



## **WRITTEN EVIDENCE TO THE HOME OFFICE & DCMS RELATING TO THE ONLINE HARMS WHITE PAPER CONSULTATION**

**July 2019**

### **Introduction**

1. Muslim Women's Network UK (MWN UK) is a national Muslim women's organisation in Britain ([www.mwnuk.co.uk](http://www.mwnuk.co.uk)) that has been advancing equality and connecting voices for change for the last 15 years. We are a small charity (reg. no. 1155092) that works to improve social justice and equality for Muslim women and girls. As a company limited by guarantee (reg. no. 06597997), we also have a large membership of individuals and organisations who support our aims and ethos. Our membership includes Muslim women from all walks of life, women of other faiths or of no faith and men who support our work. We find out about the experiences of Muslim women and girls through research and helpline enquiries. We identify policy and practice gaps and use this information to inform decision makers in government as well as informing our community campaigns at a grassroots level.
2. We also develop resources and train women so they are better aware of their rights. We have a separate website for our national helpline ([www.mwnhelpline.co.uk](http://www.mwnhelpline.co.uk)) that provides advice and support on a range of issues including: revenge porn, harassment, domestic abuse, forced marriage, honour based abuse, sexual exploitation and abuse, female genital mutilation, divorce, discrimination, mental health etc. Anyone can call our MWN Helpline for support and advice, including those under the age of 18.
3. The impact of our work is particularly felt in reducing the vulnerability of Muslim women and girls, reducing the prejudice they face, and giving them greater access to rights and services – all of which allow them to contribute to society and in turn, promotes social and economic inclusion. We are also creating a critical mass of voices to influence change with more women being confident to challenge discriminatory practices within their communities and in society and to influence policy makers.
4. Although we work predominantly with Muslim/BAME women and girls and where relevant will focus on the experiences of Muslim/BAME women and girls within this Written Evidence, the points we raise may equally apply to women and girls of other communities and generally (and may also apply to men and boys). Thus where we make any recommendations, we do so on behalf of and for the betterment of all those who may be affected by the issues we raise.

## Evidence

5. As stated in the White Paper itself, the "internet can be a powerful force for good" (para 1.2) and this has certainly been proven from the perspective of women's empowerment. The internet has allowed us to share information and provide support that would have not otherwise been available to victims of abuse. It has allowed us to disseminate knowledge and information so that individuals become better aware of their rights and choices. We have been able to dispel myths and also raised awareness of issues and injustices that may otherwise have remained hidden. It has also empowered others to mobilise voices and show solidarity with one another; the #metoo movement being the clearest example of such mobilisation.
6. However, we are also very aware of the dark side of the internet. In the White Paper there is much discussion about terrorism, gang violence and child sex abuse and exploitation but these are just some of the harms being perpetuated through the medium of the internet. In 2013, through our research and report 'Unheard Voices' (the link is available below at para. 11) we highlighted how online grooming was being used to exploit young Asian and Muslim girls; we had made the comment back then that social media will play an increasing role in the targeting of children and young women (especially those that are harder to reach such as Asian and Muslim girls) and it is apparent that our comments were not unfounded. Recently, we published a further report 'Muslim Women's Experiences of the Criminal Justice System' (link available below at para. 11), which also highlights how online mediums are being used to control and abuse victims, particularly in cases of sexual exploitation and revenge porn. Additionally, we receive calls to our MWN Helpline on issues such as revenge porn and online harassment – and such cases can also involve potential risks of physical abuse, forced marriage and honour based abuse. We therefore rely upon the lived experiences of real victims and potential victims when we discuss the issues and make recommendations.
7. At this stage we would like to share the following case study (published in our recent report, 'Muslim Women's Experiences of the Criminal Justice System') which we feel best explains the context in which we provide our Evidence (that is, taking into account the intersections of gender, faith and ethnicity in respect of our service users and those we represent):

*Ambar\* was a university student and had broken up with her boyfriend. She asked him to delete all intimate images that he had of her. However, he shared them with one of his male friends. Her ex-boyfriend and his friend then started threatening to put her images online unless she had sex with both of them. To show they were serious they uploaded them on to Instagram and when she contacted them they deleted the images from Instagram. She was worried that if they continued to put the images on social media her relatives would see them and was concerned about the response from her family. The MWN Helpline advised her to contact the police and also provided details of the Revenge Porn helpline. Ambar contacted the police and made a report explaining that if the intimate images appeared online she would be at risk of honour based abuse. She was told that a police officer would contact her within a few days and meet her to take further information. However, a week had passed and she had not had any contact and so she contacted the MWN Helpline again. She was advised to keep contacting the police and if necessary make an*

*appointment to go in herself to make a statement. It appeared that the police took their time as they did not think Ambar was in any danger of honour based abuse and viewed it as a revenge porn case only. Another week later, Ambar contacted the helpline again stating that the police officer contacted her and had arranged to see her but did not turn up. By this time two weeks had passed and a statement had not been taken from Ambar. It took another week before a statement was taken, where she also handed over evidence of the blackmail*

(\*anonymised to protect the identity of the service user)

8. A second reason for sharing the above case study is to stress that 'online harms' is not limited to terrorism, gang violence or child sex offences. We appreciate of course that the White Paper does not suggest that it is, but the focus on these issues can inadvertently have the effect of ignoring all other forms of abuse and violence that are also being perpetuated through the online media. It is imperative that all forms of violence against women and girls (including the risk of honour based abuse that can be escalated due to incidents of revenge porn) and all forms of hate crimes (including Islamophobia and disability hate crimes) perpetuated through online media are also given focal attention by the government when pushing forward the laws and regulations envisioned by the White Paper. We do feel that the White Paper is lacking in highlighting the specific issues faced by minority women and hope that this is addressed going forwards.
9. Additionally, MWNUK are fully aware of the harms caused by the spreading of both misinformation and disinformation, particularly in terms of maintaining misogynist and patriarchal agendas. This can be particularly the case for Muslim women and girls who may be provided with incorrect information regarding their faith as a means to control and abuse them through the use of patriarchal interpretations of Islam. Key examples are where Muslim women are told not to report cases of domestic abuse and told they should exercising patience instead and pray for their partner to reform; or where they are emotionally blackmailed into a forced marriage by stating their faith requires them to listen to their parents. In fact it was in order to dispel the array of myths that are acting as barriers for Muslim women that MWNUK produced the following resource, 'Women's Rights in Islam': [http://www.mwnuk.co.uk//go\\_files/factsheets/WR\\_booklet WEB.pdf](http://www.mwnuk.co.uk//go_files/factsheets/WR_booklet_WEB.pdf). The aim of this resource is to provide information on women's rights according to Islam, highlighting the differences between what the Quran says compared with secondary sources and other forms of male opinion; this is so that Muslim women and girls are better informed, able to make their own choices and exercise their rights.
10. The White Paper defines misinformation as 'the inadvertent sharing of false information, and defines disinformation as 'spreading false information to deceive deliberately' (Box 12). We cannot say (in respect of the examples we have provided) whether it is misinformation or disinformation, but we can certainly say that the consequences are the continued existence of harmful, abusive and discriminatory practices which adversely affect Muslim women and girls. Thus, the threats arising as a result of inaccurate information is not just in terms of public health or national security; it extends to upholding gender inequalities and injustices which are hindering the participation and progression of Muslim women and girls. We urge the DCMS and Home Office to recognise this point and take it into account when progressing the laws and regulations envisioned in the White Paper.

11. We also wish to bring to your attention the following MWNUK resources which include various facts, cases and statistics relating to online harms and online based abuse which we believe will be useful in your considerations:

- a. MWN Helpline Evaluation 2015:  
[http://www.mwnuk.co.uk/go\\_files/resources/821325-MWN%20Helpline%20Evaluation%20Report%20\(Jan-Dec%202015\).pdf](http://www.mwnuk.co.uk/go_files/resources/821325-MWN%20Helpline%20Evaluation%20Report%20(Jan-Dec%202015).pdf)
- b. MWN Helpline Evaluation 2016:  
[http://www.mwnuk.co.uk/go\\_files/resources/169284-MWN%20Helpline%20Evaluation%202016.pdf](http://www.mwnuk.co.uk/go_files/resources/169284-MWN%20Helpline%20Evaluation%202016.pdf)
- c. MWN Helpline Evaluation 2017:  
[http://www.mwnuk.co.uk/go\\_files/resources/460507-MWN%20Helpline%20Report%202017.pdf](http://www.mwnuk.co.uk/go_files/resources/460507-MWN%20Helpline%20Report%202017.pdf)
- d. MWN Helpline Evaluation 2018:  
[http://www.mwnuk.co.uk/go\\_files/resources/241195-MWN%20Helpline%20Report%202018.pdf](http://www.mwnuk.co.uk/go_files/resources/241195-MWN%20Helpline%20Report%202018.pdf)
- e. MWN Helpline Data Dashboard (please register to log in and access our Helpline data): <http://www.mwnuk.co.uk/muslim-women-helpline-dashboard.php>
- f. MWNUK's Report 'Unheard Voices, The Sexual Exploitation of Asian Girls and Young Women' (2013):  
[http://www.mwnuk.co.uk/go\\_files/resources/UnheardVoices.pdf](http://www.mwnuk.co.uk/go_files/resources/UnheardVoices.pdf)
- g. MWNUK's Report 'Muslim women's experiences of the Criminal Justice System' (2019):  
[http://www.mwnuk.co.uk/go\\_files/resources/Muslim\\_Women\\_and\\_Criminal\\_Justice\\_FINAL.pdf](http://www.mwnuk.co.uk/go_files/resources/Muslim_Women_and_Criminal_Justice_FINAL.pdf) (For ease this report will be referred to as the 'MWNUK CJS Report' within this Evidence)

12. Finally we wish to raise that, as well as responding from the perspective of a charity that works on tackling all forms of harm and abuse (including online harassment), we also respond from the perspective of an organisation that is likely to become subject to the regulations proposed by the White Paper. This is because MWNUK will soon be launching its new membership platform, 'We Rise – MWN Members'. This online platform is being launched to allow better networking and collaborative working between our members, enable sharing of educational information and resources (members will be able share content, including their own written articles) and facilitate positive, informative and empowering discussions. The aims of the 'We Rise' platform are in line with (and part and parcel of) the aims and objects of MWNUK.

13. We now respond to the questions of the consultation as follows:

**(Question 1) This government has committed to annual transparency reporting. Beyond the measures set out in this White Paper, should the government do more to build a culture of transparency, trust and accountability across industry and, if so, what?**

14. We do believe that a requirement for the regulator to produce and publish an annual transparency report will be useful to tackle online harms. It will ensure continuous and contemporaneous review and allow for the identification of any patterns or indicators which could ultimately be used to better protect individuals and society from harm. However, the question arises as to what exactly will be reported on? It would be useful to be clear from the outset what such reporting would (and should)

look like so that there are clear terms of reference and any gaps or limitations can be immediately identified.

15. To this effect, it is essential that the scope of 'Online Harms' is extended to cover the range of harms and abuse faced by Muslim/BAME women and girls – and there should be explicit information included to highlight associated risk factors. One of the recommendations we made in MWNUK's CJS Report was for the government to review and amend current revenge porn laws so as to include threats to share, as well as the actual sharing of images. As demonstrated by the case study at para. 7 above, the perpetrator threatened to share images of the victim unless she would have sex with him and his friend. Such a threat is particularly serious for victims from Muslim/BAME backgrounds as it has the potential to escalate risks of honour based abuse and victims can be forced into silence. Perpetrators know that concepts of shame and honour act as barriers to female Muslim/BAME victims seeking help and use it to their advantage; thus, recording and threatening to share sexual images/videos is a key tactic of groomers in sexual exploitation cases. The law also needs to be updated to include the sharing of, or threats to share, audio recordings of a sexual nature as victims can also be identified through audio recordings. The law also needs to recognise that not all instances of voyeurism is for sexual gratification. We urge the government to immediately reform the law. As the current laws and legal definitions are inadequate and in need of reform, we do not agree that there is a 'clear definition' in so far as 'revenge pornography' is concerned and urge that further information is included to highlight the issues we have raised. We are concerned that unless explicitly stated, such harms and risk factors will be missed and Muslim/BAME victims in particular will be ignored and silenced even further.
16. MWNUK's CJS Report also highlighted a lack of understanding by the police of what constitutes stalking and harassment; we recommended that police officers be provided with further training on stalking and harassment to improve understanding of victim's experiences and improve identification and ensure risk of harm is addressed for every victim. Our natural concern is therefore that if police are failing to understand and identify the issues and risks, particularly where Muslim/BAME victims are involved, how is the new regulator (and the companies to be regulated) supposed to understand? As such we feel it is crucial that further detail is included so that the different ways online media and platforms can be used to further abuse and the impact on minority women and girls can be properly identified, regulated and prevented.
17. Indeed we feel that the White Paper does appear to be lacking in detail in so far as the experiences of minority groups are concerned. We note that the White Paper mentions that cyber-bullying is higher for women, religious minorities, ethnic minorities, LGBT+ and disabled individuals but this does need to be set in a wider context of misogyny and inequalities faced by minority groups. Additionally, it is perfectly possible for an individual to fit all such criteria but the intersections therein have not been considered. A BAME Muslim woman who identifies as LGBT+ is certainly more at risk of online harm and abuse.
18. Additionally, we do not understand why sexual exploitation and abuse has been limited to where it involves children (in Table 1)? We note the comment at para 2.2 that Table 1 is not intended to be an exhaustive list (and nor do we suggest that an

exhaustive list is appropriate) but focusing on child sexual exploitation and abuse only is in our opinion a grave limitation.

19. We also ask that domestic abuse and spiritual abuse are specifically listed in Table 1, and that 'disinformation' is expanded to include providing information which restricts the rights and choices of individuals in the context of forced marriages.
20. Of course, simply including further information in the White Paper or subsequent documentation or Codes of Practice will not in and of itself ensure that there is an understanding of the nuances involved. Thus it is imperative that all 'tech' and 'digital' companies providing online platforms should be required to undergo training which highlights the specific issues faced by minority groups so that they are better able to identify and deal with online harms. It would also allow companies to identify and highlight patterns, share best practices and generally better inform the regulator where annual reports are requested. To this effect, we believe the criteria specified at para. 3.17 of the White Paper should also be expanded so that companies are not just required to share the number of reports received and how many of those led to action, but also provide additional details such as the type of report, any unique circumstances and the impact on the victim. Not only will this allow online harms to be tackled but may also prove to be a useful informational resource that allows other organisations and services (such as police) to take steps to tackle and prevent crime and abuse. For this reason we were also very pleased to note that the regulator will be given the power to undertake thematic reviews of areas of concern and would suggest that this requirement be made more concrete so that the regulator is required to carry out such reviews regularly.

**(Question 2) Should designated bodies be able to bring 'super complaints' to the regulator in specific and clearly evidenced circumstances? If yes, in what circumstances should this happen?**

21. We do believe that it would be beneficial to have a 'super complaints' process included and believe it should be possible for charities (and civil society organisations generally) to be included in the list of designated bodies as it is likely they will notice trends and harmful patterns as a result of the work they carry out with victims and survivors. This should not be limited to only those civil society organisations that work with victims of child sexual abuse and exploitation and counter-extremism but should be much broader to encompass all those working with individuals that the White Paper intends to protect. This would therefore include charities and organisations working with victims of domestic abuse, hate crimes, bullying, as well as those working with individuals with eating disorders and anxiety.
22. The White Paper does not state which 'specific' circumstances the 'super-complaints' process would apply in but we presume the intention is to apply where systematic issues have been highlighted. However we wish to make the point that in some cases it may be useful for the regulator to accept complaints from designated bodies which may be 'broader' and may only involve one individual/case, but where a designated body feels that it would be useful for the regulator to, at the very least, be aware of the issues faced (perhaps due to its unique nature). It would be counter-productive to the aims of the White Paper if we had to wait for an issue to become a pattern before a super-complaint could be raised with the regulator. We note that Box 24 of the

White Paper states that individuals will have the ability to alert the regulator in respect of any breaches and simply make the point that this option should also be available to designated bodies, where they believe it would be of benefit to the regulator.

23. Additionally we wish to make the point that there may be vulnerable individuals who may not feel able to make complaints themselves, whether to companies or to the regulator. This could include those with mental health issues or in a state of trauma but also individuals who simply do not have the confidence to make a report themselves. In MWNUK's CJS Report, we highlighted a case where a victim of sexual assault sought our help because she did not have the courage to walk into a police station or call the police on her own and asked us to make the initial report on her behalf. Where rape, sexual abuse and exploitation are involved, it is important to ensure that mechanisms are in place so that victims are able to make a report through third parties, such as a charity, if they feel unable to do so themselves. Muslim/BAME victims of rape and sexual abuse (who may be receiving threats that images will be shared online) may also be unwilling to complain unless anonymity can be guaranteed and therefore additional steps or information may need to be provided to assure victims that this will be the case.
24. If the 'super-complaints' procedure is indeed pursued, we would like to request that MWNUK be added as a designated body.

**(Question 3) What, if any, other measures should the government consider for users who wish to raise concerns about specific pieces of harmful content or activity, and/or breaches of the duty of care?**

25. It is imperative to keep in mind at all times that online harms do not exist in a sphere on their own and are a part of a wider context of abuse, injustice and inequalities. Where Muslim/BAME women and girls are considered, online harms also need to be seen in the context of not just patriarchal control (through concepts of shame and honour) and community barriers, but also discrimination and rising Islamophobia which impacts Muslim women (particularly visibly Muslim women) the most. Thus if the government is truly committed to tackling online harms and building a culture of transparency, trust and accountability (as the White Paper suggests) then it is crucial that changes are made across the board.
26. Table 1 of the White Paper lists revenge pornography, harassment and stalking as harms which need to be tackled through proposed regulation of companies. Yet MWNUK's CJS Report very clearly highlights failings on the part of the police in respect of these areas, including not taking reports of stalking and harassment seriously and failing to safeguard victims. This is wholly unacceptable and needs to be addressed. In our opinion, unless such issues are addressed, they will seriously hinder the government's ability to achieve its aims under the White Paper. Companies, police, CPS and charities like MWNUK need to be able to work together to be able to protect victims from harms and abuse and obtain justice for them. Where a perpetrator has shared sexual images of a victim online, companies need to act swiftly to have these removed but we also need the police to take immediate action and for the CPS to prosecute (albeit we must always be conscious of the victim's needs and wishes in taking such decisions, so as not to increase risk and harm for the

victim). If any of these aspects do not happen or there are flaws, then perpetrators will be emboldened and victims will be disempowered. In our CJS Report, we highlighted a case where a friend was threatening to share an image of the victim that was not of a sexual nature but which would nevertheless create a risk of honour based abuse for the victim; it was a picture of her standing next to a male friend which her family may interpret as her having a relationship with him. The friend knew this which is why she was blackmailing the victim and demanding money. The police took no action (not even for harassment) until we became involved. We believe this was because the police simply did not understand the cultural factors involved which heightened risks for this victim.

27. The case mentioned above highlights how a victim was not safeguarded and her concerns were not taken seriously, and in the context of this White Paper, has many further ramifications. If police are unwilling to take such cases seriously then it could have the effect of companies also not seeing such matters as an issue, leaving the victim further unprotected. Where companies do take action but the police then do nothing to stop perpetrators, companies could then feel they are wasting their time because perpetrators will keep returning one way or another as they know the most that can happen is a 'ban' or removal of content. Additionally, companies may well become a crucial component to making available evidence which secures convictions. It is therefore imperative that the government takes steps to ensure that there are no failings in any of these aspects.
28. The case mentioned above also highlights that ultimately in cases of revenge porn, blackmail and harassment (to name a few), a victim's main priority is to have the images removed/destroyed immediately, whether this is through the police or by companies. It is therefore crucial that a company's duty of care includes taking action swiftly; however, please also see our comments below at para. 32 in respect of the impact on charities.
29. At paras. 15 and 16 above we have highlighted some of the recommendations in our CJS report which we feel need to be implemented by the government to protect those at risk of online harm. Additionally, it is necessary that guidance issued by the government, police and CPS is updated to reflect the range of actions and activities that could escalate a risk of honour based abuse, and training should also be provided for better identification of risks. We would most certainly expect that Codes of Practice introduced to tackle online harms include such information so that companies also take clear and swift action in cases where there is a risk of honour based abuse. It is also vital that victims of revenge porn receive anonymity and hope to see such a change made as soon as possible.
30. Additionally, we recommend that sentencing guidelines are updated and strengthened immediately so that the use of threats/blackmail (including threatening to share audios, videos and images, and also images which have been distorted and are in fact fake) where the perpetrator knows that acting on such threats is likely to, or has the possibility of, creating (or escalating) a risk of honour based violence for the victim is listed as increasing culpability, and separately as an aggravating factor.
31. As can be seen from our MWN Helpline evaluations, we provide support and advice to around 1000 service users each year on a range of issues (including revenge-porn

and harassment). Charities are a vital source of support in cases of online harms and victims will continue to turn to us even after the laws and regulations envisaged by the White Paper come into place. Such support, particularly specialist support for minority groups of women, must be available as it is crucial for the wellbeing and empowerment of victims. However charities are under-funded and under-resourced and thus a key measure that can be taken by the government is to allocate funding specifically for those organisations that are able to provide specialist support to victims of online harms, including victims of revenge-porn, exploitation and bullying.

32. Additionally, we mentioned at para. 28 above that a company's duty of care should include taking action swiftly and we truly believe that this is vital to tackling online harms. However, we also wish to make the point that 'swift' action is also subject to the means and resources of the company and thus a key issue that the government needs to consider is how best to support all companies (regardless of their means and resources) to take action swiftly. As mentioned, MWNUK is a charitable company and will soon be launching its online platform, 'We Rise'. Although as an ethical charity MWNUK will of course regularly monitor and moderate the contents of the online platform, this is nevertheless subject to the availability of time and resources. We operate as a very small team (one where the vast majority of staff work part time) and do not have the ability to provide 24 hours monitoring and moderation. We have of course included various protective mechanisms within the platform (such as users must register and provide personal details before they can post content; articles/blogs cannot be uploaded by users directly and would need to be approved by MWNUK's team; forum topics must be created by MWNUK; private chats are not possible; members can flag an abusive or inappropriate post to us etc). However although we have retained as much control as possible, it would be inhibitive for us to approve every comment or post in the forums before it can be shared publicly on the platform. Members may wish to have discussions at any time (the whole point of the online platform was to encourage people from all backgrounds to get involved, network and make contributions) but our staff may not be at hand to first check and read the posts which would then adversely impact the ability for users to have positive and useful conversations. However we are also conscious that someone could share a harmful post in the middle of the night or make comments contrary to MWNUK's aims and ethos and we may not be aware of them (and in turn not take action) swiftly as it will be subject to the availability of the staff in charge of monitoring and moderation and we can only dedicate a small amount of time to such activities. We highlight this because we clearly wish to ensure that members (users) are protected from online harms at all times but are restricted due to a lack of funding. We therefore urge the government to take into account the needs of charities not just in terms of deciding what a 'proportionate' response may be, but also to actively assist by allocating funds that can be used for the prevention of online harm. In our opinion (though this is based on the information available to us), the number of charitable companies that have online platforms such as We Rise (which fall under the scope of the White Paper) is small in number and it is therefore perfectly possible for the government to provide funds for such charitable companies. We believe prevention is key to tackling online harms and we would rather the government supported us in ensuring no harms occur in the first place; if we were able to prevent harms then we would not need to be concerned by whether the consequences of any failings are 'proportionate' or not. That said, as a responsible charity MWNUK will always take its legal duties seriously and take all necessary steps to reduce harms and protect users.

**(Question 4) What role should Parliament play in scrutinising the work of the regulator, including the development of codes of practice?**

33. We do think that it would be useful for Parliament to be able to scrutinise the regulator's work but it should be done in a way that is productive and does not hinder the independence of the regulator. We agree with the suggestions at paras 3.31 and 3.32 of the White Paper.

**(Question 5) Are proposals for the online platforms and services in scope of the regulatory framework a suitable basis for an effective and proportionate approach?**

34. In the first instance we seek clarification as to which organisations are precisely expected to fall within the remit of the new duty of care and the accompanying rules and regulations. We note that the White Paper states that the regulatory framework will apply to those that provide services or tools which enable users to share or discover user-generated content and interact with one another, and we also note that the White Paper recognises that such services can be provided by charities. However, the White Paper continuously refers to the regulations applying to 'companies'; is it therefore the case that the framework will only apply to charitable companies and community interest companies? If so, is it not unfair that only some charities (and community interest companies) will fall under the remit of the regulatory framework and others will not? As mentioned at para. 32, it appears to be the case that MWNUK will fall within the scope of the framework and we find it unfair that due to the structure we have chosen, we have to be subject to additional rules and regulations (with the limited funds and resources we have) and others will not. We must stress that we do not have an objection to being a part of the regulatory framework in itself, but that we do require the support to be able to fulfill our new duties and if that is not possible (i.e. it is not possible for the government to provide funds for those charities like MWNUK which fall within the remit), then perhaps an alternative regime needs to apply for all charities. We do note that you state you aim to minimise undue burdens but very limited information has been provided in this respect; in any case we hope that the government does not envisage a process where minimising a burden simply means certain companies do not have to do anything at all to tackle online harms, meaning that the regulations become symbolic in nature. Companies (including charitable companies) should be supported to fulfill their duties, rather than given 'get-out' cards and we say this despite our concerns at para. 32 above.
35. We also wish to make the point that, although we understand and appreciate the sentiments of the comments at para. 4 of the White Paper, care needs to be taken that allegations of 'disinformation' are not used to hinder freedom of speech or hinder the ability for organisations like MWNUK to share information that is crucial for the promotion of equality and the rights and choices of Muslim women and girls. One of the aims of the 'We Rise' platform (and aims of MWNUK generally) is to dispel myths and challenge patriarchal interpretations of Islam which have been acting as barriers for Muslim women and girls. We will therefore continue to share information and resources that highlight such alternative interpretations and whilst we will of course encourage positive dialogue and allow individuals to discuss, analyse and critique the topics, someone who does not share our views or understand that we are trying to disseminate information so that individuals are able to make their own

decisions and choices, may accuse us of 'disinformation'. We therefore hope that the regulations and Codes of Practice take such matters into account and ensure that we are able to promote the information and resources we feel are crucial for the empowerment of Muslim women and girls.

36. MWNUK also recognise that all not information that is harmful is also unlawful. Where necessary, steps should also be taken to ensure that all harmful abuses and practices are also made unlawful or this could create inconsistencies between the law generally and the regulatory framework proposed under this White Paper.
37. We also wish to highlight that those subject to online abuse as public figures are not just writers and politicians but can also extend to activists and campaigners; indeed our former Chair and current Interim Executive Director, Shaista Gohir, has been subject to such online abuse merely for voicing her opinions in line with the principles of equality and with the aims of promoting women's empowerment. A broad approach therefore needs to be taken as to who is deemed to be a 'public figure'.

**(Question 6) In developing a definition for private communications, what criteria should be considered?**

38. MWNUK are very familiar with the harms facilitated through private communication channels, including terrorism and sexual exploitation, and we wish to stress that we are generally in support of all measures which will help tackle and prevent such dangers and will save the lives of others. However, we do wish to make the point that any regulations which look to govern private communications could also have the effect of silencing victims and potential victims of abuse. Cases shared through our MWN Helpline evaluations and other reports mentioned at para. 11 will show how important privacy, confidentiality and anonymity are for victims of abuse, particularly Muslim women and girls. We fear that any suggestion that private communications are not indeed 'private' may then scare victims from seeking help or support. We know of victims for example, who will only text or use whatsapp to communicate with family or friends as chats can be deleted and perpetrators will not know they have been in communication with others (distancing a victim from family and friends is a regular feature in cases involving coercive control). Group messaging also allows community activists and human rights activists to share information and take actions which raise awareness of, and challenge, social injustices. We would not be in support of any regulations which would hinder the ability for activists to conduct peaceful protests or pursue lawful campaigning. In trying to tackle online harms, we must not inadvertently create the modern panopticon.
39. We would welcome the opportunity to provide feedback once further information is made available in respect of how the government intends to regulate private communications.

**(Question 7) Which channels or forums that can be considered private should be in scope of the regulatory framework? What specific requirements might be appropriate to apply to private channels and forums in order to tackle online harms?**

40. We are unable to provide comments at this stage but would welcome the opportunity to provide feedback once further information has been made available in respect of the regulatory requirements which will apply to private communications.

**(Question 8) What further steps could be taken to ensure the regulator will act in a targeted and proportionate manner?**

41. In our opinion, the only means by which companies within the scope of the regulations will truly be able to 'take reasonable and proportionate action' to tackle harms is if they have a complete understanding of the range of harms and the impact on individuals, particularly minority women. We have already demonstrated (through MWNUK's CJS Report) that even the likes of police do not have a full understanding of what can create or escalate risks of domestic abuse and honour based abuse; how then can we assure that companies can identify and understand the risks involved? We do not want to be in a situation where severe harm has been caused to a victim and an argument is put forward that a company did what was 'reasonably practicable' based on their knowledge and understanding of the situation. To this effect, we urge that the Codes of Practice include detailed information (including examples) in relation to the harms and their impact on minority women, including Muslim/BAME women. We suggest that the Codes cover all forms of violence against women and girls, and most certainly should include rape, sexual abuse and exploitation, revenge porn, honour based abuse, coercive control and stalking and harassment. Training should also be provided which highlights the cultural barriers affecting Muslim/BAME women and in particular, the internalisation of misogyny and concepts of shame and honour. MWNUK would be happy to assist in providing such training and resources, providing content that is relevant for companies in the context of this White Paper.
42. Additionally, we would suggest that the regulatory body (whether new or existing) should ensure the involvement of charities and other civil society organisations that can provide expert information and guidance in respect of the impact of harms, and what would be deemed a proportionate approach in each particular situation. We are sure that the UK Council for Internet Safety will be able to assist in this respect but feel that, particularly where the needs of specific minority groups are concerned, having expert organisations/advisors involved who can provide direct feedback to the regulator will assist in truly tackling harm and promoting a positive online culture. MWNUK would be happy to assist in this respect.

**(Question 9) What, if any, advice or support could the regulator provide to businesses, particularly start-ups and SMEs, comply with the regulatory framework?**

43. As stated at other parts of this Evidence, we think that clear guidance and training should be provided to businesses (including start-ups and SMEs) so that they are aware of and can identify risks and harms, and can take appropriate action. It is also important that funding is provided to the small charitable companies and community interest companies which fall within the scope of the regulatory framework and need financial support to meet their new duties.

**(Question 10) Should an online harms regulator be: (i) a new public body, or (ii) an existing public body?**

44. We have no specific expertise in this regard but feel that a new public body would be the most appropriate option. This new regulator can then specifically focus on the issues arising from online harms and take appropriate steps to tackle the same. It will also ensure clarity as to who is overseeing regulation and where any complaints should be directed to; we believe it will also assist in ensuring that the regulator acts swiftly. It will also send a strong message to perpetrators, making clear that the government is serious about tackling all forms of online abuse and harm.

**(Question 11) A new or existing regulator is intended to be cost neutral: on what basis should any funding contributions from industry be determined?**

45. We do not have any specific expertise in this respect but would suggest that it is likely to be fairer if funding contributions are tiered and based on income. We certainly feel that charities like MWNUK and similar enterprises should be exempt from making any contributions. We are already under-funded and under-resourced and being asked to make any contributions would only go towards disadvantaging our beneficiaries.

**(Question 12) Should the regulator be empowered to (i) disrupt business activities, or (ii) undertake ISP blocking, or (iii) implement a regime for senior management liability? What, if any, further powers should be available to the regulator?**

46. We do believe that all such options should be available to the regulator and believe all three would be effective in ensuring companies take the tackling of online harms seriously. However, we must stress that the actions ultimately taken do need to be proportionate taking the means and resources of companies into account; in particular, small charitable companies and community interest companies.

**(Question 13) Should the regulator have the power to require a company based outside the UK and EEA to appoint a nominated representative in the UK or EEA in certain circumstances?**

47. We do not have any specific expertise in this respect but in theory at least, this does appear to be a good idea.

**(Question 14) In addition to judicial review should there be a statutory mechanism for companies to appeal against a decision of the regulator, as exists in relation to Ofcom under sections 192 – 196 of the Communications Act 2003? If yes, in what circumstances**

48. We do not see any particular issue with having more than one means by which a company can appeal against a decision of the regulator. Indeed we feel cost-effective options need to be made available for small businesses and charities who may not be able to pursue judicial review as an option.

**(Question 15) What are the greatest opportunities and barriers for (i) innovation and (ii) adoption of safety technologies by UK organisations, and what role should government play in addressing these?**

49. This is outside the area of our expertise and we have no comments in this respect.

**(Question 16) What, if any, are the most significant areas in which organisations need practical guidance to build products that are safe by design?**

50. We feel that the most significant areas in which organisations need practical guidance is in respect of violence against women and girls and especially domestic abuse (including coercive control), revenge porn, sexual exploitation and harassment. It is especially concerning that phones can be easily cloned by perpetrators to monitor and control victims, or that 'smart' ways to pay utility bills (such as, through phone apps) can be used to control and punish victims. It is vital that when designing products, organisations consider how best to ensure that their products do not ultimately become a means to trap and abuse victims.
51. We believe our new online platform, 'We Rise', will be of use to product designers in this respect as individuals and organisations will be able to share ideas and seek the opinions of a diverse range of women (including victims of domestic abuse and those who work with them) and help ensure that product designs are as safe as they can be.

**(Question 17) Should the government be doing more to help people manage their own and their children's online safety and, if so, what?**

52. The White Paper states that one of the visions for the regulatory framework is for "citizens who understand the risks of online activity, challenge unacceptable behaviours and know how to access help if they experience harm online, with children receiving extra protection." In our opinion education and awareness-raising initiatives are crucial to achieving this. Charities, and civil society organisations generally, should be supported to provide workshops and seminars to educate and empower all individuals on the range of online harms (not just parents or children) as anyone can become a victim.
53. We are pleased that the Relationships and Sex Education curriculum will include teaching children about respectful relationships and how to stay safe online; however it is crucial that such teachings encompass the range and diversity of issues. It is entirely possible for example, to discuss online grooming in an informative yet age-appropriate manner and MWN UK has certainly been able to provide such training. We have also created an age-appropriate video highlighting the issues of sexual exploitation that can be used to educate and empower children of a school-age. It is also important to ensure that all education and training is empowering and does not in any way place the blame on victims, or potential victims.
54. Additionally, we urge the government to implement the recommendations that we have included in this Evidence and our CJS Report, which we believe are crucial to protecting individuals online.

**(Question 18) What, if any, role should the regulator have in relation to education and awareness activity?**

55. We feel that the most important means by which the regulator can assist in respect of educating the public and raising awareness of issues is by highlighting the trends and

patterns which emerge from any annual reports received from companies, from carrying out thematic reviews and from its own annual transparency reports. The regulator can inform the government, and the likes of schools and civil society organisations, of any particular issues which have been uncovered and which need to be addressed. This can then inform the government as to where investment needs to be directed and allow steps to be taken to protect and empower potential victims. Additionally the police would also be better informed and will be able to focus on tackling crimes accordingly. We believe that the regulator has a very important role in being able to guide and recommend areas of concern which need to be addressed and we hope the government will provide the regulator with the ability to fulfill such a role.

56. The regulator should also be involved in raising awareness of its own role, the rights and protections available to individuals, and the processes involved. Additionally, the regulator should engage in consultation exercises with organisations (including civil society organisations) and the wider public from time to time to better inform itself of the relevant issues. This in turn will mean that the regulator is best placed to inform and advise the companies it regulates and also the government.

### **Final Comments**

57. As a point of clarification, we must explain that where our comments and examples have been limited to Muslim and BAME girls, this is due to the nature of our organisation and its work. As a national Muslim women's charity our work predominantly deals with Muslim and BAME women and girls albeit we also work with individuals of other faiths and are therefore also aware of issues of relevance to other faith and non-faith communities. We are also aware that some of the issues experienced by Muslim and BAME women and girls can also be experienced by women and girls from other communities and generally, as well as men and boys. In turn we wish to clarify that where we make any recommendations, we do so on behalf of all those within wider society who may be affected by the issues under consideration and who may benefit from such recommendations.
58. MWNUK would like to express its willingness to assist through roundtables, events, research, training, support, information or advice or any other means on the issues discussed. In particular we would be interested in attending the engagement workshops mentioned at 10.5 of the White Paper.
59. We would like to thank the DCMS and Home Office for holding this Consultation and thank you for providing us with the opportunity to give Evidence. We hope it proves to be useful in your considerations.

**On behalf of Muslim Women's Network UK,  
Nazmin Akthar  
Chair**

**1<sup>st</sup> July 2019**

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