Online Harms Consultation Response

Evidence submitted by Galop, the LGBT anti-violence charity

1) Executive summary

We welcome the White Paper proposals

We have been encouraged by the actions taken by leading social media companies toward tackling online hate. Despite this, anti-LGBT hate speech continues to flourish online and online platforms remain hostile places for LGBT+ people. Against this background we welcome the framework set out by the consultation document.

Regulation must be accompanied by reform of criminal offences

We value free speech. It is a cornerstone of our society that allows LGBT+ people to speak up for their rights, even when they are considered dangerous, immoral or illegal. However, free speech is increasingly used as a fig leaf to legitimise hatred toward minority communities, to spread falsehoods and to attack individuals. Our preferred position would be to defend legitimate free speech but we can only hold this position if online hate content is effectively dealt with. As current hate speech laws that deal with anti-LGBT hate speech are laughably weak in the case of sexual orientation and non-existent in the case of transphobia, this condition is not currently met. We therefore call for an overhaul of hate speech laws to bring all recognised strands up to the same level of protection. Failing that, we must reluctantly, but forcefully call for regulation that extends beyond illegal hate speech and encompasses harmful but non-criminal online hate content.

LGBT+ communities face high levels of online abuse

Despite progress on LGBT+ rights, online platforms remain hostile environments for LGBT+ people. The National LGBT Survey 2018 found that 40% of LGBT+ people had experienced a hate crime in the last 12 months (Government Equalities Office 2018:33) and the Online Hate Crime report found that 30% of LGBT+ people had experienced an online hate crime (Galop, 2018).

Anti-LGBT prejudice has been able to flourish unchecked online

The extent of prejudice driving these acts of violence and abuse is evidenced by forthcoming polling data commissioned by Galop. It highlighted the following:

- 1 in 10 of those polled felt that LGBT+ people are 'dangerous to other people'.
- A similar proportion felt that LGBT+ identity can be 'cured'.
- Nearly 1 in 5 people said being LGBT+ was 'immoral' or 'against their beliefs'.
- Alarmingly, this rose to 1 in 4 among young people, showing a disturbing generational shift toward anti-LGBT prejudice. This goes against previous trends of young people holding more positive views toward LGBT+ people than other age groups.

There has been a large rise in recorded hate crime

Recorded anti-LGBT hate crime has doubled in just four years (House of Commons Library, 2019). The past year has also seen an escalation in the activities of transphobic hate groups aiming to target trans people, adding to the high levels of transphobic harassment, intimidation and violence. Meanwhile, there has been a growing parents movement calling for the removal of inclusive messages in schools, fuelled by fear and hostility toward LGBT+ people.

Online hate has deep and lasting impacts on victims

People who experience hate crime are more than twice as likely to face serious emotional impacts such as difficultly sleeping, anxiety, panic attacks or depression, compared with people who experience crime in general (Home Office 2018: 28).

It makes communities feel fearful and unable to live openly

Hate crime limits the ability of people to live open and fulfilled lives. Most LGB people avoid holding hands in public for fear of a negative reaction (68%). In addition, most trans people avoid being open about their gender identity in order to lower the risk of experiencing transphobic abuse (67%) (Government Equalities Office 2018: 33).

2) About Galop

For 36 years Galop has worked to make life safe, fair and just for LGBT+ people. We are the specialist LGBT+ pan London service for LGBT+ victims and survivors of hate crime, domestic abuse and sexual abuse.

We provide advice, information and support to LGBT+ people through our advocacy and helpline services. Our specialist hate crime advice, support and advocacy service works to empower people to report, cope, recover and build lives free from violence and abuse. It consistently produces good outcomes for the people it supports, with 76% of people supported last year feeling more able to cope and 81% experiencing an improvement in their quality of life.

In addition to our direct service provision we challenge anti-LGBT hate through partnership work, research, training, policy work and producing good practice guides.

We produced the Online Hate Crime Report, analyzing experiences of online homophobia, biphobia and transphobia - httwww.galop.org.uk/wp-content/uploads/2017/08/Online-hate-report.pdf

3) Our position on the White Paper proposals

We support the idea of a duty of care and regulator

We support the proposal to create a statutory duty of care on companies for the safety of their users. We also support the proposal for an independent regulator responsible for overseeing compliance with the duty.

The scope of regulation

First and foremost, we would support an improvement to hate speech laws and for regulation to narrowly focus on illegal hate content. This is because omissions in existing legislation enable individuals to cause harm to individuals and communities without breaking the law. For example, there are no laws preventing stirring up hatred against trans people in England, Wales and Northern Ireland. A law preventing stirring up hatred based on sexual orientation exists in England & Wales but it is weaker than similar laws covering race and faith.

In the absence of reform to the existing inadequate laws, we would be forced to argue for regulation to extend to non-criminal hate content. We acknowledge that extending regulation to legal content will have implications for freedom of speech and so stress that our preferred regulatory option would be to improve the efficacy of hate speech laws relating to sexual orientation and transgender identity and to focus regulation on illegal content. However, if there is no change to the current laws regarding hate speech, we would reluctantly but forcefully argue for regulation to be extended to cover non-criminal hate content.

The proposals need to properly define hate crime and hate speech

The consultation document fails to set out a definition of hate crime, meaning the scope of it proposals are confusing. It is also ambiguous on where illegal hate speech and non-criminal hate material fit in relation to that definition. It is important for any activities resulting from this exercise to avoid conflating these categories.

Formulating the code of conduct

We propose that anti-hate crime charities should play a role in formulating the code of conduct. They could also play a helpful part in updating the Code by sharing their insights on the rapidly changing nature of hate speech.

Monitoring of the code of conduct

The anti-hate crime charities Galop, Tell MAMA and CST currently work with social media companies to test compliance with the EU Code of Conduct to Counter Illegal Hate Speech.

We do this through an annual exercise of anonymous testing where we flag illegal hate content and provide data about whether it was taken down and how long the response took. We feel it would be helpful to continue playing a role in helping companies test compliance with the code through a similar scheme.

Private vs public online spaces

Much of the proposed response focuses on public online spaces. While this seems sensible for the most part, we often support victims who are impacted by hate material directed at them from private online spaces. This can include campaigns of harassment coordinated from private WhatsApp groups or private Facebook groups. In addition, hate material, doctored photos and victim identities are share in private spaces without the victim's knowledge or consent. Often the impacts of these attacks reach the victim through screenshots shared with them.

Automatic identification

We would like to propose a duty on companies with the capacity to automatically identify material that is likely to be illegal hate speech, to do so and to remove that content where necessary.

Duty to preserve data

Where social media companies have been requested to preserve data by criminal justice agencies, they generally appear to comply. Despite this, the relevant data has often been deleted by the time such a request has been made. This is due in part to short delays in victims or bystanders reporting to the police, and technical or jurisdictional delays within criminal justice agencies. In order to prevent this, we would like to propose a duty on social media companies to preserve data that is automatically identified as relating to instances of online hate speech which appear to be illegal for a short window beyond the normal deletion timeframe. We propose that this should include those incidents flagged to social media companies by users and those instances automatically identified as illegal hate speech by their internal algorithms.

Access to support services

We propose that users of company complaint systems be provided with information about the support services available to them. We also propose that a proportion of fines on providers for breaching their duties be made available to fund services supporting the victims of hate crime. We recommend that it be made available for the explicit purpose of providing advice, support and advocacy to victims of hate crime and hate speech.

Complaint systems should be accessible and effective

We support the recommendation to require easy, fast and effective systems to flag hate material. Additionally, we would like to add a requirement that complainants are informed of the reason content is not removed when this is the decision made. Furthermore, detail about the type of remove should be provided (whether a piece of content has been silenced for the complainant, silenced to people accessing it from a certain country, or whether it has been removed completely).

We propose the creation of an ombudsman

Individuals can be targeted across platforms, with new material springing up on another site as soon as it has been removed elsewhere. We propose the creation of an ombudsman which individuals could contact to coordinate the removal of hate material across platforms in order to avoid having to make repeated complaints to multiple companies.

Super complaints

We support the proposal to designate registered bodies able to submit super complaints. We feel that effort should be made to ensure the role is accessible to anti-hate crime charities. Galop has experience of this role and is registered to submit police super complaints. We would envisage that the super complaints system would broadly reflect the process of the police super complaints system.

4) Levels of online hate crime

The National LGBT Survey 2018 found that 40% of LGBT+ people had experienced a hate crime in the last 12 months. Trans people were significantly more likely to have experienced at least one incident (53%). (Government Equalities Office 2018:33).

The Online Hate Crime report found that 30% of LGBT+ people had experienced an online hate crime (Galop, 2018). This has meant that online abuse has been a primary concern for many from the LGBT+ community, with many considering the internet to be unsafe and a vehicle for abuse and hate.

Recorded hate crime against LGBT+ people is increasing. In 2017/18, the police recorded 11,638 sexual orientation hate crimes in the UK (up 27% from 2016/17), and 1,651 transphobic hate crimes (up 32%). Recorded hate crime has risen significantly every year since 2013/14, in which 4,588 sexual orientation hate crimes and 559 trans hate crimes were recorded (Home Office 2018: 12)
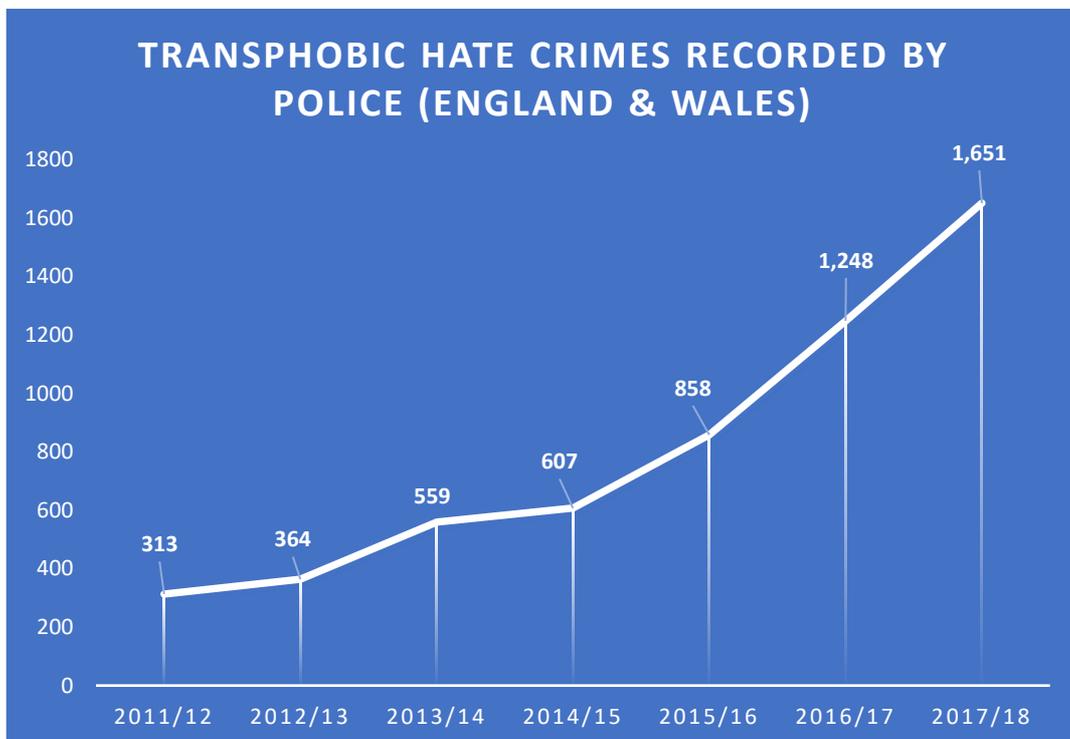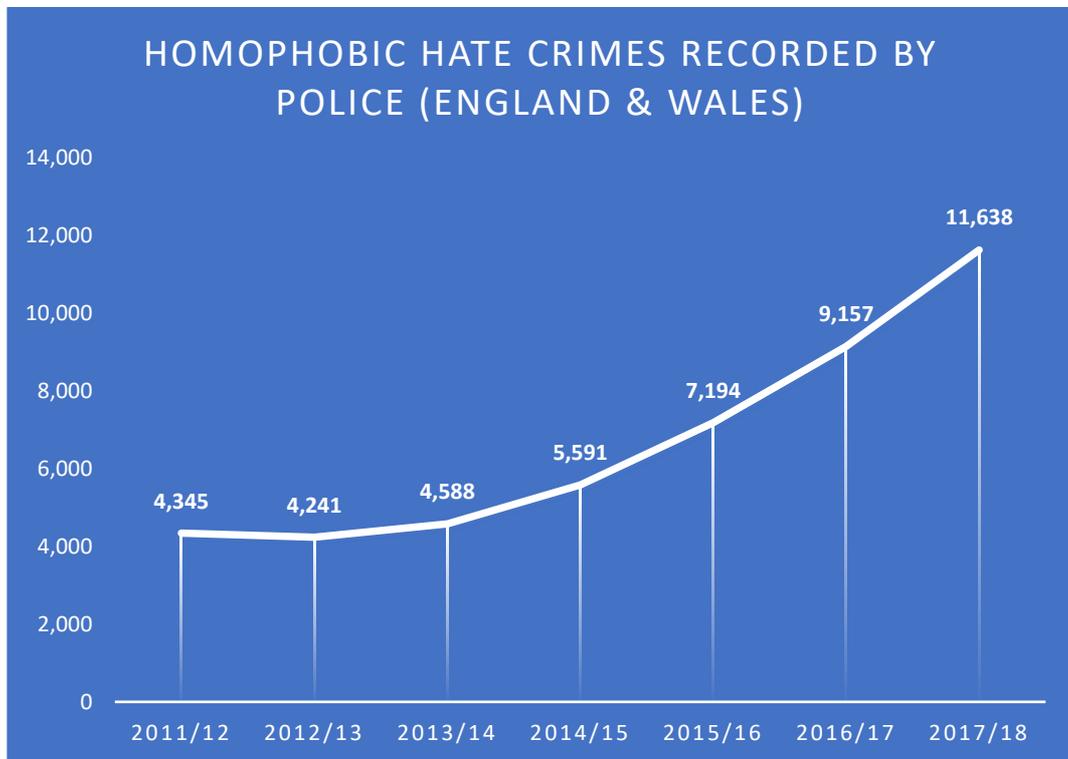
Statistics related to online hate crime have been collected by the Home Office for 2017/18 using data provided by 30 police forces. The statistics show the proportion of hate crimes were highest for transphobic online offences, followed by homophobic and disability offences, as shown below.

Online offences as a percentage of total recorded hate crimes by strand (England & Wales 2017/18)				
Race	Religion	Disability	Sexual orientation	Transphobia
2%	3%	4%	4%	6%

Source: Hate Crime Statistics, Briefing paper 08537, House of Commons Library, 2019

5) Rise in recorded hate crime

HOMOPHOBIC HATE CRIMES RECORDED BY POLICE (ENGLAND & WALES)

Year	Homophobic hate crimes
2011/12	4,345
2012/13	4,241
2013/14	4,588
2014/15	5,591
2015/16	7,194
2016/17	9,157
2017/18	11,638

TRANSPHOBIC HATE CRIMES RECORDED BY POLICE (ENGLAND & WALES)

Year	Transphobic hate crimes
2011/12	313
2012/13	364
2013/14	559
2014/15	607
2015/16	858
2016/17	1,248
2017/18	1,651

6) LGBT+ experiences of online hate

The last 50 years has seen solid progress in the advancement of LGBT+ rights in the United Kingdom. However, hate crime unfortunately remains a common experience in the lives of LGBT+ people.

The Online Hate Crime report found that 30% of LGBT+ people had experienced an online hate crime (Galop, 2018). Online abuse was a particular issue for trans respondents, with 24% experiencing online abuse more than 100 times. Similarly, trans people often received higher numbers of abusive comments over the course of an incident, with 70% receiving more than 20 comments, and 35% more than 100 (Galop, 2018)

Being outed online is a particular problem for LGBT+ communities. Outing is when a person's gender history, sexual orientation or HIV status is disclosed without their consent. Hate-motivated outing can often overlap with other issues including online blackmail, domestic abuse, honour-based violence, forced marriage and the breakdown of family relationships.

A similar issue faced by LGBT+ communities is doxing, which is the publication of private or identifying information about a particular individual without their consent. Often LGBT+ people who are doxed are simultaneously outed as the information disclosed relates to their identity, and has the added threat that hostile strangers now know their personal information such as their home address and place of employment.

"I asked a conservative pro-life charity to stop sending their printed newsletter to my office. They responded by printing my name, job, title, and employer in their national newsletter, referring to me as a pro-abortionist, pro-sodomite, and inviting their members to contact me personally to put me straight". (Galop advocacy client)

Dating apps are also used to target gay and bi men with hate speech and hate crime as well as physical and sexual violence as was the case with Stephen Port. 29% of gay and bisexual respondents reported experiencing online abuse on dating apps (Galop, 2018).

"A gay man in his 40s received homophobic abuse on a dating app, including threats to track his location, of physical violence and to tell his friends and family that he was a paedophile unless he paid money". Interview Participant

It is also important to note that not all LGBT+ people experience online hate crime equally and in the same forms. Marginalised groups in the LGBT+ umbrella are often targeted. Trans, non-binary, and intersex people were subjected to more frequent hate speech, which was generally more severe, more threatening, and had greater impact and consequences.

Furthermore, characteristics such as race, ethnicity, faith, disability, and socio-economic status intersect with LGBT+ identity to create distinct experiences of online hate speech/crime.

"A young Muslim lesbian was subjected to Islamophobic, sexist, and homophobic abuse online, including rape threats". Advocacy Client

Online abuse is not experienced as distinct from everyday life, but as part of a wider experience of LGBT+ prejudice that cuts across both online and offline worlds. Interview participants reported experiencing online abuse that acted as a trigger for past physical violence, receiving abuse both online and offline simultaneously, experiencing online abuse that was triggered by an offline incident, and experiencing abuse that started online but had offline consequences. Of the 30% of respondents who had experienced online LGBT+ hate crime, 96% had experienced an offline hate crime.

7) The impacts of anti-LGBT online hate

People who experience hate crime are over twice as likely to experience serious emotional impacts such as difficultly sleeping, anxiety, panic attacks or depression, compared with people who experience crime in general. (Home Office 2018: 28).

*"The online incident made me feel the same as when I was attacked on the street. It's scary to think that someone can also get to you psychologically, in addition to physically attacking you" (*Galop interview participant)

The National LGBT Survey found that some online spaces, such as social media platforms, were considered by some respondents as unsafe and as a vehicle for abuse and hate aimed at LGBT+ communities. This resulted in some respondents deliberately concealing their sexual orientation or gender identity online. A concern about online privacy was also evident across some submissions, perpetuated by a fear that they could be 'outed' online and have no control over the content shared. (Government Equalities Office, 2018).

A queer non-binary person in their 20s was outed on Facebook. Whilst the abuse online lasted two weeks, a neighbour saw the post and subsequently subjected them to homophobic and transphobic abuse for the next three years. (Galop client)

Unsurprisingly given the prevalence of anti-LGBT hate, many people take steps to decrease their visibility in order to avoid being targeted. In the National LGBT Survey. 70% said they avoided being open about their sexual orientation for fear of a negative reaction from others. 67% of trans people said they avoided being open about their gender identity for fear of a negative reaction from others. Non-binary people were particularly likely to avoid being open (76%) (Government Equalities Office 2018: 33).

The impacts of hate crime also reaches beyond individuals by sending a message to communities that they are unsafe and unwelcome. A study found that LGBT+ and Muslim people who hear about a hate crime, are more likely to feel vulnerable, anxious, angry or ashamed, compared with non-hate motivated crime. Such reactions also cause them to change their behaviour to avoid the risk of abuse. This is particularly important given that 86% of LGBT+ participants had been indirectly victimised by seeing online anti-LGBT+ hate content (University of Sussex 2018).

"A lesbian women in her 50s reported that her daughter was also implicated. Her main concern was to protect her daughter from further abuse, so she did not initially take any action in case it made things worse". Interview Participant

"A gay man in his 30s reported family relationship breakdown after being outed, and a negative behaviour change in a small group of online and offline friends" Interview Participant

Participants who had been outed described feeling loss of control of their identities and disclosure of their identity. They were also worried that the information would spread beyond the immediate incident, and were concerned about the reaction of family members, friends, and neighbours.

"I felt my privacy was violated. It all felt out of control, because I saw the post too late to delete it… Who will know something private about me, that doesn't need to know? Am I now the talk of the town? Will people still see me the same way?" Gay man in his 30s, Interview Participant

LGBT+ victims of online abuse often experience social isolation through exclusion from spaces or withdrawal from friends of family through fear of further abuse, being recognised in public, and being cautious about who they interact with online. This isolation is experienced both on- and offline.

"A queer non-binary person in their 20s reported that they weren't comfortable going out on their own and socialising was difficult. They were afraid of negative comments based on their appearance and people yelling their birth name at them. They gradually unfriended all the people they went to school with as they feared further abuse". Interview Participant

LGBT+ people experiencing online hate speech and hate crime often blame themselves for the incident and wonder what they could have done differently. This feelings can often transform into self-doubt, guilt for being LGBT+, and feeling like they deserved the abuse they received.

Online abuse often resulted in victim's fearing for their physical safety.

"A gay man in his 20s reported that during the incident, he didn't feel safe in public, as the perpetrator was resident in the same area and knew what he looked like". Interview Participant.

The immediate impact of online hate can last anywhere between a few days and a few months depending on the severity and time span of the incident. However, a large number are often left with a long-lasting sense of wariness and a heightened sense of threat.

"An intersex woman in her 40s reported that she is more cautious when in public and doesn't socialise as much, even in LGBT+ venues. She still feels under threat and in danger of being attacked online or in public". Interview Participant.

Following online abuse all victims reported changing their behaviour online, such measures included being more cautious about voicing opinions online, joining online conversations, sharing content, tightening privacy controls, using platforms less, and leaving platforms altogether.

"A trans woman in her 50s reported that she now self-censors both the substance and style of what she posts online. She's become hesitant to discuss certain topics and uses social media much less than she used to". Interview Participant.

LGBT+ people often also conceal their sexual orientation or gender identity online to avoid being victimised[1]. These findings mirror that of offline hate crime, where LGBT+ people take steps to decrease their visibility in order to avoid being targeted. In the National LGBT Survey, 68% of LGBT+ people said they avoided holding hands with a same-sex partner in public. 70% said they avoided being open about their sexual orientation for fear of a negative reaction from others. 67% of trans people said they avoided being open and honest their gender identity for fear of a negative reaction from others. Non-binary people were particularly likely to avoid being open (76%)[2].

Many interview participants felt they were often targeted with online abuse when they spoke out about LGBT+ issues, which was seen by many as an attempt to restrict their freedom to talk about identity issues and silence them from speaking out.

"A lesbian women in her 50s tweeted support of LGBT+ and feminist causes. She received a barrage of insults and doctored images of her with slurs written across them. The abuse received was both misogynistic and anti-LGBT+". Interview Participant

Some individuals also reported severe material consequences as a result of their online victimisation, which included relocation as their home was no longer safe, debt due to relocation and privacy software costs, and being unable to work for months during and after the incident.

8) The prejudice driving anti-LGBT online hate

The erroneous perception that LGBT+ equality has been achieved displays a gulf between public awareness of anti-LGBT+ hate crime and the lived experienced of LGBT+ people in the UK.

Forthcoming polling data of 1,617 people across the UK commissioned by Galop produced the following concerning results:

- 1 in 5 people polled were uncomfortable with the idea of having lesbian, gay or bisexual neighbours. Over 1 in 4 were uncomfortable with trans neighbours.

- Nearly 1 in 5 people said being LGBT was 'immoral' or 'against their beliefs'.

- Alarmingly, over 1 in 4 young people said that being LGBT was 'immoral' or 'against their beliefs', higher than other age groups.

- 1 in 10 people said that being LGBT+ could be cured.

- 1 in 10 people thought that LGBT+ people were dangerous to other people.

Violence and abuse against LGBT+ people is well-documented, yet a large proportion of the general public do not believe that violence against LGBT+ people is a serious problem. Our polling data indicates that many people hold conscious bias against LGBT+ people, such as believing that LGBT+ people are immoral and/or dangerous, and being uncomfortable living with LGBT+ neighbours. The views that the young people in this study expressed gives rise for serious concern, as they were often more negative and/or polarised than their older counterparts. This appears to indicate that the inclusion of LGBT+ people in society is under threat in future generations within London.

The 2017 ILGA-RIWI Global attitudes survey on Sexual, Gender and Sex Minorities found that in the UK, 17% of people agreed that people who engage in romantic or sexual relationships with people of the same sex should be charged as criminals, and a further 20% neither agreed nor disagreed.

The past year has seen an escalation in the activities of transphobic hate groups who have run well organised and resourced campaigns to demonise trans people. This has contributed to the high levels of harassment, intimidation and violence faced by trans people.

Meanwhile, there has been a growing parents movement calling for the removal of inclusive messages in schools, fuelled by fear and hostility toward LGBT+ people.

9) Reporting online abuse

LGBT+ victims of online abuse interviewed by Galop were extremely dissatisfied with social media reporting mechanisms and responses (Galop, 2018). Many victims were unsure how to report abuse to platforms, and those who did often received no response. Those who did receive a response were left disappointed and frustrated at receiving an automatic reply with no further action taken. Consequently, these experiences deterred LGBT+ individuals from reporting future online abuse to platforms.

"A gay man in his 20s said that he initially reported the incident to Grindr, but was disappointed with the lack of a response and that the platform's mechanisms could not prevent the perpetrator from making fake profiles repeatedly. The reporting process wasn't clear and straightforward and he would often need to wait for six to eight hours for a response" Interview participant

"A trans woman in her 50s stated that she used to report abuse to Twitter and Facebook, but that it was a 'waste of time' so she gave up. There was hardly any response from either platform, and nothing came of reports made. She felt that their interpretation of free expression was based on US values, which do not correspond to UK definitions"

Similar findings were illustrated by victims in the Sussex Hate Crime Project who stated that the criminal justice system and internet companies offered little protection or support to victims of online hate crime (University of Sussex, 2018) and that much more action was needed to police online spaces and protect LGBT+ people from hate, abusive language, and being 'outed' without their permission.

Similarly, there are significant barriers to reporting to police. 72% of LGBT+ people experiencing online hate crime did not report their most recent experience to the police (Galop, 2018). The following reasons were given for not reporting: uncertainty if their experience amounted to a hate crime, fear of repercussions, fear of homophobia and judgement because the incident occurred on a dating site, not having the time or energy to report, and a belief that there was nothing the police could do (Galop, 2018)

"It felt terrifying as if any kind of reaction could turn the 20 tweets into hundreds" Lesbian woman in her 50s, Interview Participant

"When it happens you just want this to be gone. You just think like, at that time you just want this to go away, you want it to stop" Gay man in his 30s, Interview participant

"If I reported everything cruel and insulting that is said to me online, then I'd never be out of the police station" Trans woman in her 50s, Interview participant