

COUNTRYSIDE ALLIANCE BRIEFING NOTE: ONLINE SAFETY BILL

Second Reading, House of Lords

Wednesday 01 February 2023

Key issues

- **Online bullying and harassment are issues of genuine concern that the Countryside Alliance has campaigned on for many years. We surveyed members and supporters as to their views of online bullying and harassment in late April 2022, following a previous exercise in 2018.**
- **We welcome the Bill's attempt to tackle online abuse, in particular through its introduction of the new offences of False Communications and Threatening Communications and through the steps it requires social media companies to take to prevent their platforms from being used to spread hatred.**
- **We do, however, believe that the Bill could be improved in terms of its internal consistency and its likely effectiveness against all aspects of the online bullying problem.**
- **The False Communications offence should be widened to include, first, financial harm and second, harm to the person or organisation (including a business) to whom, or to which, the information in it related, in order to address the issue of ideologically motivated false reviews of businesses and 'false flag' efforts to discredit organisations or individuals.**
- **The interpretation of the communications offences should be broadened to include the incitement of others, perhaps using language introduced in Part 2 of the Serious Crime Act 2007 to define the inchoate offence of incitement.**
- **Schedule 4 of the Bill, which defines OFCOM's objectives in setting out Codes of Practice for Regulated User-to-User Services, should be expanded to require the regulator to consider the protection of individuals from communications offences committed by anonymous users.**
- **Schedule 7 of the Bill should be expanded to include the new offences of False Communications and Threatening Communications, listed in part 10, as priority offences for social media platforms to guard users against.**

Online abuse and the countryside

- The Countryside Alliance has campaigned for protection against online bullying and harassment over many years. We surveyed members and supporters as to their views of online bullying and harassment in late April 2022, following a previous exercise in 2018. The findings reveal the extent of the problem:
 - 57.1% of respondents reported having experienced online bullying.
 - 82.1% of those had experienced it in relation to their involvement with farming, country sports or other targets of animal rights activists.
 - Of those, 66.0% had experienced it specifically in relation to hunting.
 - Of those who had been targeted in relation to their professional activities, the commonest occupation (27.7% of applicable respondents) was livestock farming.
 - 62.1% of respondents reported having changed their online behaviour in response to abuse.
 - 74.7% expressed the view that the problem has got worse over the last year.
- The survey drew particular attention to online threats against farmers from militant vegans and animal rights groups who disagree with their livelihoods.
- A common, insidious tactic of extreme activists is to target businesses associated with farming and country sports with false, negative reviews on services such as Tripadvisor and Google Reviews. Businesses rely on maintaining a positive image on these sites to help attract custom, so this activity can risk serious financial loss as well as the impact of those targeted in terms of well-being and mental health.
- These messages are false because they are not genuine representations of the posters' opinions about the products and services the businesses supply. Activist posters often have no direct knowledge of these issues because they have never been a customer, having simply heard about the business from others and disagreeing with its association with activities they oppose.
- In early 2019 a group of militant vegan activists set up a website – projectcalf.com – that gave a detailed map showing the locations of around 9,000 dairy farms, including instructions on how to access them and encouragement to “document” information, “protest peacefully” and “expose” the “dirty business” of farming.¹ The site is no longer live, but a linked Facebook page remains accessible.
- A similar campaign was set up by a group calling itself ‘Stop the Cull’, which targeted game farmers. Again a map was hosted online showing the locations of game farms, one of which was subsequently broken into by members of the so-called ‘Animal Liberation Front’ who vandalised equipment and stole by releasing a claimed 9,000 breeding pheasants. A video of this transparent criminality remains live on Facebook.²
- Another tactic has been to source leaked data stolen from large companies during security breaches, comb it for the names of people involved with activities such as hunting and badger culls, and posting and sharing the results online, including over social media. In 2016 the ‘Stop the Cull’ group threatened to do this in relation to farmers in south Devon³,

¹ The Argus, [09.02.19](#)

² Facebook, Stop the Cull, [ALF release 9,000 pheasants from game farm](#)

³ The Guardian, [22.03.16](#)

yet its Facebook page – which appears to be entirely devoted to promoting criminal activity – remains active to this day⁴.

- We also recently surveyed our supporters in connection with the EFRA Committee's inquiry into rural mental health. 30% of respondents reported that they, or people they know, have suffered a negative mental health impact as a result of bullying, including online bullying, prompted by participation in, association with, or support for activities such as hunting and shooting.
- Comments by respondents included:
 - *"Many friends and family have been subjected to offensive comments online or in person by people who don't understand what we do. My wife in particular has had to block people from social media to prevent retaliation. We've also had to increase security at our house following the leak of our personal information from Guntrader. I am also unable to speak about my involvement in country sports and work and have to keep my personal life and social media accounts totally separate from anything to do with work."*
 - *"My Facebook account was once targeted by anti-hunt supporters, following a comment I put on a very obviously fake photo of a fox that had apparently been murdered by the hunt. When in fact you could clearly see it had been hit by a vehicle on a road. I merely stated this and I started receiving abusive and threatening messages. I blocked all and removed the supposed friend responsible. But for a long time it made my anxiety and panic attacks significantly worse, as my ex friend knew my address."*
 - *"There needs to be far more action by the big tech companies to tackle the abuse online. I personally have reported hundreds of abusive comments with no action taken. As well as reporting the various animal extremist pages that are raising money to commit hundreds of thousands of pounds worth of criminal damage, again with no action taken from either the social media sites or PayPal, etc."*
- Nobody should have to find themselves the subject of abuse, but the isolation and social exclusion that so often accompanies a rural lifestyle can make it all the harder to deal with. Farmers and other rural workers are already at an elevated risk of depression and suicide. Ideologically motivated online bullying and harassment represent an especially unwelcome extra pressure.

Countryside Alliance position

False communications

- The Bill currently includes, in clause 152, a new offence of False Communications, which we welcome.
- False Communications are defined as a message sent without reasonable excuse that *"conveys information that the [sender] knows to be false" where "at the time of sending it, the [sender] intended the message, or the information in it, to cause non-trivial psychological or physical harm to a likely audience."*

⁴ Facebook, [Stop the Cull](#)

- We believe that false, negative reviews as described above should be prosecutable under the False Communications offence, but the Bill currently limits offending messages to ones that can be shown to “*cause non-trivial psychological or physical harm to a likely audience*”.
- The definition should therefore be widened to include, first, financial harm and second, harm to the person or organisation, including a business, to whom or which the information in it related.
- These changes would also bring under the offence ‘black propaganda’ or ‘false flag’ efforts where disagreeable messages are sent under false branding, with the intention of discrediting the organisation that is purported to have sent it.
- In both cases, the organisation on which harm is being inflicted does not necessarily form part of the ‘likely audience’ for the message – indeed the culprit is likely to prefer that it did not find out, so may take steps to avoid letting it become part of the audience. The intention is often to harm a party by spreading false information to others, but the harm is not necessarily targeted at the recipient.

Communications offences

- The two new communications offences introduced in the Bill – the False Communications offence as outlined above, and the offence of Threatening Communications (clause 160) – target (as defined in clause 162) people who send or cause to be sent an offending communication.
- During its House of Commons stages, Government amendments removed from the Bill a third communications offence, that of Harmful Communications. While we appreciate the sensitivity of issues touching upon freedom of speech, this offence would have targeted abusive communications that do not involve false information or threats. Its removal diluted the Bill’s effectiveness in tackling this specific category of online harm and the detrimental effects on victims’ mental health.
- We are also concerned that the surviving offences are insufficiently broad to include instigators and promoters of online ‘pile-ons’, ‘Twitterstorms’, etc. which can involve inciting others to make threats without having done so directly.
- It is also unclear that encouraging others to spread false information by posting false reviews of businesses for ideologically motivated reasons would amount to an offence under the current Bill. We argue it should. An offence of incitement applying to clause 163 would address this issue.
- Part 2 of the Serious Crime Act 2007 amended the law on inchoate offences. The language it used to define offences of incitement was “*causes or does an act capable of encouraging or assisting*” an offence.
- We would suggest that similar language be brought into this Bill so that incitement to online abuse might also be included in the offences.

Abuse by anonymous accounts

- We are keen to see further clarification as to how the Bill will tackle the issue of anonymous harassment. Its provisions on making identity verification available to all users of large platforms and allowing users to filter out content from unverified accounts, may contribute to tackling this problem but we are yet to be convinced they amount to a complete solution.
- Expecting users to restrict themselves to interactions with verified accounts would not address the issue of reputational harm, because content could still be shared by anonymous accounts to third parties. For targets of such attacks, simply restricting their own viewing to content from verified accounts may make the problem worse as it would be less likely that they would see the material and be able to take action against it.
- It is at this stage unclear how the Bill might be amended satisfactorily to address this issue. One solution may be to add to the objectives for OFCOM Codes of Practice for Regulated User-to-User services, as set out in Schedule 4, the protection of users from harms arising from communications offences committed by unverified or anonymous users.

Priority offences

- Schedule 7 lists a set of 'priority offences' that social media platforms must act to prevent. We are, however, unsure as to why this list does not include the new communications offences created elsewhere in the Bill (in clauses 160 and 162, as outlined above).
- These are offences that social media and other user-to-user platforms are particularly well-placed to tackle since they are committed primarily on those platforms.
- Although the Bill does grant the Secretary of State the power to designate other offences as priority offences in Schedule 7, and she may indeed intend to do so regarding these offences after the Bill has been passed, we believe it would be an important point of clarification for these offences to be included within the definition from the outset.
- We would therefore suggest that Schedule 7 of the Bill be expanded to include the new offences of False Communications and Threatening Communications, listed in part 10, as priority offences for social media platforms to guard users against.

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