



NUJ submission to the Online Harms White Paper

June 2019

The National Union of Journalists, founded in 1907, is the voice for journalism and journalists in the UK and Ireland. It has 30,000 members and represents journalists working in broadcasting, newspapers, news agencies, magazines, book publishing, public relations, photography, videography and digital media.

Introduction

The Online Harms White Paper is far-reaching and ambitious in scope. It seeks to find ways for the UK government to protect its citizens from the ills caused by the internet and the consequences of the vast global reach and power of private companies such as Facebook, Google and YouTube. It attempts to address how these companies should be responsible for the material they publish/host on their platforms. As consensus appears to be growing for regulation and a regulator who sets codes of conduct, the NUJ, together with organisations such as the Society of Editors and civil liberty groups, calls for care to be taken that press freedom and freedom of expression do not become collateral damage in the battle to limit the reach of child pornographers, terrorist organisations and Moldovan misinformation factories. The German Network Enforcement Act, commonly known as NetzDG, is said to have proved successful in forcing hate speech off social media platforms; however, media commentators are already claiming it has had a “chilling” effect. (The NUJ is unable to comment on this, but clearly a balance between freedom of speech and regulation is essential).

A thriving democracy needs a thriving press. Citizens making decisions in democratic processes must be properly informed, require access to a plurality of voices and need to be able to trust – or at least have clarity about – the source of the information they receive. The NUJ’s submission will address the effect that Twitter and other social media messaging services have had on our members, the way they have been used to harass and verbally abuse journalists, and women journalists in particular. Having a presence on Twitter is vital for many journalists; they need it for their work. The White Paper quotes the International Federation of Journalists survey of female journalists which found two-thirds had experienced online abuse – death or rape threats, sexist comments, cyberstalking, account impersonation and obscene messages and two-fifths admitted to self-censorship in the face of this abuse. The Guardian’s 2016 research also showed that of the 70 million comments

left on its site over a 10-year period, women and black men were much more abused than the majority of the writers – white men.

The White Paper is an attempt to tame the Wild West of the internet, but while new laws may be needed to catch up with new technology, legislation is already in place to deal many of the transgressions the internet platforms allow. There are laws to combat hate crime, copyright breaches, there are those on privacy, defamation, obscenity, intellectual property edits, regulations against indecency and terrorism. They just need to be applied equally to people using internet platforms and, where appropriate, the owners of the platforms.

The online harm of journalism

1. Journalism has been radically transformed by the arrival of the internet. It has radically transformed the way news and information is gathered and disseminated. It has radically transformed newspaper production. It has been the wrecking ball of a business model in which adverts paid for the news and editorial and advertising were separate beasts. Advertisers have flocked to Facebook and Google while newspaper revenues have plummeted. In her 156-page report on the UK news industry, Dame Frances Cairncross highlighted how the number of “fulltime frontline” journalists had fallen from 23,000 in 2007 to 17,000 today, that newspaper annual advertising spend dropped by 69 per cent (£3.2 billion) and annual circulation revenue declined by 23 per cent (£500 million). Facebook and Google are expected to take 71 per cent of all the money spent in the UK on digital advertising by 2020, according to OC&C Strategy Consultants, which also predicted that traditional broadcasters, such as the BBC, ITV and Sky, could lose a combined £1bn per year if rival services from Amazon, Facebook and YouTube became dominant players in the TV industry during the next decade.
2. Cairncross was told how the reduction in journalist numbers had affected the quality of news and the closure of titles had further reduced media plurality. Research by the Media Reform Coalition shows that three companies dominate 83 per cent of national newspaper circulation; five companies account for 80 per cent of national newspaper newsbrand reach; five companies command 80 per cent of local newspaper titles; and two companies own nearly half of all commercial analogue radio stations.
3. The way people receive and consume news has changed. Half the people who own voice-activated digital appliances use them for news and information. If they want to know what’s news, they ask Alexa or they get information from Facebook, Instagram, Google, iTunes, podcasts, WhatsApp, Snapchat and YouTube. As part of her review, Cairncross recommended a **News Quality Obligation**: online platforms would be under an obligation or “regulatory supervision” requiring them to improve how users understand the origin of a news article and the trustworthiness of its source. **The NUJ supports this.**

4. The NUJ has called for a levy on Facebook and Google to fund public-interest journalism. Having helped themselves to the free content provided by journalism, they must now pay up. Google and Facebook have since set up media projects, but the amounts involved are relative peanuts.
5. The pressure on newspapers, caused by the loss of online advertising revenue to Google and Facebook, has led to some resorting to clickbait copy – sensationalist headlines and stories – generating clicks for advertisers, and there has been a creeping blurring of advertorials and a rise in native advertising (paid ads that match the look, feel and function of the media format in which they appear) which is skewing good journalism.

An independent regulator for online safety

6. The White Paper calls for a new statutory duty of care for tech companies to take responsibility for the content they publish/host. There will be an independent regulator, funded by industry in the medium term, with powers to levy substantial fines and impose penalties on individual members of senior management for infringements. This regulator will set out codes of practice and will require annual transparency reports from relevant companies. Firms will have to adopt effective and easy-to-access user complaints methods which will be overseen by the regulator.
7. The Department for Digital, Culture, Media & Sport (DCMS) select committee report, *Disinformation and 'fake news'*, which won cross-party support and is commended as an important piece of work by the NUJ. It described Facebook as digital gangsters who broke privacy and competition law and needed regulation. Damian Collins, the committee's chair, said: "Democracy is at risk from the malicious and relentless targeting of citizens with disinformation and personalised 'dark adverts' from unidentifiable sources, delivered through the major social media platforms we use every day."
8. **The NUJ supports the need for much greater transparency from the tech giants. Facebook has clearly shown a dereliction of duty with its cavalier attitude to privacy of personal data and its lack of responsibility for hosting the sort of content outlined by the committee.**
9. Facebook is beginning to get the message; or so it seems. Other countries have brought in legislation to curb its operations and fears that demands, especially in the US, for the technology behemoth to be broken up, could be the reason why Nick Clegg, Facebook's head of global affairs and communications, said in a speech in Berlin this month (June 2019) that online companies needed help to police their sites for harmful content and political advertising. "It would be a much easier task, as well as a more democratically sound one, if some of the sensitive decisions we have to make were instead taken by people who are democratically accountable to the people at large, rather than by a private company. After all, why should a private company decide who is or isn't a legitimate participant in an election?" he said.

10. Ofcom enforces the Broadcasting Code for TV and radio. This covers causing harm and offence, crime, disorder, hatred and abuse, impartiality and due accuracy, protection of under-18s, and privacy as well as commercial interests. This code is generally thought to work well and there is much to commend it in terms of considering a code for internet platforms. Broadcasters such as ITV have long argued that the internet platforms should be subject to similar rules. The NUJ's own code of conduct provides an ethical framework for news gathering. The Independent Press Standards Organisation and Impress have codes, as does the BBC. The Ofcom Broadcasting Code covers professional broadcasting organisations, but its principles should apply to the internet. However, those posting on the internet will not be professional journalists and will include people who wilfully or unwilfully misreport, mislead and be offensive. Moderation is a logistical, ethical and political minefield. Do we rely on an army of Mark Zuckerberg's fact checkers and algorithms? AI solutions or news-rating systems such as NewsGuard, cited in the White Paper? Perhaps all of the above, plus Wiki-style crowd-sourced policing – under the auspices of an independent of government regulator.
11. Would it make more sense for the functions of the regulator to be split – so Ofcom dealt with the “news and information” aspects of regulation (with increased powers) while the Electoral Commission could police unethical and illegal activities during elections. A new regulator, say Ofweb, would deal with the broader issues of child protection, sexting, misuse of data, terrorism and other illegal activities (these are clearly areas outside the NUJ's remit).
12. News organisations must act responsibly when presenting information made available on the internet, be it Daesh propaganda or in the case of the shootings in Christchurch, New Zealand when The Sun, Daily Mail and Daily Mirror all included edited footage shot by the gunman on their websites (the Mirror later removed it).

Online abuse of journalists

13. The White Paper includes research and examples of the use of Twitter (and other social media) by internet trolls. Many journalists need Twitter to promote their work, the work of their news organisation and to promote themselves as freelance journalists. This exposure has led to many of our members have been the focus of vile abuse, rape and death threats. Women, in particular, are targets. The union had to call in the police following death threats made to our members and women say they have been forced to close their account because of unrelenting abuse and the failure of Twitter to act.
14. Online trolls routinely use Twitter to silence women. A survey by NUJ Scotland showed cyberbullying affected the way 50 per cent of respondents worked. It also found the main sources of cyberbullying were via Twitter (65 per cent of responses) and also in comments on online articles or commentaries. Twenty-eight per cent were threatened with violence or serious harm to themselves and 5 per cent were

subjected to threats of violence or serious harm to their families. Much of the abuse was political, but there were also cases of sectarian, sexist, racist and homophobic abuse. One respondent said the abuse was: “Persistent, threatening, specific and sinister. Was evident they were monitoring my personal movements.”

15. Journalists who write about traditionally male topics, such as sport, technology, or gaming, are also often singled out. Emma Barnett, who had previously written about technology, told the Huffington Post: “I’d get responses like, ‘How the f**k do you understand this? You don’t know what you’re f**king talking about, get back in the kitchen.’” Kathy Sierra was a successful technology writer before she was targeted by the trolls and had her personal details, including her home address, published on the internet. She went into hiding and was offline for six years. TV presenter Sue Perkins shunned the internet for four months when she was mobbed by Twitter users, all because it was suggested she might replace Jeremy Clarkson on Top Gear.
16. The NUJ supported the case of Scottish journalist Angela Haggerty. She had been the subject of abuse and online trolling since editing Phil Mac Giolla Bháin’s book *Downfall: How Rangers FC Self-destructed*, published in 2012. One of Angela’s abusers, David Limond, was jailed for six months for remarks he made in a podcast after being found guilty in December 2013 of religiously and racially aggravated breach of the peace. The NUJ supported Angela during the case and she has been a leading advocate against online abuse of journalists ever since.
17. Twitter and other social media messaging organisations are not acting to stop this abuse or ban serial offenders. **The NUJ agrees the new regulatory framework must make clear companies’ responsibility to address this harm and sanctions must exist if they do not take appropriate action and it notes the White Paper’s reference to the Digital Public Contact programme to make it easier for the public to report online crimes.**
18. Employers also have a duty of care to their employees. The Health and Safety Executive in its stress management guidelines states that no one at work should be exposed to unacceptable behaviour (such as bullying, harassment and abuse), regardless of the source of that behaviour, when or where it occurred. The union’s health and safety committee is campaigning for employers to acknowledge that they have an obligation under the Health and Safety at Work Act (H&SWA) 1974 to carry out “suitable and sufficient” assessments of risks which can be reasonably foreseen and then institute “reasonable precautions”. Employers must support their journalists and report online abuse to the police.
19. Journalists, as part of their job may also be exposed to shocking, violent and unpleasant images on the internet. The effects of having to work with this disturbing material can be just as pronounced as first-hand experiences of war or reporting on humanitarian crises, according to Jenni Regan, a former senior media adviser for Mind, the mental health charity. Again, employers must show a duty of care to their

employees, but the NUJ has experience of news organisations being slow to deal with this issue.

Media Literacy

20. Media literacy is vital in helping people negotiate the internet, learn how to find respected news sources and differentiate between rumour, pastiche, propaganda and misinformation, as well as protect themselves from harm. For young people, many of whom learned to use the iPad in their pram, it can be a minefield. They are constantly targeted by a range of vloggers and “influencers” paid by advertisers to promote their wares. Digital marketing company, Exposure Ninja, claims on its website: “A whopping 81 per cent of the population trusts the advice they get from bloggers, making them very powerful advocates for any brand online.” The NUJ has taken part in a media literacy roundtable convened by the DCMS and held a meeting during Media Literacy Week which brought together experts in this field and our members. Michelle Stanistreet, NUJ general secretary, said the union had a long tradition of supporting ethical journalism, promoting a diverse media industry and regularly worked with journalism colleges: “Boosting our critical capacity to weed out what’s been fact-checked from what has not is the challenge we all face and a skill we need to help our children acquire from the earliest possible age. Trust in journalism underpins all this work – as does having a media which reflects the world it depicts.”
21. Media literacy needs to be embedded in the curriculum from early years onwards. **The NUJ is keen to be involved in the government’s proposed new online media literacy strategy, together with the major digital, broadcast and news media organisations, the education sector, researchers and civil society, as suggested in the White Paper.**

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