

## ONLINE SAFETY BILL SECOND READING BRIEFING

### HOPE NOT HATE'S KEY ASKS:

- **Bringing smaller platforms used by the far-right to spread hate into Category 1 status.**
- **Closing the loopholes on “journalistic content” and “democratically important content” that could be exploited by the far right**

### Smaller platforms

**HOPE not hate urges MPs to support amendments to include the provision for OFCOM to add platforms to Category 1 where there is a significant risk of harm on the platform and/or risk of harm to be included in the determining factors for Category 1 status.**

Schedule 10 of the Bill determines the categorisation of platforms, split between Category 1 services and Category 2a (for search services) and Category 2b (for user-to-user services) by size and functionality. Category 1 platforms would have extra duties placed on them to deal with content that is harmful but not illegal.

At present, the definition of functionality in the legislation does not include risk, which is a huge problem. At HOPE not hate we know that social media space has changed and a huge amount of the most harmful behaviour happens on small and alt-tech platforms. If this bill is to properly address the issue of online harms it has to reflect the real nature of the online space and take into account not just the size of a platform, but also the risk that it poses.

In recent years, far-right figures have begun to migrate to alternative and usually smaller platforms. The result is that there are now broadly three categories of social media platforms used by the far right:

The first are **mainstream platforms**: those that are widely used by all across society, such as Facebook, Twitter, Instagram, Youtube and TikTok. While these platforms all have an extremism problem, they generally have terms and policies

that prohibit extreme and discriminatory behaviour, even if they don't always enact them as consistently as necessary. Where possible the far right want to remain on these platforms, as they afford huge audiences beyond existing supporter bases. This is where they want to propagandise and recruit.

Next are **co-opted platforms**: those not created for or by the far right, but which have become widely used by them, either because of loose policies, a lack of moderation, or a libertarian attitude towards deplatforming and content removal. Most notable is Telegram, which is an enormous social media app with over one billion downloads globally. Due to its consistent failure to remove extremist activity, it has become a crucial hub for the contemporary far right. The danger for the far right with these platforms is that they may eventually choose to clean up their act and remove illegal or harmful content, making them insecure homes in the long term.

The final category is **bespoke platforms**: a growing group of platforms, created by the far right or by people consciously courting extremists. Many of these are essentially clones of major platforms, but featuring little or no moderation. The best known are Gab, BitChute and most recently, GETTR.

### Journalistic content exemption

**HOPE not hate urges MPs to support amendments to the Bill to either remove this exemption entirely or find mechanisms to ensure that the exemption only refers to content from companies that are already subject to existing media regulatory systems.**

Section 16 of the Bill adds a duty on social media companies to protect journalistic content on their platforms. The definition of ‘journalistic content’ is unspecific and could lead to a wide interpretation of the term.

Many of the key far-right figures HOPE not hate monitors self-define as journalists and could seek to exploit this loophole in the Bill and propagate hate online. Some of the most high profile and dangerous far-right figures in the UK, including Stephen Yaxley-Lennon (AKA Tommy Robinson)

now class themselves as journalists. There are also far right and conspiracy theory “News Companies” such as Rebel Media and Urban Scoop.

These both replicate mainstream news publishers but are used to spread misinformation and discriminatory content. Many of these individuals and organisations have been deplatformed for consistently breaking the terms of service of major social media platforms, and this exemption could see them demand their return.

There seems to be an assumption that journalistic content cannot or does not cause harm. However, what happens when under this proposed legislation, it could be the case that racist and misogynist content that is legal could be re-uploaded if the content in question was produced by a journalist? It remains unclear whether it is deemed possible for “journalistic content” to cause harm online?

The Bill as it currently stands could provide a loophole for the far right and other harmful actors to use this exemption to propagate harm online. The loophole must be closed.

## Democratically important content

***HOPE not hate urges MPs to support amendments to the Bill to either remove this exemption entirely or find mechanisms to ensure that the exemption is not subject to abuse by far-right groups and individuals.***

Similarly to journalistic content, one of HOPE not hate’s major concerns about the Bill is that, at present, the vague protections of “democratically important” content could again open up the opportunity for abuse by far-right activists and organisations. This duty could enable a far-right activist who is either standing in an election, or potentially even for just supporting candidates in elections, to use all social media platforms. This could again mean far right figures being ‘replatformed’ onto social media sites where they would be free to continue spreading hate.

It is vital that any discussion about how this Bill protects democratic speech goes beyond limiting censorship, and includes the promotion of a genuinely pluralistic online space. This demands an analysis of the voices that are so often missing or marginalised online, namely the voices of minority and persecuted communities. We will only create a genuinely democratic online space by broadening out the definition of “democratically important” to include not just content that is often removed, but also content that is missing in the first place. It cannot just

protect existing “democratically important” speech, it must also create a safe and pluralistic online space that encourages and empowers diverse and marginalised voices, enabling them to be heard.

Currently, the Bill indicates that content will be protected if created by a political party ahead of a vote in Parliament, election or referendum, or campaigning on a live political issue. Will this clause mean that far-right figures who have already been deplatformed for hate speech must be reinstated if they stand in an election? Does this include far-right or even neo-Nazi political parties?

Again, content and accounts that have been deplatformed from mainstream platforms for breaking terms of service should not be allowed to return to these platforms via this potential loophole.