

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

Submission - Draft Guidance on a safer life online for women and girls

Question

Question 1: Do you have any comments on our proposed approach to 'content and activity' which 'disproportionately affects women and girls'?

Your response

. Sometimes 'gender based harm' is used in the consultation interchangeably with 'content which disproportionately affects..' These are distinct and different things. For example, it says in the consultation women use the internet more e.g. for social media. Where there is more effect on them from more internet hours, there is no existent harm which is gender based, but there will be a disproportionate effect. Conversely, there may be harms which are gender based, e.g an internet user is targeted because of their gender, but this activity does not 'disproportionately affect..' e.g. where women are targeted

because of their gender, and men because of their gender to an equal degree. Since the wording in Section 54 is 'disproportionately affects' Ofcom need to use this, rather than 'gender based'. Consequently Ofcom need to be establishing whether particular harms do in fact affect women more, before including them in Section 54. Therefore, Ofcom will need robust comparative data for each supposed harm. It is insufficient to establish a harm exists.

Secondly, Ofcom says its approach is due to the 'unique' experience of women and girls. The experience of women and girls may be unique, but that is not in and of itself a reason for special treatment . We had a Supreme Court case judgement recently, with the effect that there are only

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two sexes, for purposes of the Equality Act, so insofar as the experience of each sex is different from the other, the experience of both men , and of women will necessarily and logically be unique.

The other reason given for treating the sexes differently is disproportionate harm. However, the wider context of harm, is that men are exposed to more harm(s) on the internet than women. Ofcom knows this from its own data. Nor is that harm trivial in the case of men. Men receive more physical threats online, biological men are sometimes murdered as a result of the internet, and sometimes instigated or facilitated by women, and men are often driven to suicide as a result of harms on the internet, for example as a result of image based blackmail- but there are many, many harms and types of harm to men. In the context of real world violence, we know that men are most of the victims of violence.

Ofcom may say 'But this is a consultation on women and girls' , and so it is, but it is not clear how and where then, Ofcom are to protect men and boys from the harms to them. Ofcom may say 'we do this in our general guidance', but they don't. What we are offered is a regime which is gender neutral in relation to illegal and children's harms, but not gender neutral in relation to legal harms. If Ofcom are to reflect the 'unique experience' of women and girls on the internet, and the harms to them, they

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must do the same regarding the unique experience of men and boys.

Ofcom may say, 'We are mandated to do this for women and girls' under Section 54, whereas there is no specific provision mandating them to do this for men and boys. However, if they take action eliminate a harm for women and girls, but leave it in place for men and boys, then they will be discriminating against men and boys, and are not allowed to do this as a public authority. So, Section 54 may be a useful tool in identifying certain types of harm, but having established a benchmark that a certain type of harm needs to be addressed, whether that is online harassment, intimate image abuse, or whatever, Ofcom need to protect all users from it, male or female. And as a process Section 54 is very insufficient because it will only identify unequal harms between two groups, and only those which go in one direction.

i recently read a bbc article which said 22% of men and 30% of women are experiencing domestic abuse- which is a type of harm, which also exists on the internet, as online domestic abuse, and serves as a type for illustration .There are three possible approaches:

- a) Eliminate the **differential** , or
- b) Eliminate the **top line**, or
- c) Eliminate the **top and bottom line** (no-one is suggesting eliminating just the bottom line.

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Eliminating the differential could be done by raising the 22% to 30% , for example , so I hope anyone can see that approach is unpalatable. It would mean the incidence of abuse would be (30%, 30%)

Eliminating the top line would get rid of the 30% , but leave the 22%.I hope people can see that approach is undesirable also.

Approach c) would eliminate the abuse and leave the abuse at 0% (that may be impossible in practice, but we are talking about approach, rather than practicalities here.)

Yet, it is not clear to me that Ofcom's general approach as set out in the consultation document is c). Some of the approaches are ambiguous between b) and c) , (or even in cases a))

I would like to see Ofcom applying c) consistently.

Question 2: Do you have any comments on the nine proposed actions? Please provide evidence to support your answer.

Note the response to question 1. The other thing to be said is in relation to freedom of expression. Ofcom say in their consultation paper that people must not be silenced. In this way censorship can be seen as a harm. However whereas they make this claim in relation to women ;they are themselves silent, when it comes to seeing censoring men as a potential harm. If censorship is a harm for one sex, then censorship is a harm for the other. Putting this together with the response to question

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1, gives some principles for responding on the nine actions.

So, I would be suspicious of anything which does not adopt approach c) , a gender-neutral approach, and therefore in relation to the nine actions, I would oppose all but Actions 5 and 7.

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.

No comment

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?

The approach suggested could punish platforms who do the right thing and adopt approach c) ., so I would not support the publication of assessments.

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.

See the answer to question 2 above. The approach taken i appears to offload the responsibility for privacy onto the Information Commissioner's Office. The nine actions would see providers monitoring legal content, because the approach taken is to cut further into freedom of expression, and classify more legal content as harmful. That has huge implications for privacy, and Ofcom simply haven't considered it. In my opinion the

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huge impact on privacy is unpalatable.

Likewise, in relation to freedom of expression, Ofcom have not conducted an impact assessment other than setting out what the legislative framework says, what their proposed actions are , and simply stating they are compatible. There is a desperate need for a proper impact assessment, and in particular on the effect of these draft proposals on men and boys.

Finally, in relation to the equality impact assessment, and the public sector equality duty, Ofcom do not appear to have considered how deeply damaging its draft proposals would be to relations between the sexes, of implementing a discriminatory policy of dealing with harms to women and girls, whilst ignoring those to men and boys, and of silencing men and boys , whilst supporting the speech of women and girls. It does need to conduct an assessment.

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.

I have no comment on positive effects on opportunities to use Welsh