

# ANTISEMITISM POLICY TRUST

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## Policy Briefing

March 2020

# ANTISEMITISM AND THE ONLINE HARMS WHITE PAPER

## Antisemitism and Online Harms: The Case for Action

For more than a decade, the Antisemitism Policy Trust has been seeking to improve the structures and facilities for addressing online harms, including antisemitism. The Trust strongly supports the introduction of a new regulatory framework, but would like to see a number of the recommendations in the Government's Online Harms White Paper strengthened, including on digital literacy and education for users.

Antisemitism online is growing and requires an intervention. The number of antisemitic incidents occurring online has increased exponentially. The Community Security Trust (CST) records antisemitic incident data. In 2015, there were 185 online incidents, and 697 cases in 2019,<sup>1</sup> an increase of 277%. For an incident to be recorded, either the victim or the perpetrator must be based in the UK. If CST were to trawl for antisemitism it would have too many reports to count. Anti-Jewish hatred online ranges from overt antisemitism to the often legal, but equally harmful, antisemitic stereotypes. Negative stereotypes searched on Google include "why are Jews so greedy" whilst violent searches include "Jews must die".<sup>2</sup>

In addition, gendered antisemitism is seemingly widespread. Of more than 9,000 threads on the neo-Nazi web forum Stormfront about feminism, 60% mentioned Jews.<sup>3</sup> Similarly, on alternative 'free speech' platform 4Chan, American NGO Media Matters found a huge increase in overlap between antisemitism and misogynist posts.<sup>4</sup>

Several pieces of UK legislation can be used to prosecute illegal antisemitic online harms. However, many of these laws were passed prior to the development of social media and are falling short of what is required to protect the public.

Several cases of antisemitic online hate have been successfully prosecuted in the UK, but these form only a fraction of the total number of cases recorded by third party reporting services. These include:

- John Nimmo, who targeted former MP Luciana Berger with death threats online, including that she would "get it like Jo Cox". Nimmo was found guilty of nine offences under the Malicious Communications Act and sentenced to two years and three months imprisonment.<sup>5</sup>
- Alison Chabloz uploaded antisemitic songs on YouTube, including videos mocking Holocaust survivors. She also posted videos which called the Holocaust a "bunch of lies" and labeled the Auschwitz extermination camp a "theme park". Chabloz was found guilty of three offences under the Communications Act. She was sentenced to 20 weeks suspended sentence and banned from social media for two years.<sup>6</sup>
- Following a history of internet trolling and targeting Jewish social media users, such as former Member of Parliament Luciana Berger, far-right activist Joshua Bonehill-Paine was found guilty of publishing written material intended to stir up racial hatred under the Public Order Act. He had posted online grossly offensive images such as a negative caricature of a Jewish man next to Auschwitz with a bottle of "Roundup" weed killer spraying him, as an advertisement for "an anti-Jewification event". Other images included a poster calling to "Liberate Stamford Hill", an area with a high proportion of visibly orthodox Jews. Bonehill-Paine was sentenced to 3 years and 4 months imprisonment.

1 <https://cst.org.uk/data/file/9/0/IncidentsReport2019.1580815723.pdf>

2 <https://www.antisemitism.org.uk/wp-content/uploads/2019/02/APT-Google-Report-2019.1547210385.pdf>

3 <https://www.antisemitism.org.uk/wp-content/uploads/2019/05/5982-Misogyny-and-Antisemitism-Briefing-April-2019-v1.pdf>

4 <https://www.antisemitism.org.uk/wp-content/uploads/2019/05/5982-Misogyny-and-Antisemitism-Briefing-April-2019-v1.pdf>

5 <https://www.bbc.co.uk/news/uk-england-tyne-39008963>

6 <https://www.wiggin.co.uk/insight/high-court-rules-on-conviction-for-offences-under-the-communications-act-2003-in-relation-to-the-posting-of-a-hyperlink-to-and-a-video-of-offensive-material/>

# The Online Harms White Paper

In April 2019, the Government released its Online Harms White Paper, which set out plans to tackle harms on the internet, including hate speech and antisemitism.

## Regulatory powers

We are supportive of Government's intention to appoint OfCom as the independent regulator to enforce a new framework for addressing online harms. However, we would like to see the Government consider how existing legislation might be applied as part of any future regulatory regime. For example, the Equalities Act defines harassment, its effect and application to (amongst other things) providers of services. It would be useful to understand whether the regulator will use existing legal powers to address hate-based harassment in particular contexts, considering those within the scope of its powers as 'providers of services'. We are also concerned that this new regulator should work alongside, and in partnership with, other existing regulators in the online space, for example the British Board of Film Classification (BBFC).

## Accountability of Social Media Platforms

In addition to the proposed regulator, Government proposals include investigative research by independent academics and others. The European Commission has worked with civil society organisations, including several in the UK, for a number of years, to monitor and evaluate the effectiveness of social media companies' self-regulation of illegal hate material online. We would strongly recommend that not only academics but expert groups such as those included in the European Commission monitoring, perform similar 'blind shopper' review processes in the UK. This would help to assess the reliability of transparency reports across the social media sector and could be supported by grants from the proposed regulator.

## Super Complaints

The White Paper proposes the inclusion of designated bodies to make 'super complaints' on behalf of social media users. We are supportive of this measure and would envisage relevant Non-Departmental Public Bodies, or other regulators would be able to bring such complaints (e.g. the Equality and Human Rights Commission in the case of protected characteristics).

Furthermore, we believe that representative groups with particular expertise, subject to appropriate due diligence, should be able to formulate super complaints. Emergency circumstances might also require a super-complaint being raised, such as the Pittsburgh synagogue shooting and associated revelations about Gab.ai.

## Smaller platforms and other services

Companies considered in the scope of the regulatory framework include those allowing users to share and discover user-generated content. However, the regulatory framework will not apply to "private channels". The definition of private services should not include, for example, 'free speech' platforms like 4Chan or 8Chan, on which far-right extremist content is readily available. We would also strongly recommend further detail, specifically regarding the legal and regulatory status of private groups, like those on Facebook, formerly 'secret' groups. These groups can be the most problematic with respect to the organisation and encouragement of extremist and criminal activity. Lucy Powell MP's Ten-Minute Rule Bill included provisions that moderators or administrators of groups of over 500 people online would be legally liable for content posted within their groups, and for a ban of secret groups.

We were concerned that there was no specific recognition in the White Paper that some services intergrated into platforms, provided by third parties, that do not fall into scope, can be used for online harms. Specifically, GIFs that can be found on Facebook or Twitter, can be used to devastating effect to cause harm. The definition of companies in scope must be clarified to ensure that services, including external services, employed by such companies, be included in the scope of the regulator.

## Industry Codes of Practice

The proposed regulator will be pivotal in advising start-up companies on good practice and implementation of minimum standards set out in the Codes of Practice. This should include:

- That safety features be integrated into search fields or systems, including by external providers.
- That technology companies develop algorithms to readily filter abusive words, accounts and pictures, and more effectively identify problem users and remove them.
- That companies establish single points of contact for police and security services.
- That a system of upscaling be introduced so that victims of multiple attacks need not repeatedly report individual incidents.

### Legal Online Harms

Critically, the White Paper recognises the impact of harms that might not be considered illegal. We recommend that Government considers extending the harms included. For example, the BBFC uses “discrimination” as a category that it considers when classifying potentially harmful content. This can result in a higher age classification where the viewers are judged too young to be able to critically understand the racist or discriminatory commentary. The BBFC also refuses to classify content which is likely to cause “harm risks to potential viewers and, through their behaviour, to society”. For instance, the BBFC refused to classify the online film ‘Hate Crime’ in 2015 because it consisted of nothing but an extended scene in which a Jewish family is subjected to racist abuse, violence and sexual violence in their own home. The BBFC concluded there was a risk that some viewers may be entertained by the abuse, and associate with the attackers.

The role of antisemitic conspiracy theories and Holocaust denial, which often do not cross the threshold to illegal online harms, are important concerns. Similarly, consideration of disinformation and misinformation should include anti-Jewish conspiracy theories and state-sponsored antisemitism. We also believe that the general monitoring expected of companies within scope should include antisemitism specifically, given it is an indicator and driver of terrorism. Atrocities in Pittsburgh, San Diego, Christchurch and multiple others have proven this to be true.

### Education and awareness of online harms

The White Paper rightly calls for companies to invest in safety technologies for users. The focus of the White Paper in this regard is to curb online grooming. However, the need for safety tools and education for users about illegal online hate speech is fundamental to changing the behaviour of British citizens online, concerning antisemitism. The Antisemitism Policy Trust continues to believe that the Government should make Personal, Social, Health and Economic (PSHE) education compulsory. There is a special imperative that online media literacy be well-conceived and delivered from an early age in the UK.


We believe the regulator should be specifically directed to work with the judiciary to enhance understanding of the digital world. Industry feedback suggests that action by judges still does not go far enough, in practical terms, to deal with the peddlers of cyberhate. More effective direction from judges in their sentencing and application of relevant judicial orders, including Banning and Criminal Behaviour Orders, would be welcome. Support offered by the regulator to ensure this is the case would be equally welcome.


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