficulty in identification along with recognised tactics of interception of digital technology to further compromise safety of victims (Emezue 2020).</p> <p>A number of key questions present themselves from this; are there interface-level security measures that can differentiate users based on behavioural and contextual cues? Concern in misclassification can lead to unfair/unwarranted penalties, further victimization, and erosion of trust in platform safety mechanisms (Prison Reform Trust 2017; Norris 2025). What non-automated moderation would be considered necessary? Who would provide this- will there be consultation with DA experts/specialists and survivors to develop this and automated features?</p> <p>Action 8: Enable users who experience online gender-based harms to make reports.</p>

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	<p>It is recognised that perpetrators use tactics including malicious reporting of abuse following provocation of reaction in ‘reactive abuse’ scenarios to further inflict harm on the victim as they are aware of the potential consequences/penalties (Harsey and Freyd 2020). Any system/moderators must be trained/have experience in recognising the nuances of these situations. Even if this is recognised at a later stage and no penalty is imposed, there could be personal emotional and psychological consequences for the victim should they be subject to questions on this (Renehan <i>et al.</i> 2023).</p> <p>Action 9: Take appropriate action when online gender-based harms occur.</p> <ol style="list-style-type: none"> 1. Ofcom should make clear the threshold(s) for referring individual conduct online that constitutes a priority offence such as controlling and coercive behaviour on to law enforcement. 2. a) It is also unclear how women and girls are to be singled out on platforms to be able to implement the draft guidance. Gender and sex (as well as identity as a whole) are not verified on social media platforms at any point in time (we are also not suggesting that it is desirable to have gender/sex verification on platforms either). Therefore, we can only assume that the draft guidance and risk assessment will be rolled out across the entire platform, resulting in a proportionate universalism approach (this means introducing something across the board that theoretically benefits all users, but with the intention that certain target populations e.g. women will benefit more than others). b) Both harassment and coercive & controlling behaviour are not gender-specific in the OSA nor in their respective legislations which the OSA derives them from. This lends greater credence to our speculation that these priority offences must be monitored and assessed across all users, which creates a tangible risk of instances of ‘reactive abuse’ being detected and misunderstood. This would have the opposite effect of what the VAWG draft guidance sets out to do.
<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? – Y/N</p>

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<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? – Y / N</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>Confidential? – Y / N</p>
<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>	<p>Confidential? – Y / N</p>

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

References

Emezue C. (2020). Digital or Digitally Delivered Responses to Domestic and Intimate Partner Violence During COVID-19. *JMIR public health and surveillance*, 6(3)

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Renehan, N., Barlow, C., & Walklate, S. (2023). Self-blame and (becoming) the crazy ex: Domestic abuse, information sharing and responsibilisation. *Criminology & Criminal Justice*, 0(0).