

Domestic Abuse Commissioner's Response to Ofcom's *Call for evidence: categorisation - research and advice*

Role of the Domestic Abuse Commissioner

The Domestic Abuse Act establishes in law the Office of the Domestic Abuse Commissioner for the purpose of providing public leadership on domestic abuse issues and to play a key role in overseeing and monitoring the provision of domestic abuse services in England and Wales. The role of the Commissioner is to encourage good practice in preventing domestic abuse; identifying adult and child victims and survivors, as well as perpetrators of domestic abuse; and improving the protection and provision of support to people affected by domestic abuse from agencies and government.

As the Domestic Abuse Commissioner for England and Wales, I welcome the opportunity to feedback on Ofcom's call for evidence and would be pleased to discuss the contents of this response further, if requested to do so.

Scope of the response

As the Domestic Abuse Commissioner for England and Wales I am conscious that my Office is not a User-to-User service, however, as a statutory consultee it is important that I ensure there is consideration of victims and survivors of domestic abuse from the development of the codes and guidance from the offset. Because of that my response will not address questions 1 to 7 which are explicitly for questions 1-5.

My Office has not been provided additional resource to increase capacity to effectively research and develop an evidence base by using my unique position and powers in order to advise Ofcom more effectively. I will continue discussions with the government and Ofcom in order to ensure that the voices of victims and survivors of domestic abuse are heard throughout the consultation process.

In the absence of such resource and therefore research function currently in my Office, I encourage Ofcom to pay particular attention to submissions made by the Violence Against Women and Girls Coalition of Experts, including the submission by Refuge who hold a tech abuse response function in their organisation.

I am also content for the contents of my submission to be made public through Ofcom and I will publish my response on my website one day after submission (20th September 2023).

Below I provide my overarching thoughts for questions 6-13.

Response to the consultation

Gaps in evidence and research

My Office conducted a mapping exercise across England and Wales to identify provision of services and the needs of victims and survivors.¹ Through this exercise it became clear that there are significant gaps in provision of services and services which do exist are often underfunded and therefore cannot provide beyond their core, critical functions. The Mapping work engaged with over 500 services and found fewer than half of survivors were able to access the community-based support that they wanted, and there were particular gaps in type of provision, access to specialist support, and across different regions. This means that most survivors are not able to access a service whom may support them to report, or respond to, online abuse, including controlling and coercive behaviour through social media.

Academic research is emerging but will always lag behind the live information frontline services receive.² Refuge has been at the forefront of building the capabilities to identify and respond to tech enabled abuse, however, most services do not have such capabilities and so these crucial services will not record/store data around the presence of online and tech enabled abuse, meaning there will be significant gaps in the data. Ofcom should look to draw from organisations like Refuge to make assumption-based estimations of prevalence, noting that it is likely the prevalence raised at Refuge is similar to other domestic abuse services without the capacity to capture this data. I would also recommend for Ofcom to assist in building some capacity in the domestic abuse and violence against women and girls sectors to capture and engage with online abuse to help build a more robust evidence base, a role my Office can assist in. Further Ofcom should note that the prevalence may increase, or present differently, for minoritized communities, such as LGBT+, Black and Minoritised, and deaf and disabled.

¹ [DAC Mapping-Abuse-Survivors Long-Policy-Report Nov2022 FA.pdf \(domesticabusecommissioner.uk\)](#)

² [Minerva Research Finds Links Between Online and Offline Abuse | SWGfL](#)

[Cyber Abuse among Men Arrested for Domestic Violence: Cyber Monitoring Moderates the Relationship between Alcohol Problems and Intimate Partner Violence - PMC \(nih.gov\)](#)
[Connections Between Online Harassment and Offline Violence among Youth in Central Thailand - PMC \(nih.gov\)](#)

[ICFJ Unesco TheChilling OnlineViolence.pdf](#)

[Intimate Risks: Examining Online and Offline Abuse, Homicide Flags, and Femicide: Victims & Offenders: Vol 17, No 5 \(tandfonline.com\)](#)

[SAFE: an eHealth intervention for women experiencing intimate partner violence – study protocol for a randomized controlled trial, process evaluation and open feasibility study | BMC Public Health | Full Text \(biomedcentral.com\)](#)

[Automated Identification of Verbally Abusive Behaviors in Online Discussions - ACL Anthology](#)
[‘What a lying slut’: the \(re\)production of rape myths in online misogyny towards women disclosing their experiences of rape through the #MeToo movement in: Journal of Gender-Based Violence Volume 7 Issue 2 \(2023\) \(bristoluniversitypressdigital.com\)](#)

Drawing from the draft VAWG Code of Practice

Although the government and Ofcom have opted for statutory guidance over a VAWG Code of Practice, the draft code produced by the coalition should be reviewed as part of the consideration for these questions. In the draft code, there is a provision of examples for functionalities which allow content to be spread easily, quickly and widely include recommender algorithms and tools to allow content to be forwarded and shared across different platforms.

Similarly, functionalities that prevent content being spread quickly can include manual reviews of amplified content by platform moderators, and reactive and timely action by companies such as the removal of content and suspension of users. Where this is done manually it is vital that there is appropriate training on priority offences such as Controlling and Coercive Behaviour (CCB) and Stalking and Harassment, as well as wider offences relevant to these, such as so-called honour-based abuse. The latter is particularly important to prevent an overly culturally cautious approach allowing for abuse due to misconceptions of abuse and harms being 'acceptable' to some people for reasons of culture or religion. It is also important that all such training is provided, or developed, with the domestic abuse sector and community-based services.

I am also concerned about the potential removal of the block button from 'X', which is a tool that helps survivors protect themselves from abuse.

Preventing a two-tier system

Refuge have shared that the majority of survivors they support receive abuse and harassment from larger social media sites, abuse and harassment does still take place on smaller sites. It is difficult to comprehend why a survivor may, or may not, be protected from criminal offences and harmful abuse simply because of the size of the platform. If we accept the principle, as we have in the Online Safety Bill, that we must protect and support survivors on such services, it is illogical and unambitious to rule out protections simply because a platform is too small. This is important because Refuge have seen instances of smaller platforms being more 'toxic', and survivors may not be subject to the 'triple shield' category 1 duties.

Further, as raised by the Samaritans and also the Antisemitism Policy Trust smaller, high-risk platforms won't be adequately captured as the Category 1 thresholds due to the focus on size of platform. This deeply concerns me due to the radicalisation, including misogynistic views, take place and spread unchecked in smaller platforms. For example, the government's own White Paper on Online Harms highlighted:

"Terrorist groups and their supporters constantly diversify their reliance on the online services they use to host their material online. While Facebook reported removing over 14 million pieces of content related to terrorism or violent extremism in 2018,

the terrorist group Daesh used over 100 platforms in 2018, making use of a wider range of more permissive and smaller platforms.”³

If we see terrorist extremist organisations like Daesh (an organisation which we should note encourages abusive, criminal, and even homicidal views toward many communities including women) utilise smaller platforms to spread dangerous and violent beliefs, we should predict for groups in society which wish to spread controlling and coercive behaviour, often embedded in misogynistic world views. We should take serious concern of the spread and hardening of ‘Black Pill Ideology’.⁴

As such it is no surprise to hear that Jake Davison, the perpetrator of the Plymouth shooting in 2021 was suspended from Reddit a few days before for sexually harassing a 16-year-old girl on the platform.⁵ But further, Glitch have conducted research on 4chan and Gab in their Digital Misogynoir report which concerningly found:

“Of the platforms we analysed, 4chan is by far the most toxic platform in relation to misogynoir followed by Gab. As both these platforms have positioned themselves as ‘free speech’ and ‘anti-woke’ platforms, it is not surprising that they attract many users who have been banned from or moderated by mainstream platforms, including communities of neo-Nazis and white supremacists.”⁶

It demonstrates the risk of allowing a ‘wild west’ and unregulated space for such criminal behaviour to run rife. The Online Safety Bill, at its core, intends to prevent the criminal and harmful activity laid out in the act from taking place on such services, the current approach will merely move it from one platform, or another, failing that principle.

I therefore recommend to Government, and Ofcom, to support Baroness Morgan’s successful amendment at report stage (number 245) to broaden the test of categorisation from one of size “and” functionality, to size “or” functionality in order to help address my concerns above and ensure this is folded into the codes and guidance to encompass smaller services.

³ [Online Harms White Paper - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

⁴ Preston K, Halpin M, Maguire F. The Black Pill: New Technology and the Male Supremacy of Involuntarily Celibate Men. Men Masc. 2021. Doi: 10.1177/1097184X211017954.

⁵ [Plymouth shooting: Reddit suspended gunman's account one day before the attack \(inews.co.uk\)](https://www.inews.co.uk)
[Plymouth gunman: a hate-filled misogynist and ‘incel’ | Plymouth shooting | The Guardian](https://www.theguardian.com)

⁶ [Glitch-Misogynoir-Report_Final_18Jul_v5_Single-Pages.pdf \(glitchcharity.co.uk\)](https://glitchcharity.co.uk)

Increased consideration and protection

As Ofcom knows, getting the categorisation thresholds right is crucial to the success of the regime as they act as a 'gateway' to the regulations.

There could be improved consideration of how differing platforms are linked together and how data is shared across them quickly, which allows for perpetrators to quickly identify all accounts across services of a survivor, or to share rapidly illegal content which may either harm a survivor, or promote illegal offences, such as CCB.

Further, although self-destructing messages may be helpful for survivors to share concerns to others without leaving a trace for the perpetrator to see if they access their accounts, it does also mean perpetrators can send abusive messages/content which can be difficult to capture as evidence.

Location access and sharing is also an important concern to be considered, survivors' can be unaware that their geolocation data is being shared through services in live time, or as a tag to data they have shared, which presents a risk to them and their safety if obtained by a perpetrator.